

Father of the Nation Bangabandhu Sheikh Mujibur Rahman
inaugurated the Supreme Court of Bangladesh on 18 December, 1972



Supreme Court of Bangladesh

ANNUAL REPORT 2022

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National Flag of Bangladesh



Emblem of the Supreme Court of Bangladesh



Flag of the Honourable Chief Justice of Bangladesh



Flag of the Honourable Judges of the Supreme Court of Bangladesh

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Supreme Court of Bangladesh At a Glance

Established	:	On 16 December, 1972 A.D. under article 94 of the Constitution of the People's Republic of Bangladesh. Commenced functioning on 18 December, 1972.
Authorized by	:	Part VI, Chapter I of the Constitution of the People's Republic of Bangladesh.
Territorial Jurisdiction	:	Whole of Bangladesh
Location/Permanent Seat	:	Dhaka, the Capital of the Republic.
Area	:	<p>Floor Area:</p> <p>55.05 Acres of Land.</p> <p>(i) Main Building 1,65,026.54 Sft. (ii) Annex Building 83,684.00 Sft. (iii) Old Building 7,881.83 Sft. (iv) Three Administrative Buildings 1,57,000.00 Sft. (v) Judges Sports Complex 10,800.00 Sft. (vi) Bijoy 71 - 18,200.00 Sft.</p>
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	:	<p>(i) The Chief Justice and the Judges of both the Divisions of the Supreme Court are appointed as per the article 95 of the Constitution;</p> <p>(ii) Additional Judges are appointed as per the article 98 of the Constitution.</p>
Maximum Number of Judges in each Division during 2022	:	<p>(i) Appellate Division: 09 (Nine) Judges including the Chief Justice of Bangladesh.</p> <p>(ii) High Court Division: 97 (Ninety Seven) Judges.</p>
Tenure of Office of the Judges	:	<p>Until attaining the age of 67 years; unless</p> <p>(i) removed by the President of the Republic on the basis of the report of the Supreme Judicial Council; or</p> <p>(ii) resigns his office by writing under his hand addressed to the Honourable President of the Republic, (Article 96 of the Constitution)</p>
Jurisdiction	:	<p>(A) The Appellate Division has jurisdiction to hear and determine appeals from judgments, decrees, orders or sentences of the (i) High Court Division, (ii) Administrative Appellate Tribunal, (iii) International Crimes Tribunals. An appeal to the Appellate Division from a judgment, decree, order or sentence of the High Court Division lies;</p> <p>(a) as of right where the High Court Division-</p> <p>(i) certifies that the case involves a substantial question of law as to the interpretation of the Constitution; or</p> <p>(ii) has sentenced a person to death or to imprisonment for life; or</p> <p>(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</p> <p>(b) by leave of the Appellate Division-</p> <p>(B) The Appellate Division also has advisory jurisdiction under article 106 of the Constitution.</p> <p>(C) The High Court Division has 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)</p>
Court Rooms	:	<p>The Appellate Division : 03 (Main Building)</p> <p>The High Court Division : 25 (Main Building)</p> <p>: 35 (Annex Building)</p> <p>: 04 (Old Building)</p> <p>: 32 (Bijoy 71)</p> <p>Total= : 99</p>
Contact	:	<p>The Registrar General, Supreme Court of Bangladesh, Shahbag, Dhaka-1000</p> <p>Phone : (+88 02) 223382785</p> <p>Fax : (+88 02) 223385058</p> <p>Website : www.supremecourt.gov.bd</p> <p>Email : rg@supremecourt.gov.bd</p>



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Supreme Court of Bangladesh

Mr. Justice Hasan Foez Siddique
Honourable Chief Justice of Bangladesh



From the Desk of the Honourable Chief Justice of Bangladesh

Justice Hasan Foez Siddique
Supreme Court, Dhaka-1000

As another year passes by, a new journey begins with endless possibilities and opportunities, I am greatly honoured to present the Annual Report of the Supreme Court of Bangladesh for the year 2022. This report envisages and entails a detailed overview of the functioning, endeavours, and accomplishments of the Supreme Court in the noble cause of justice and upholding our constitutional goals.

Being the court of the highest stratum, the Supreme Court of Bangladesh functions as the court of last appeal, the constitutional court and the court of records. It is the repository of all judicial powers at the national level and exercises sovereign judicial power of the state. In the halls of the Supreme Court, with the ink of wisdom, history is written with each passing day. The matters that come before us are more than just legal rivalries; they are the embodiment of the values that underpin our society, and the legal battles that determine the course of our nation's future. Enduring the magnitude of these responsibilities, we have remained steadfast in our devotion to the Constitution, and to the principles of equity, fairness, due process and eventually towards justice.

In 2022, the Supreme Court of Bangladesh marked its 50th year of glorified existence, coinciding with the 50th anniversary of the Constitution of the People's Republic of Bangladesh. The glorious journey of the Supreme Court has ameliorated people's faith in the judiciary and fostered prestige to the office of the judges as well. The apex court of the land always sparks a glimmer of hope in the hearts of people who yearn for justice. This august and paramount citadel of complete justice has assumed the grace of the nation's lighthouse of justice. By innovative and creative interpretation of the Constitutional provisions, our Supreme Court has consistently endeavoured to render substantial and meaningful justice to the marginalised and socially oppressed section of the citizenry.

The Supreme Court of Bangladesh has taken a number of novel and dynamic steps in recent years to improve the efficiency, effectiveness, and accessibility of our justice delivery system. We have introduced the "Chief Justice Award" for the first time in the history of the judiciary of Bangladesh to give special recognition to the most diligent and competent judges and judgeship. Following a call for the applications for this award, in 2022, one judgeship and five extraordinary judges of the sub-ordinate judiciary received this prestigious award for the first time ever for demonstrating outstanding commitment to the judiciary and the justice seekers. We are hopeful that this initiative will certainly work as an incentive to motivate and inspire the judges of the district judiciary to acquire judicial excellence and nurture qualities like fairness, empathy, integrity and transparency. Besides, eight Monitoring Committees, headed by eight Honourable Judges of the High Court Division, have been constituted for the eight divisions of Bangladesh to monitor and inspect the activities of the district judiciary. Under the prudent guidance and diligent supervision of the Monitoring Committees, the disposal rate of the subordinate courts has increased significantly.

To strengthen judicial infrastructure and to provide adequate and suitable courtrooms and chambers for judges, a 12-storey building namely "*Bijoy-71*" has been constructed at the Supreme Court premises. This newly constructed building with all the modern amenities has not only improved the work environment for the judges, but also for lawyers and court officials. On the first floor of the newly constructed "*Bijoy-71*" building, a vibrant and well-equipped day care centre has also been established for providing care to the children of the employees of the Supreme Court. Children not only enjoy a joyous environment, but also are provided with free lunch during their stay at the day care centre. A litigant shed namely "*Naykunja*" has been constructed at the Supreme Court premises to alleviate the sufferings of the litigants. We have also renovated the canteen for court officials to ensure that they can enjoy their food and refreshments in a healthy and pleasant environment.

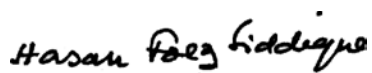
The Supreme Court of Bangladesh signed a Memorandum of Understanding (MOU) with the National Judicial Academy of India (NJA), Bhopal, Madhya Pradesh, India on 6 September 2022 to train our judges of the subordinate judiciary for the development of their professional skill and legal knowledge. Following the operation of the MOU, in 2022, two batches of Judicial Officers comprising a total of 98 Judges were imparted training at the National Judicial Academy as well as at different state judicial academies in India. We are certain that this initiative will play a pivotal role in increasing the calibre and expertise of our judicial officers. Throughout the year, we have arranged several training programmes on computer, information and communication technology for increasing the technological and applied skills of the employees of the Supreme Court.

Despite facing multiple challenges posed by the COVID-19 pandemic, the Supreme Court of Bangladesh continued to uphold rule of law with the aid of cutting-edge technology. Our judiciary has been resorting to technology to ensure access to justice and we will continue to do so to improve the functioning of the courts. The technological infrastructure and their implications, which was built during the COVID-19 pandemic, must not be discarded, rather should be strengthened further. To remove institutional flaws in our justice delivery system, we adopted technology-based services for listing cases and providing other services to the litigants. To provide easy access to courts and to streamline and speed up the justice system, we have launched six court-technologies in 2022. This initiative will certainly play a vital role in building up a more tech-friendly, accessible, and cost-effective justice delivery system, and also creating a Smart Judiciary for Smart Bangladesh.

Within the pages of this Annual Report 2022, we reflect on the moments of triumphs and hardships that demonstrate our strong dedication and commitment in which justice has been ensured. I would like to extend my sincere appreciation to the esteemed Chairman and members of the Supreme Court Annual Report Committee, 2022 for their unwavering dedication and significant contribution in preparing and publishing this report. As we stand at the cusp of the coming year, the realm of potentialities stretches out before us in all directions. The challenges ahead may be great, but so too is the potential for progress and positive change.

I extend my profound gratitude to the honourable Judges of the Supreme Court of Bangladesh as well as the learned Judges of the district judiciary for their hard work, devotion and countless efforts that deserve recognition, applause and admiration. It is through their dedication and commitment that the judiciary of Bangladesh can continue to serve the people and ensure a fair and just society. Their contribution in upholding the rule of law and safeguarding justice for all is immeasurable and greatly appreciated. It is an absolute privilege for me to stand beside them in this noble pursuit. The unflagging toil and unrelenting effort of the officials and employees of the Supreme Court Registry should not be overlooked. With heartfelt appreciation, I offer my deepest gratitude for their invaluable services and immeasurable contributions to the pursuit of justice.

I am looking forward to the years of progress and accomplishment that will lead us towards establishing a justice delivery system par excellence.


Justice Hasan Foez Siddique
Chief Justice of Bangladesh



Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique is at the meeting with the Honourable President of the People's Republic of Bangladesh Mr. Md. Abdul Hamid



Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique after taking oath as the 23rd Chief Justice of Bangladesh paying tribute to the Martyrs of Liberation War at Martyrs' Memorial, Savar, Dhaka on 1 January, 2022



Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique after taking oath as the 23rd Chief Justice of Bangladesh paying tribute to Father of the Nation Bangabandhu Sheikh Mujibur Rahman by placing a floral wreath at Bangabandhu's grave at his mausoleum in Tungipara, Gopalganj on 7 January, 2022



Editorial Committee of the Annual Report, 2022 of the Supreme Court of Bangladesh (From Left) Madam Justice Naima Haider, Mr. Justice M. Enayetur Rahim, Mr. Justice Obaidul Hassan, Mr. Justice Md. Nuruzzaman, Mr. Justice Borhanuddin, Mr. Justice Md. Ashfaqul Islam, and Mr. Justice Shahidul Karim.

Mr. Justice Syed Refaat Ahmed (not in the frame)



Members of Editorial Committee of the Annual Report, 2022 of the Supreme Court of Bangladesh are seen attending a Committee meeting



| Staircase and landing of the Supreme Court Main Building



The Court Room of the Honourable Chief Justice of Bangladesh



The Court Room of the Court No. 2 of the Appellate Division of the Supreme Court of Bangladesh



The Court Room of the Court No. 2 of the Annex Building



The Court Room of the Court No. 1 of the Bijoy 71 Building



**Annual
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2022**

Supreme Court of Bangladesh

**PROFILE OF THE
HONOURABLE CHIEF JUSTICE OF BANGLADESH
AND
HONOURABLE JUDGES OF THE APPELLATE DIVISION OF
THE SUPREME COURT OF BANGLADESH**



Mr. Justice Hasan Foez Siddique

Chief Justice of Bangladesh

Father's name : Late Abdul Gofur Mollah
Mother's name : Late Noorjahan Begom
Date of birth : 26 September, 1956

Obtained M.A., LL.B.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division on 21 August, 1981, 04 September, 1983 and 27 May, 1999 respectively. Acted as Legal Adviser to Khulna City Corporation, Kushtia Municipality, Jalalabad Gas Transmission Company and Chief Law Adviser of the Ministry of Home Affairs. Besides, he worked as Additional Attorney General for Bangladesh.

Elevated as Judge of the High Court Division on 25 March, 2009 and as a Judge of the Appellate Division of the Supreme Court of Bangladesh on 31 March, 2013.

He assumed the office of the Chairman of Bangladesh Judicial Service Commission on 30 April, 2015.

Took oath as the 23rd Chief Justice of Bangladesh on 31 December, 2021.

Participated in the conference of South Asian Judges Regional Forum on Economic and Financial Crime held in Sri Lanka in 2011; South Asian Conference on Environmental Justice in Pakistan in 2012; International Conference on Environment held in New Delhi, India in 2015. He also attended in the 17th International Conference of Chief Justices of the World held in Lucknow, India in 2016, 2nd China Asian Justice Forum held in China in 2017.

He attended the ceremony on the occasion of the 60th anniversary of the Constitutional Court of the Republic of Turkey and also participated in the symposium on "Interpretation of the Constitution in the Protection of Fundamental Rights and Freedoms" in 2022. On 27-30 October, 2022, he attended the 14th Convocation of the West Bengal National University of Juridical Sciences, Kolkata, India as the guest of honour.

He visited China, India, Turkey, Saudi Arabia, Sri Lanka, Pakistan, Singapore and Thailand.



Mr. Justice Muhammad Imman Ali

Father's name : Israil Ali
 Mother's name : Alifjan Bibi
 Date of birth : 01 January, 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 the Supreme Court of Bangladesh on 21 June, 1979, 11 May, 1982 and 21 August, 1995 respectively. Elevated as Additional Judge of the High Court Division on 22 February, 2001 and appointed Judge of the same Division on 22 February, 2003. Elevated to the Appellate Division of the Supreme Court of Bangladesh on 23 February, 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. Recipient of International Mediation Award from the Africa-Asia Mediation Association (AAMA) in August, 2020. Received "Juvenile Justice Without Borders International Award" from IJJO, Brussels in December, 2014. Former Secretary General of Penal Reform International based in London. Council Member of the International Association of Youth Family Judges and Magistrates (IAYFJM). Participated in the International Workshops, Conferences and Training Programmes held in South Korea, Austria, Indonesia and Czech Republic in 1997, 1998, 1999, 2000, India in 2003, Malaysia and New Zealand in 2008, United Kingdom and Malawi in 2009, Turks and Caicos Islands in 2009, Australia in 2010, New Delhi in 2011, Bangkok, USA, Scotland, Bulgaria and Kyrgyzstan in 2012, Conference on Global Constitutionalism at Yale University in September, 2013, IJJO International Conference in Brussels-December 2014. Conference on Detention of Children, Geneva, January, 2015; attended policy meeting as member of the IJJO network of professionals and experts in Bangkok in May 2015; Conference on Child Abuse in Kuala Lumpur, Malaysia in October, 2015.

Attended the 2nd UNCITRAL Asia- Pacific Judicial Summit held in Hong Kong in October, 2017. Took part in U.N. Expert Group Meeting on "Children of Returning Terrorists Fighters" held in New York in April, 2018.

Attended the 'Review Meeting on Children Affected by Foreign Fighters Phenomenon: Ensuring a Child Rights-Based Approach', in the United Nations conference room, New York on 11-12 April, 2019. Also attended 'Judicial Symposium on Family Justice' on 28-30 September 2019 organised by the Maldives Judicial Academy in the Maldives.

Led the 'Exposure Visit Programme' of the Supreme Court Special Committee on Child rights to Sri Lanka in April-May, 2018 and delivered a lecture on "The effect of corporal punishment on children" in Jaffna, Sri Lanka. Presented paper at the World Congress on "Justice for Children" held in Paris in May 2018.

Took part in the "Regional Judicial Dialogue on Women's Human Rights and the Right to a Safe, Clean, Healthy and Sustainable Environment" held in Nepal in September 2018. Participated in 'Training of Trainers' on child rights for Judges in the Maldives in December, 2017. Delivered lecture at Cornell University on Child Marriage in Bangladesh in 2013. Took part in training of judges, lawyers and prosecutors of Armenia on Juvenile Justice in December, 2012. Visited France, Germany, Belgium, Holland, Luxemburg, United Arab Emirates, 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 (LETT).



Heroic Freedom Fighter Mr. Justice Md. Nuruzzaman

Father's name : Late Hazi Md. Bazlur Rahman

Mother's name : Late Alhaj Amena Begum

Date of birth : 01 July, 1956

Obtained M.S.S. and LL.B. from the University of Dhaka. Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh on 04 September, 1983 and 07 January, 1987 respectively.

Elevated as Additional Judge of the High Court Division on 30 June, 2009 and appointed Judge of the same Division on 06 June, 2011.

Elevated as Judge of the Appellate Division of the Supreme Court of Bangladesh on 09 October, 2018. Appointed as the Chairman of the Enrolment Committee of the Bangladesh Bar Council in October 2018. The Honourable President of the People's Republic of Bangladesh, on 23 January, 2012 nominated him as a Member of Search Committee (first of this type) for selection of the Chief Election Commissioner and the Commissioners of the Election Commission. The Honourable President also appointed him as a Member of the Judicial Service Pay Commission on 17 December, 2014 and as a Member of Bangladesh Judicial Service Commission. Participated in the Liberation War of Bangladesh 1971 as freedom fighter and liberated many places of the then Sunamganj, Netrokona and Kishoreganj 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 Obaidul Hassan

Father's name : Dr. Akhlaqul Hossain Ahmed

Mother's name : Begum Hosnara Hossain

Date of birth : 11 January, 1959

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

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Bangladesh Supreme Court on 18 March, 1986, 18 September, 1988 and 15 August, 2005 respectively.

Elevated as Additional Judge of the High Court Division on 30 June, 2009 and appointed Judge of the same Division on 06 June, 2011. During 23 March, 2012 to 12 December, 2012 and 13 December, 2012 to 15 September, 2015 worked as Member and Chairman respectively of International Crimes Tribunal-2.

Elevated as Judge of the Appellate Division of the Supreme Court of Bangladesh on 03 September, 2020.

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

Participated in a training programme namely "Judicial Governance Programme" held in Singapore in July 2015.

Attended an International Conference on "International Crimes/State Crimes" held in Buenos Ayres, Argentina in August 2015.

Also attended in a view exchange programme with the Judges of International Criminal Court (ICC) and International Crimes Tribunal for former Yugoslavia (ICTY) in the Hague, Netherlands in August 2015.

Authored two books namely "Obornaniya Nirmomotar Chitra: Ekattorer Buddhijibi Hottakanda O Onnannya" (2020) and "Bangabandhu Bangladesh: Ekjon Juddhoshishur Golpo o Onyanya" (2021).

Visited China, India, Pakistan, Nepal, Malaysia, Singapore, Thailand, Saudi Arabia, France, Netherlands, Belgium, Argentina, United Kingdom, Switzerland, Turkey, United Arab Emirates, Indonesia and USA.



Mr. Justice Borhanuddin

Father's Name : Late Advocate Abdus Sabur

Mother's Name : Late Momtaz Sabur

Date of Birth : 28 February, 1957

Obtained LL.B. degree 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 March, 1985, 16 June, 1988 and 27 November, 2002 respectively.

Elevated as Additional Judge of the High Court Division on 16 November, 2008 and appointed Judge of the same Division on 11 November, 2010.

Elevated as Judge of the Appellate Division of the Supreme Court of Bangladesh on 09 January, 2022.

Visited India, China, Kingdom of Thailand, Singapore, Malaysia, Saudi Arabia, Bhutan, Myanmar, Federal Republic of Germany and Nepal.



Mr. Justice M. Enayetur Rahim

Father's name : M. Abdur Rahim

Mother's name : Mrs. Nazma Rahim

Date of birth : 11 August, 1960

Obtained M. A. (Mass Communication and Journalism) and LL.B. from the 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 30 October, 1986, 02 January, 1989 and 15 May, 2002 respectively.

Elevated as Additional Judge of the High Court Division on 30 June, 2009 and appointed Judge of the same Division on 06 June, 2011.

Elevated as Judge of the Appellate Division of the Supreme Court of Bangladesh on 09 January, 2022.

Worked as the Chairman of International Crimes Tribunal-1 [From 24 February, 2014 to 15 September, 2015].

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

Elected as the Secretary of the Bar Association of the Supreme Court of Bangladesh [2005-2006] and Member of Bangladesh Bar Council from General Seat [2008] and General Secretary, Rangpur Carmichael College Student Union [1981-1982 & 1982-1983]. 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], and Buenos Aires, Argentina [August, 2015]. Attended in a view exchange programme with the judges of International Criminal Court (ICC) and International Crimes Tribunals for former Yugoslavia (ICTY) in the Hague, Netherlands in August, 2015.

Authored a book namely "Bangabandhu: Sangbidhan Ain Adalat O Onyanya" (2021)

Visited India, Nepal, Malaysia, Singapore, Egypt, Saudi Arabia, Bhutan, United Kingdom, France, Switzerland, Belgium & Indonesia.



Madam Justice Krishna Debnath

Father's name : Late Sree Dinesh Chandra Debnath
Mother's name : Late Sreemoti Benu Debnath
Date of birth : 10 October, 1955

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

Joined the Judicial Service as Munsif on 08 December, 1981 and promoted as District and Sessions Judge on 01 November, 1998.

Elevated as Additional Judge of the High Court Division on 18 April, 2010 and appointed Judge of the same Division on 15 April, 2012.

Elevated as Judge of the Appellate Division of the Supreme Court of Bangladesh on 09 January, 2022.

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 Md. Ashfaquul Islam

Father's name : Late Justice A.K.M. Nurul Islam
Former Vice-President, People's Republic of Bangladesh
Mother's name : Begum Jahanara Arjoo (Ekushey Padak 1987)
A prolific poet of Bengali language and literature
Date of birth : 15 July, 1959

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

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

Elevated as Additional Judge of the High Court Division on 27 August, 2003 and appointed Judge of the same Division on 27 August, 2005.

Elevated as Judge of the Appellate Division of the Supreme Court of Bangladesh on 08 December, 2022.

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

Visited International Criminal Court in Hague, The Netherlands and held discussion with its Judges in a delegation led by the Chief Justice of Bangladesh in 2017.

Visited USA, Canada, UK, China, France, Italy, India, Turkey, Switzerland, Austria, Belgium, The Netherlands, Czech Republic, Indonesia, Malaysia, Singapore, Sri Lanka, Maldives, Myanmar, South Korea, Spain, Portugal, The Vatican City, Thailand, Pakistan, Nepal, Bhutan, The United Arab Emirates, Kingdom of Saudi Arabia, Germany and Hungary.



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 January, 1959

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

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

Elevated as Additional Judge of the High Court Division on 18 April, 2010 and appointed Judge of the same Division on 15 April, 2012.

Elevated as Judge of the Appellate Division of the Supreme Court of Bangladesh on 08 December, 2022.

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

Visited United Kingdom, USA, Canada, New Zealand, Australia, Indonesia, China, Vietnam, Cambodia, Myanmar, Saudi Arabia, United Arab Emirates, India, South Korea, Malaysia, Thailand, Singapore, Sri Lanka, the Maldives, Nepal and Bhutan.



Mr. Justice Jahangir Hossain

Father's name : Late Md. Abdul Latif

Mother's name : Late Ms. Masuda Khatun

Date of birth : 31 December, 1959

Obtained M. Com. and LL.B.

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh on 31 October, 1986 and 31 December, 1991 respectively.

Elevated as Additional Judge of the High Court Division on 18 April, 2010 and appointed Judge of the same Division on 15 April, 2012.

Elevated as Judge of the Appellate Division of the Supreme Court of Bangladesh on 08 December, 2022.

Participated in SAARC Law Conference in Delhi (1995).

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



Newly elevated three Honourable Judges of the Appellate Division of the Supreme Court of Bangladesh after taking oath with the Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique (From left) Madam Justice Krishna Debnath, Mr. Justice Borhanuddin, Mr. Justice Hasan Foez Siddique (Honourable Chief Justice of Bangladesh) and Mr. Justice M. Enayetur Rahim



Honourable Judges of the Appellate Division of the Supreme Court of Bangladesh (From Left) Mr. Justice Md. Abu Zafor Siddique, Madam Justice Krishna Debnath, Mr. Justice Borhanuddin, Mr. Justice Md. Nuruzzaman, Mr. Justice Hasan Foez Siddique (Honourable Chief Justice of Bangladesh), Mr. Justice Obaidul Hassan, Mr. Justice M. Enayetur Rahim, Mr. Justice Md. Ashfaqul Islam and Mr. Justice Jahangir Hossain



Annual Report 2022



Supreme Court of Bangladesh

**PROFILE OF THE
HONOURABLE JUDGES OF THE HIGH COURT DIVISION OF
THE SUPREME COURT OF BANGLADESH**



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 December, 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 the Supreme Court of Bangladesh on 22 August, 1981, 21 September, 1983 and 14 May, 1996 respectively.

Elevated as Additional Judge of the High Court Division on 29 July, 2002 and appointed Judge of the same Division on 29 July, 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, U.K.

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

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



Mr. Justice Muhammad Abdul Hafiz

Father's name : Al-haj Muhammad Abdul Jabbar
Mother's name : Rabeya Khanam
Date of birth : 01 June, 1957

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

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

Elected as the Assistant Secretary and Secretary of the Supreme Court Bar Association of Bangladesh in the year 1991-1992 and 2002-2003 respectively.

Elevated as Additional Judge of the High Court Division on 27 April, 2003 and appointed Judge of the same Division on 27 April, 2005.

Participated in a Judicial Training Programme in Korea.



Mr. Justice Syed Refaat Ahmed

Father's name : Late Barrister Syed Ishtiaq Ahmed
Mother's name : Late National Professor Dr. Sufia Ahmed
Date of Birth : 28 December, 1958

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

Was Ford Foundation Fellow in Public International Law at The Fletcher School.

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 April, 2003 and appointed Judge of the same Division on 27 April, 2005.

Has a number of publications to his credit and lectures as invited speaker extensively at home and abroad. His 2020 publication Digital Footprints: A Rights-Based Perspective has been published by the Bangladesh IP Forum/ Bangladesh Intellectual Property Academy (BIPA). His current research interest is focused on the rule of law within the Bangladeshi constitutional scheme.

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

Is Founder Member, Global Judicial Institute on the Environment, Brazil.

Participated in international Roundtables, Workshops, Conferences, Study Tours and Courses held in UK, Germany, Malaysia, The Philippines, India, Nepal, Italy, Singapore, Thailand, USA, Brazil, Myanmar and Bahrain. He notably spoke in November, 2021 as Distinguished Expert Speaker on the topic "Criminalizing Humanitarian Action- A Judicial Perspective" at a conference co-hosted by the School of Law, Zhejiang Gongshang University, Hangzhou, China and ICRC Regional Delegation for East Asia.

Visited Brazil, USA, UK, Ireland, The Netherlands, France, Monaco, Spain, Portugal, Germany, Switzerland, Italy, The Vatican City State, Greece, Turkey, Egypt, Bahrain, Qatar, UAE, Pakistan, India, Nepal, Sri Lanka, The Maldives, Myanmar, Thailand, Malaysia, Singapore, Cambodia, 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 July, 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 the Supreme Court of Bangladesh on 21 August, 1981, 24 January, 1984 and 30 October, 2001 respectively.

Elevated as Additional Judge of the High Court Division on 27 August, 2003 and appointed Judge of the same Division on 27 August, 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 March, 1959

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

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 05 September, 1983, 05 September, 1985 and 25 October, 2001 respectively.

Elevated as Additional Judge of the High Court Division on 27 August, 2003 and appointed Judge of the same Division on 27 August, 2005.

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

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



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 May, 1961

Obtained LL.B. (Hons), LL.M. from the University of Dhaka, LL.M. in International Law (UK).

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh on 03 March, 1985 and 17 May, 1987 respectively.

Elevated as Additional Judge of the High Court Division on 27 August, 2003 and appointed Judge of the same Division on 27 August, 2005.

Participated in 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 Md. Rais Uddin

Father's name : Late Md. Afsar Uddin
Mother's name : Mrs. Jobeda Khatun
Date of birth : 30 June, 1956

Obtained B.Sc. and LL.B.

Enrolled as an Advocate in the District Court and the High Court Division of the Supreme Court of Bangladesh on 22 August, 1981 and 03 November, 1983 respectively.

Elevated as Additional Judge of the High Court Division on 23 August, 2004 and appointed Judge of the same Division on 23 August, 2006.

Visited Saudi Arabia, India, Singapore, Malaysia, Thailand, Indonesia and United Kingdom.



Mr. Justice Md. Emdadul Haque Azad

Father's name : Late Advocate Abul Kalam Azad
Mother's name : Late Jainab Azad
Date of birth : 16 October, 1956

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

Enrolled as an Advocate of the Rajshahi District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 11 March, 1985, 13 April, 1987 and 27 February, 2001 respectively.

Elevated as Additional Judge of the High Court Division on 23 August, 2004 and appointed Judge of the same Division on 23 August, 2006.



Mr. Justice Md. Ataur Rahman Khan

Father's name : Late Mr. Abdul Gaffar Khan
Mother's name : Late Mrs. Amena Khanam
Date of birth : 01 December, 1957

Obtained M.A., LL.B. Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 05 March, 1984, 27 December, 1989 and 06 June, 1999 respectively.

Elevated as Additional Judge of the High Court Division on 23 August, 2004 and appointed Judge of the same Division on 23 August, 2006.

Participated in the SAARC Law Conference, Delhi, India, 1994. Visited India, Saudi Arabia, Yemen, U.K, Thailand, France and Switzerland.



Mr. Justice Syed Md. Ziaul Karim

Father's name : Late Syed Abdul Malek
Mother's name : Late Anowara Begum
Date of birth : 12 December, 1957

Obtained B.Sc. (Hons) in 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 the Supreme Court of Bangladesh on 18 March, 1986, 18 April, 1988 and 28 November, 1996 respectively.

Elevated as Additional Judge of the High Court Division on 23 August, 2004 and appointed Judge of the same Division on 23 August, 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, Canada and Morocco.



Mr. Justice Md. Rezaul Haque

Father's name : Late Md. Tazimul Hossain
Mother's name : Mrs. Umme Kulsum Hossain
Date of birth : 24 April, 1960

Obtained M.A, LL.B. Enrolled as an Advocate of the District Court and High Court Division of the Supreme Court of Bangladesh on 08 April, 1988 and 21 June, 1990 respectively.

Elevated as Additional Judge of the High Court Division on 23 August, 2004 and appointed Judge of the same Division on 23 August, 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 June, 1960

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

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh on 30 October, 1986 and 26 February, 1989 respectively.

Elevated as Additional Judge of the High Court Division on 23 August, 2004 and appointed Judge of the same Division on 23 August, 2006.

Visited India, Pakistan, Singapore, Thailand, Malaysia, Indonesia, China, Hong Kong, Macao and Saudi Arabia.



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 November, 1963

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

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh on 07 October, 1990 and 26 November, 1992 respectively.

Founder principal of Liberty Law College (2000-2004).

Elevated as Additional Judge of the High Court Division on 23 August, 2004 and appointed Judge of the same Division on 23 August, 2006.

Visited India, Saudi Arabia and USA.



Mr. Justice Mamnoon Rahman

Father's name : Late Advocate Rezaur Rahman
Mother's name : Late Afsari Rahman
Date of birth : 09 December, 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 the Supreme Court of Bangladesh on 26 November, 1989, 29 May, 1990 and 25 October, 2001 respectively.

Elevated as an Additional Judge of the High Court Division on 23 August, 2004 and appointed Judge of the same Division on 23 August, 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.

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



Madam Justice Farah Mahbub

Father's name : Late Mahbubur Rahman
Mother's name : Late Feroja Mahbub
Date of birth : 27 May, 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 the Supreme Court of Bangladesh on 15 September, 1992, 09 April, 1994 and 15 May, 2002 respectively.

Elevated as Additional Judge of the High Court Division on 23 August, 2004 and appointed Judge of the same Division on 23 August, 2006.

Visited India, China, Pakistan, Thailand, Malaysia, Dubai, Germany, Saudi Arabia, South Korea, The Philippines and United Kingdom.



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 April, 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 the Supreme Court of Bangladesh in the year 1984, 1986 and 2002 respectively.

Elevated as Additional Judge of the High Court Division on 30 June, 2009 and appointed Judge of the same Division on 06 June, 2011.

Appointed as the Member of the Bangladesh Judicial Service Commission on 04 September, 2013 by the Honourable President of the People's Republic of Bangladesh.

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



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 March, 1962

Justice Haider went to Holy Cross School and Holy Cross College. She obtained LL.B. (Honours), Master of Laws (LL.M.) from University of Dhaka and the second Master of Laws (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 Diploma under the Institute of Advanced Legal Studies, University of London. She also has to her credit a Diploma in International Humanitarian Law from the International Institute of Humanitarian Law, San Remo, Italy.

Justice Haider started her career as a Lecturer of the Department of Law of the Islamic University. She was also the Chairman of the Department. She, thereafter, joined the Faculty of Law of the University of Dhaka. She left her teaching career and joined the Bar in 1989 and was thereafter enrolled in the Appellate Division of Supreme Court of Bangladesh.

Justice Naima Haider joined the Office of the Attorney General and served the office as an Assistant Attorney General and Deputy Attorney General for Bangladesh. Justice Haider was elevated to the Bench as an Additional Judge of the High Court Division on 30 June, 2009 and was appointed Judge of the same Division on 06 June, 2011.

Justice Haider has attended International Visitor's Programme of the United States of America in 2001, was awarded the Chevening Scholarship by the British Council in 1995 and received the Javier Perez De Cuellar Award for academic excellence in 1992 while she was at the Columbia Law School, New York, USA.

Justice Haider has participated in International Roundtables, Study Tours, Courses and Workshops and presented papers at home and abroad. She has also written several articles published in different law journals and newspapers. Justice Haider has keen interest in access to justice, advancement and empowerment of women, juvenile justice, child rights, rights of refugee women and ethnic minorities, gender based violence against women.



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

Father's name : Late Abul Kalam Azad (Advocate)
Mother's name : Hosneara Begum
Date of birth : 17 December, 1962

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

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 03 March, 1985, 17 June, 1989 and 21 July, 2004 respectively.

Elevated as Additional Judge of the High Court Division on 30 June, 2009 and appointed Judge of the same division on 06 June, 2011.

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

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

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

He has attended a conference on 'Corporate Governance', held at Manila, organized by the Asian Development Bank. He has contributed many articles (on legal, social, human rights and economic issues) in the journal section of the law reporters and in the reputed weeklies etc. from 1990 onward. He has also contributed, as the keynote speaker, in a number of national and international seminars and webinars on many important topics and occasions.



Mr. Justice F.R.M. Nazmul Ahasan

Father's name : Late Md. Anwar Hossain

Mother's name : Mrs. Jahanara Begum

Date of birth : 15 February, 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 the Supreme Court of Bangladesh on 18 March, 1986, 22 January, 1994 and 13 December, 2009 respectively.

Elevated as Additional Judge of the High Court Division on 18 April, 2010 and appointed Judge of the same Division on 15 April, 2012.

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

Visited Russia, Vietnam, India, Nepal and Thailand.



Mr. Justice A.N.M. Bashir Ullah

Father's name : Late Alhaj Abdul Mazid Howlader

Mother's name : Late Mrs. Jamila Khatun

Date of birth : 31 March, 1956

Obtained LL.B. (Hons) and LL.M. from the University of Dhaka. Enrolled as an Advocate of the Dhaka District Court in the year 1980.

Joined the Judicial Service as Munsif on 01 December, 1981 and promoted as District and Sessions Judge on 21 October, 1997.

Elevated as Additional Judge of the High Court Division on 18 April, 2010 and appointed Judge of the same Division on 15 April, 2012.

Visited India, Indonesia, Malaysia, Singapore, Saudi Arabia (KSA) and Thailand.



Mr. Justice Abdur Rob

Father's name : Late Din Mohammad Mia

Mother's name : Mst. Safia Khatun

Date of birth : 10 September, 1958

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

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

Elevated as Additional Judge of the High Court Division on 18 April, 2010 and appointed Judge of the same Division on 15 April, 2012.



Mr. Justice Quazi Reza-ul Hoque

Father's name : Late Quazi Azizul Haque

Mother's name : Late Fazilatnunesa Chowdhury

Date of birth : 28 November, 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 the Supreme Court of Bangladesh on 06 October, 1985 and 06 April, 1989 respectively.

Elevated as Additional Judge of the High Court Division on 18 April, 2010 and appointed Judge of the same Division on 15 April, 2012.

Has a number of publications to his credit.



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 January, 1959

Obtained B.Sc. 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 07 October, 1984, 11 July, 1990 and 27 December, 2002 respectively.

Elevated as an Additional Judge of the High Court Division on 18 April, 2010 and appointed as a Judge of the same Division on 15 April, 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, Sydney, Rockhampton and Brisbane of Australia.



Mr. Justice Sheikh Md. Zakir Hossain

Father's name : Late Kanchan Sheikh

Mother's name : Late Noorjahan Begum

Date of birth : 02 March, 1962

Obtained LL.B. from the University of Dhaka.

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh on 05 October, 1988 and 17 July, 1993 respectively.

Elevated as Additional Judge of the High Court Division on 18 April, 2010 and appointed Judge of the same Division on 15 April, 2012.



Mr. Justice Md. Habibul Gani

Father's name : Alhaj Jahurul Huq Chowdhury
Mother's name : Late Julekha Begum
Date of birth : 31 May, 1962

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

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh on 03 April, 1989 and 11 April, 1992 respectively.

Elevated as Additional Judge of the High Court Division on 18 April, 2010 and appointed Judge of the same Division on 15 April, 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, United Arab Emirates, Saudi Arabia, Thailand, Vietnam, Cambodia and Myanmar.



Mr. Justice Gobinda Chandra Tagore

Father's name : Late Gurubar Tagore
Mother's name : Madhumala Tagore
Date of birth : 15 May, 1963

Obtained M.A. in Mass Communication & Journalism and LL.B. from the 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 30 April, 1994, 29 September, 1996 and 13 December, 2009 respectively.

Elevated as Additional Judge of the High Court Division on 18 April, 2010 and appointed Judge of the same Division on 15 April, 2012.

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



Mr. Justice Sheikh Hassan Arif

Father's Name : Faizur Rahaman
 Mother's Name : Hosne Ara Begum
 Date of Birth : 20 April, 1967

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

Justice Arif participated in various international conferences including the SAARC Law Conference, Dhaka in 1996, Bangladesh Human Rights Convention of 2005 held in London, UK, AIJA 'Child Protection Conference, Brisbane, Australia in 2011, Second International Summit of the High Courts at Istanbul, Turkey in 2013, the South Asia Judicial Conference on Environment and Climate Change, Dhaka in 2016, and the first South Asia Regional Judicial Colloquium on Reproductive Rights, Nepal in 2019, and made remarkable contributions through his research, deliberations and speeches. He takes special interest in child rights, gender based violence, human rights and climate change issues and, accordingly, delivers speeches on those issues in national and international seminars, symposium and conferences on a regular basis. He contributes, on regular basis, as a resource person in the training of judicial officers organized by the Judicial Administration Training Institute (JATI), Dhaka. He is now serving as a member of the Special Committee of the Supreme Court of Bangladesh on Child Rights and has been contributing in implementation of the UN Child Rights Convention (CRC) in Bangladesh. He is the editor of 'Supreme Court Online Bulletin (SCOB)', the only online law journal/report published by the Supreme Court of Bangladesh.

Justice Arif did his LL.B and M.S.S from the University of Chittagong, LL.B (Honors) from the University of Wolverhampton, UK and Postgraduate Diploma in Professional and Legal Skills from the then ICSL, City University, London, UK before being called to the Hon'ble Society of Lincoln's Inn, London, UK as a Barrister-At-Law.



Mr. Justice J.B.M. Hassan

Father's name : Late A.F.M. Shamsuddin
 Mother's name : Late Nur Mohal Begum
 Date of birth : 10 January, 1968

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

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 10 May, 1992, 22 January, 1994 and 21 July, 2004 respectively.

Elevated as Additional Judge of the High Court Division on 18 April, 2010 and appointed Judge of the same Division on 15 April, 2012.

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



Mr. Justice Md. Ruhul Quddus

Father's name : A F M Azizur Rahman

Mother's name : Rahela Khatun

Date of birth : 07 December, 1962

Justice Md. Ruhul Quddus was elevated as an Additional Judge of the High Court Division of the Supreme Court of Bangladesh on 04 November, 2010 and as a Judge thereof on 15 October, 2012.

Justice Quddus obtained Bachelor of Arts in English and Masters in Social Science from the University of Rajshahi, and Bachelor of Laws under the same University. He was elected as the General Secretary of Rajshahi University Central Students Union for consecutive two terms. He was enrolled with Bangladesh Bar Council as an Advocate on 19 April, 1993 and started law practice. He was permitted to practice in the High Court Division on 29 September, 1996 and the Appellate Division on 15 January, 2009. He was the Legal Adviser to Bangladesh Legal Aid and Services Trust (BLAST), a leading human rights and legal aid organization, and also to the Board of Intermediate and Secondary Education, Rajshahi till his elevation. He was an active public interest litigant and General Secretary of the Association for Democratic and Constitutional Advancement of Bangladesh (ADCAB).

Justice Quddus participated in International conference, workshop, training and orientation programs on Human Rights, Public Interest Litigation and Police Reform held in India, Nepal and the USA. He represented the Supreme Court of Bangladesh as one of its two delegates in the 2nd China-ASEAN Justice Forum held on 6-10 June, 2017 in Nanning, China.



Mr. Justice Md. Khasruzzaman

Father's name : Md. Shamsul Haque

Mother's name : Saria Begum

Date of birth : 28 October, 1968

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

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh on 16 August, 1994 and 29 September, 1996 respectively.

Elevated as Additional Judge of the High Court Division on 04 November, 2010 and appointed Judge of the same Division on 15 October, 2012.

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

Visited India and Malaysia. He has attended "Conference on Corporate Governance" held at Manila organized by the ADB. Besides, he has attended and spoke at important seminars on legal issues.

He has contributed many articles (on legal matters) in the journal section of the law reporters and in the reputed weeklies etc, from 1990 onward.



Mr. Justice Farid Ahmed

Father's name : Late Md. Mahar Ali

Mother's name : Late Bana Bibi

Date of birth : 01 January, 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 the Supreme Court of Bangladesh on 17 October, 1985, 06 October, 1988 and 08 November, 2006 respectively.

Elevated as Additional Judge of the High Court Division on 04 November, 2010 and appointed Judge of the same Division on 15 October, 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 December, 1964

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

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 16 October, 1991, 21 August, 1993 and 12 May, 2008 respectively.

Elevated as Additional Judge of the High Court Division on 04 September, 2010 and appointed Judge of the same Division on 15 October, 2012.

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

Participated in the Launching Event of the Global Judicial Integrity Network, a platform to assist judiciaries in strengthening judicial integrity and preventing corruption within the Judicial system, held in Vienna, Austria in 2018.

Participated in the Exposure Visit Programme of the Supreme Court Special Committee on Child Rights to Sri Lanka in April-May 2018.

Visited India, Egypt, Libya, Qatar, Australia, Thailand, Malaysia, Sri Lanka, Singapore, Austria, France, Germany, Turkey and England.



Mr. Justice Md. Akram Hossain Chowdhury

Father's name : Md. Belayet Hossain Chowdhury

Mother's name : Begum Shamsunnahar

Date of birth : 25 April, 1959

Obtained LL.B. from the University of Dhaka.

Enrolled as an Advocate of Dhaka District Court and the High Court Division of the Supreme Court of Bangladesh on 26 October, 1987 and 30 October, 1989 respectively. Acted as Deputy Attorney General since 21 February, 2009 until elevation to the Bench.

Elevated as Additional Judge of the High Court Division on 12 December, 2010 and appointed Judge of the same Division on 10 December, 2012.

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

Visited India, Bhutan, Nepal and Saudi Arabia.



Mr. Justice Md. Ashraful Kamal

Father's name : Abdul Gofran

Mother's name : Ashraf Jahan Begum

Date of birth : 30 November, 1964

Obtained M. Com. in Management and LL.B. from the 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 30 April, 1994, 26 September, 1996 and 24 August, 2010 respectively.

As a Lawyer of the Supreme Court of Bangladesh, Justice Kamal also participated in the 16th Edition of the International Association of Democratic Lawyers Congress in Paris, France in 2005 on the theme of "Law and Lawyers in the Service of the People for Peace, Justice and Development". He was the counsel in an International Arbitration Case at Karachi in 2005. Elevated as Additional Judge of the High Court Division on 12 December, 2010 and appointed Judge of the same Division on 10 December, 2012. He has participated in a range of international colloquia including the Second Asian Judges' Symposium on Environment, on the theme of Natural Capital and the Rule of Law, held Manila, the Philippines in 2013. Much more recently, Justice Kamal participated in the Commonwealth Asia High Level Regional Dialogue in November 2013, held in Kuala Lumpur, Malaysia on the issue of "Strengthening Equality and Equal Protection of the Law: Reforming Laws that Discriminate". Justice Kamal has also been invited for working visit to various courts in foreign jurisdictions, such as one to the Palace of Justice in Malaysia (which houses both the Malaysian Court of Appeal and the Federal Court) on the 21st of November 2019, as well as a working visit to the Tripura High Court in India in 2013. Justice Kamal has delivered various constitutionally important judgements and orders regarding human rights, health rights, company law, trademark and patent law. His speciality is however constitutional law, with his most landmark judgement being regarding the 16th Amendment in "Advocate Asaduzzaman Siddiqui and others v Bangladesh (Writ Petition Number 9989/2014)" where he gave the dissenting opinion, and environmental law regarding legal personhood of rivers in the case of "Human Rights and Peace for Bangladesh v Bangladesh (Writ Petition Number 13989/2016)" where he was the author of the judgment. He also gave a significant judgment regarding Article 70 of the Constitution of Bangladesh.

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



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 June, 1964

Obtained LL.B. (Hons.), LL.M. from the 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 the Supreme Court of Bangladesh on 26 October, 1987 and 09 October, 1990 respectively.

Elevated as Additional Judge of the High Court Division on 20 October, 2011 and appointed Judge of the same Division on 07 October, 2013.

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



Mr. Justice Md. Mozibur Rahman Miah

Father's name : Late Md. Yusuf Ali Miah

Mother's name : Late Mst. Sharifa Khatun

Date of birth : 04 July, 1965

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

Enrolled as an Advocate at Dhaka Judge Court and the High Court Division of Supreme Court of Bangladesh on 09 February, 1992 and 24 April, 1993 respectively.

Performed as Deputy Attorney General from 09 February, 2009 till elevation to the Bench.

Elevated as Additional Judge of the High Court Division on 20 October, 2011 and appointed Judge to the same Division on 07 October, 2013.

Appointed Member of the International Crimes Tribunal-2 (ICT-2) on 13 December, 2012 and discharged function therein till 15 September, 2015.

Participated in SAARC Law Conference held in Dhaka, Bangladesh in 1996.

Also participated in the Mutual Legal Assistance Training Program as Deputy Attorney General held in Dhaka, Bangladesh in 2009 conducted by the U.S. Department of Justice.

Attended in "the 20th International conference of Chief Justices of the world" organized by City Montessorie School Lucknow, India held in New Delhi and Lucknow, India from 6 November to 12 November, 2019.

Visited India, Singapore, Malaysia, Thailand, Canada and USA.



Mr. Justice Mustafa Zaman Islam

Father's name : Late Muzaharul Islam

Mother's name : Rokeya Khaton

Date of birth : 10 February, 1968

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 the Supreme Court of Bangladesh on 19 May, 1991, 13 March, 1993 and 28 December, 2010 respectively.

Elevated as Additional Judge of the High Court Division on 20 October, 2011 and appointed Judge of the same Division on 07 October, 2013.

Participated in SARRC Law conference, 1996, held in Bangladesh and in the Mutual Legal Assistance Training as Deputy Attorney General conducted by the

U.S Department of Justice held in Bangladesh in 2009.

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

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

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



Mr. Justice Mohammad Ullah

Father's name : Late Shakhawat Ullah

Mother's name : Mst. Afrazunnessa

Date of birth : 18 March, 1970

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

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 30 April, 1994, 12 August, 1995 and 13 January, 2011 respectively.

Elevated as Additional Judge of the High Court Division on 20 October, 2011 and appointed Judge of the same Division on 07 October, 2013.

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



Mr. Justice Muhammad Khurshid Alam Sarkar

Father's name : Alhaj M.A. Sattar Sarkar
Mother's name : Begum Asma Sattar
Date of birth : 01 March, 1972

Obtained LL.B. (Hons), LL.M. from the University of Dhaka and also further LL.B. (Hons) from the University of Northumbria, United Kingdom. Achieved the professional qualification of Barrister-at-Law from Gray's Inn.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 01 April, 1995, 07 March, 1996 and 24 August, 2010 respectively.

Elevated as an Additional Judge of the High Court Division on 20 October, 2011 and appointed Judge of the same Division on 07 October, 2013.

Visited USA, UK, Canada, Switzerland, France, Germany, Italy, Austria, Singapore, Thailand, Malaysia, India, Pakistan and Nepal.



Mr. Justice A.K.M. Shahidul Huq

Father's name : Late Alhaj Mohammad Nurul Huq
Senior Advocate Supreme Court of Bangladesh
Mother's name : Late Alhejja Jahan Ara Begum
Date of birth : 29 December, 1955

Obtained LL.B. (Hons) and LL.M. the University of Dhaka. Ex BCS (Judicial).

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 22 August, 1981, 04 September, 1983 and 04 July, 1993 respectively.

Elevated as Additional Judge of the High Court Division on 20 October, 2011 and appointed Judge of the same Division on 07 October, 2013.

Visited India, UK, Thailand, Singapore and Kingdom of Saudi Arabia.



Mr. Justice Shahidul Karim

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

Mother's name : Mst. Saleha Begum

Date of birth : 11 March, 1958

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

Joined the Judicial Service as Munsif on 20 April, 1983 and promoted as District and Sessions Judge on 24 February, 2000.

Elevated as Additional Judge of the High Court Division on 20 October, 2011 and appointed Judge of the same Division on 07 October, 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 : Late Dr. Md. Helal Uddin Hossain

Mother's name : Sakhina Begum

Date of birth : 01 February, 1959

Place of birth : Kishoregonj, Bangladesh

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

Joined the Judicial Service as Munsif (Assistant Judge) on 22 February, 1984. Promoted as District & Session Judge on 28 April, 2009.

Worked as Joint District Judge, Additional District Judge and Judge of Artha-Rin Adalat, Judge of Nari-O-Shishu Nirjatan Daman Adalat, District and Session's Judge of Dhaka, D.G (Director General) of Anti-Corruption Commission.

Worked as Regional Administrator 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 functions of GO'S and NGO's working in the areas of development. Maintained liaison between relevant GO'S (Police, Army, Civil Administrator) of United Nations. Elevated as Additional Judge of the High Court Division, Supreme Court of Bangladesh on 20 October, 2011 and appointed Judge of the same Division on 20 October, 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 seminars held in UN, Qatar, Bhutan and Nepal.

Visited France, England, Italy, Vatican, America, Canada, Australia, Indonesia, Malaysia, Singapore, Thailand, East Timor and India.

Justice Md. Jahangir Hossain recruited by United Nations through a World wide competitive process and deployed in East Timor to the position of Administrator and as the legal and judicial Affairs Officer. While working as the Regional Administrator of East Timor, responsibility was to run the general administration of the region and supervise the functions of GO'S and NGO's working in the areas of development, law & order and dispensation of justice. Used to liaison between relevant GO'S (police, army, civil officers) of United Nations Transitional Administration in East Timor (UNTAET), on the one hand, International Agencies on the other.



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 December, 1966

Obtained LL.B. (Hons), LL.M from the 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 the Supreme Court of Bangladesh on 19 May, 1991 and 12 December, 1992 respectively.

Elevated as Additional Judge of the High Court Division on 20 October, 2011 and appointed Judge of the same Division on 07 October, 2013.

Visited UK, Australia, Malaysia and India.



Mr. Justice Ashish Ranjan Das

Father's Name : Late Jogesh Chandra Das
Mother's Name : Late Gayatri Das
Date of Birth : 29 January, 1958

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

Joined Judicial Service as Munsif on 20 April, 1983 and promoted as District and Sessions Judge on 24 February, 2000.

Promoted and worked as Secretary (In-charge), Law and Justice Division, Ministry of Law, Justice and Parliamentary Affairs (2011-2012).

Elevated as Additional Judge of the High Court Division on 14 June, 2012 and appointed Judge of the same Division on 12 June, 2014.



Mr. Justice Mahmudul Hoque

Father's Name : Late Noor Hossain
Mother's Name : Late Mabiya Khatun
Date of Birth : 13 December, 1958

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

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh on 26 September, 1984 and 08 January, 1987 respectively.

Elevated as Additional Judge of the High Court Division on 14 June, 2012 and appointed Judge of the same Division on 12 June, 2014.

Visited India, Malaysia, Saudi Arabia, Thailand, Indonesia, Singapore and United States of America.



Mr. Justice Md. Badruzzaman

Father's Name : Late Md. Sadar Uddin Mondal
Mother's Name : Mrs. Sahar Banu
Date of Birth : 06 September, 1969

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

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh on 30 April, 1994 and 29 September, 1996 respectively.

Elevated as Additional Judge of the High Court Division on 14 June, 2012 and appointed Judge of the same Division on 12 June, 2014.

Visited India, Nepal, UK, USA, The United Arab Emirates and Thailand.



Mr. Justice Zafar Ahmed

Father's Name : Nazir Ahmed Bhuiyan
Mother's Name : Rokey Begum
Date of Birth : 04 January, 1970

Obtained LL.B. (Hons), LL.M from the 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 the Supreme Court of Bangladesh in 1994 and 1995 respectively.

Elevated as Additional Judge of the High Court Division on 14 June, 2012 and appointed Judge of the same Division on 12 June, 2014.

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

Visited The United Kingdom and The 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 May, 1971

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

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh on 01 April, 1995 and 30 October, 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 June, 2012 and appointed Judge of the same Division on 12 June, 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, The Maldives, in 2010.

Visited United Arab Emirates (UAE), The Maldives, India, Bhutan, Indonesia, Thailand, Singapore and Malaysia.



Mr. Justice Md. Shahinur Islam

Father's Name : Late Md. Serajul Islam
Mother's Name : Late Shamsun Nahar Islam
Date of Birth : 07 April, 1958

Obtained LL.B. (Hons) from the University of Rajshahi. Joined the Judicial Service as Munsif on 20 April, 1983 and promoted as District and Sessions Judge on 13 January, 2001 and worked as District and Sessions Judge in Narail, Habiganj and Member, 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 22 March, 2012.

Elevated as Additional Judge of the High Court Division on 05 August, 2013, under article 98 of the Constitution and later on re-appointed as a Member of International Crimes Tribunal-2. Elevated as Judge of the High Court Division on 05 August, 2015, under article 95 of the Constitution. Since 11 October, 2017 he has been working as the Chairman of International Crimes Tribunal (ICT-BD). Participated 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 participated a regional expert symposium organized by the ICTJ, Asia Division on 'the challenges to prosecute war crimes' held in Jakarta, Indonesia [November 2011]. He 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. On 13-14 April, 2018 he attended conference on "Frontiers Prevention organized by the Institute for Genocide and Mass Atrocity Prevention [IGMAP], Binghamton University, NY, USA and presented a paper titled "Prevention Through Prosecuting International Crimes in a Domestic Tribunal: Bangladesh".

He also presented a paper titled "Militarization in Bangladesh: How it Endorsed a Culture of Impunity and Abused the Rule of Law" in an international conference in November 2018 organised by the Institute for Asia Diasporas [IAAD], Binghamton University, NY, USA.



Madam Justice Kashefa Hussain

Father's Name : Late Justice Syed Muhammad Hussain
Received Swadhinata Padak, 1997 (Posthumous)
Mother's Name : Mrs. Suraiya Hussain
Date of Birth : 01 July, 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 October, 1995 and on 27 April, 2003 respectively. Elevated as Additional Judge of the High Court Division on 05 August, 2013 and appointed Judge of the same Division on 05 August, 2015.

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



Mr. Justice S.M. Mozibur Rahman

Father's Name : Late Fazlur Rahman
Mother's Name : Late Foyezun Nesa Begum
Date of Birth : 12 July, 1955

Obtained B.A. (Hons) in Education, and LL.B. degree from the University of Chittagong. Joined the Judicial service as Munsif (Assistant Judge) on 22 February, 1984 and promoted as District and Sessions Judge on 09 May, 2007.

Elevated as Additional Judge of the High Court Division on 12 February, 2015 and appointed Judge of the same Division on 12 February, 2017.

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



Mr. Justice Khizir Ahmed Choudhury

Father's Name : Late Aklakul Ambia Choudhury
Mother's Name : Late Jahanara Khanom Choudhury
Date of Birth : 24 November, 1959

Obtained B.A. 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 March, 1986, 30 April, 1989 and 13 December, 2009 respectively.

Elevated as Additional Judge of the High Court Division on 12 February, 2015 and appointed Judge of the same Division on 12 February, 2017.

Visited England, France, Belgium, Germany, Turkey, the Netherlands, Malaysia, Indonesia, Thailand, India, Nepal, Bhutan, Singapore, Vietnam, United Arab Emirates, U.S.A., Canada and Sri Lanka.



Mr. Justice Razik-Al-Jalil

Father's Name : Late Justice Md. Abdul Jalil

Mother's Name : Late Syeda Hazera Jalil

Date of Birth : 22 November, 1962

Obtained BSS (Hons), 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 September, 1992 and 28 January, 1995 respectively.

Elevated as Additional Judge of the High Court Division on 12 February, 2015 and appointed Judge of the same Division on 12 February, 2017.

Visited Russia, Singapore and India.



Mr. Justice Bhishmadev Chakraborty

Father's Name : Keshab Chakraborty

Mother's Name : Suniti Chakraborty

Date of Birth : 02 July, 1967

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 the Supreme Court of Bangladesh on 11 October, 1993, 28 January, 1995 and 24 August, 2010 respectively.

Elevated as Additional Judge of the High Court Division on 12 February, 2015 and appointed Judge of the same Division on 12 February, 2017.

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

Visited Thailand and India.



Mr. Justice Md. Iqbal Kabir

Father's Name : Dr. Md. Tojammal Hoque
Mother's Name : Most. Ayasha Khatoon
Date of Birth : 10 November, 1967

Obtained LL.M. from the University of Dhaka. Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh on 10 May, 1992 and 24 January, 1995 respectively.

Elevated as Additional Judge of the High Court Division on 12 February, 2015 and appointed Judge of the same Division on 12 February, 2017.

Acted as Principal of Dhanmondi Law College.

Visited India, Pakistan, Nepal, Sri Lanka, Bhutan, Iran, Dubai, Kenya, Tanzania, Korea, the Philippines, Mexico, USA, Germany, Swaziland, Australia, Canada, Hong Kong, Finland, Sweden, Switzerland, Turkey, The Maldives, Singapore, Malaysia, Indonesia, Belgium, Myanmar and The Netherlands.



Mr. Justice Md. Salim

Father's Name : Late Md. Jamal Uddin
Mother's Name : Late Asiyea Khanum
Date of Birth : 11 September, 1969

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

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 31 August, 1996, 01 February, 1997 and 24 August, 2010 respectively.

Elevated as Additional Judge of the High Court Division on 12 February, 2015 and appointed Judge of the same Division on 12 February, 2017. Participated in International Conference of "Hi-Tech Crime Technological Challenges and Practical Solution" conducted by Commonwealth Secretariat held in The Maldives, 2010. Participated in the International Conferences of BIMSTEC, held in 2013. Participated in Workshops on "Labour Law" conducted by (I.L.O) Department of Justice.

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

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

Visited Canada, India, the Maldives, Nepal, Singapore, United Arab Emirates and USA.



Mr. Justice Md. Shohrowardi

Father's Name : Late Md. Edrish Ali
Mother's Name : Late Jumela Khatoon
Date of Birth : 05 December, 1970

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 the Supreme Court of Bangladesh on 16 August, 1994, 29 September, 1996 and 23 October, 2014 respectively.

Acted as Deputy Attorney General for Bangladesh from 09 February, 2009 till elevation to the Bench. Elevated as Additional Judge of the High Court Division on 12 February, 2015 and appointed Judge of the same Division on 12 February, 2017.

Worked as a Member of International Crimes Tribunal-1, Bangladesh from 10 September, 2015-11 October, 2017.

Participated in training programme on Mutual Legal Assistance conducted by U.S. Department of Justice and completed the 'Investigating Terrorist Incidents Course' organized by Bureau of Diplomatic Security, U.S. Department of State. He participated in 'Investigation and Prosecution of Financial Crimes' seminar held on 10-11 April, 2014, organized by United States Department of Justice.

He also participated Asia Pacific Judicial Conference on Environmental and Climate Change Adjudication held on 29-30 October, 2018, Nay Pyi Taw, Myanmar.

Visited India, Singapore, Myanmar and Thailand.



Mr. Justice Md. Abu Ahmed Jamadar

He is a Freedom Fighter.

Father's Name : Alhaj Noor Hossain Jamadar

Mother's Name : Alhaj Ameena Khanam

Date of Birth : 16 June, 1957

Obtained M.Sc./LL.B. Degree.

Enrolled as an Advocate of the Tangail Bar Association in the year 1983.

Joined the Judicial Service as Munsif on 22 February, 1984 and promoted as District and Sessions Judge on 06 October, 2008.

On 11 October, 2017 he was appointed as Member of the International Crimes Tribunal-1, Dhaka. On 31 May 2018, he was elevated to the High Court Division as an Additional Judge. On 5 July 2018 he was appointed again as Member of ICT-1 and subsequently on 30 May 2020 he was appointed Judge of the High Court Division. He is continuing as a Member of ICT-1. Participated 23 days long training program on Parliamentary Committee System arranged by the German Federal Parliament, Bundestag, Germany in 1994 when posted at the Bangladesh Parliament Secretariat as Assistant Secretary (Law) on Deputation. Participated 7 days long training on Regional Food Security Program arranged by USAID, CARE, Thailand in 2010. Participated in the 2nd Meeting of Governing Board of SAARC Arbitration Council (SARCO) at Islamabad, Pakistan from 18 December to 23 December, 2011. Participated in a 6 days long training program on International Arbitration System arranged by IFC, Singapore International Arbitration Center, Singapore in 2012. Attended 15 days long exposure visit in United Kingdom on 'Improvement of the Real Situation of Overcrowding in prisons in Bangladesh' arranged by GIZ, United Kingdom in 2012.

He attended 12 days long Joint Study Mission in United Kingdom to look at rehabilitation of prisoners through sentence planning and skills development, restorative justice approaches by police and judiciary arranged by United Kingdom and German Development Cooperation (GIZ) in 2014.

Participated 9 days long 29th AAA/ICC/ICSID Joint Colloquium on International Arbitration in Washington DC, USA in 2012. As Head of the Delegation, he participated 5 days long South Asia Workshop on "Countering Use of Internet for Terrorist Purposes" arranged by UNODC, New Delhi, India in 2012.

Attended 5 days long 4th ICC International Conference on Mediation arranged by ICC, Paris, France in 2013. Attended 5 days long Study Tour on "To examine how the Independent Commission Against Corruption (ICAC) runs Corruption Prevention activities in Hong Kong" arranged by ICAC, Hong Kong in 2013. Attended 5 days long training program on 'Court Annexed and Court Referred Mediation' arranged by IFC, Hong Kong in 2014. Participated 8 days long IAACA 7th Annual Conference & General Meeting and 5th Conference of the State Parties to the United Nations Convention Against Corruption (UNCAC) arranged by UNCAC, Panama City, Republic of Panama in 2013. As Head of the Delegation, he attended 4 days long Regional Workshop for South Asian Countries on Promoting and Strengthening National Frameworks for the Support of Victims of Terrorism and Related Cooperation arranged by United Nations Office on Drugs and Crime (UNODC), Kathmandu, Nepal in 2014.

Justice Jamadar also visited the Netherlands, Malaysia, Saudi Arabia, United Arab Emirates and Qatar.

Technical Assistance (TA) Projects

(i) Justice Md. Abu Ahmed Jamadar was the National Project Director (NPD), Justice Reform and Corruption Prevention (JRCP) Project, German Development Cooperation, GIZ (ii) Justice Jamadar served as Chairman, Program Implementation Committee (PIC), Digitization of Deed Registration Program (iii) Justice Jamadar was the Chairman, Program Implementation Committee, ADR Mechanism (Mediation), BICF, IFC, World Bank Group.

He likes playing Carom and Chess.



Mr. Justice A.S.M. Abdul Mobin

Father's Name : Late A. Hye, Advocate
Mother's Name : Musammat Shamsunnessa Khanam
Date of Birth : 05 February, 1959

Obtained B.A., LL.B.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 08 March, 1985, 26 February, 1989 and 13 December, 2009 respectively.

Elevated as Additional Judge of the High Court Division on 31 May, 2018 and appointed Judge of the same Division on 30 May, 2020.

Participated in the International Seminars and Training Programmes held in India, Nepal, Bhutan, Thailand, Singapore, Malaysia, U.K., France, Switzerland and South Korea.

An article on criminal administration of justice was published in 48 DLR Journal 52.

Another article on Nari 'O' Shishu Nirjatan Daman (Bishesh Bidhan) Ain 1995 was published in 49 DLR Journal 55.



Mr. Justice Md. Mostafizur Rahman

Father's Name : Late Zainal Abedin
Mother's Name : Mrs. Monjuara Begum
Date of Birth : 13 February, 1959

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

Enrolled as an Advocate of the District Court on 26 September, 1984.

Joined the Judicial Service as Munsif on 15 January, 1985 and promoted as District and Sessions Judge on 08 September, 2011.

Elevated as Additional Judge of the High Court Division on 31 May, 2018 and appointed Judge of the same Division on 30 May, 2020.

Participated in trainings, workshops and study tours held in India, Thailand, Cambodia, Malaysia, Singapore, South Korea, Malawi (Africa), England, Germany and Australia.



Madam Justice Fatema Najib

Father's Name : Md. Abdul Basir Chowdhury
Mother's Name : Late Hosne Ara Begum
Date of Birth : 11 July, 1959

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

Joined the Judicial Service as Munsif on 12 November, 1984 and gradually became District and Sessions Judge on 26 September, 2011 after serving all the tiers.

Elevated as Additional Judge of the High Court Division on 31 May, 2018 and appointed Judge of the same Division on 30 May, 2020.

Participated in International Training in KOICA, Republic of Korea, participated in consultation Programmes 'on concept of violence against women' held in Netherland and India organized by 'International Association of Women Judges'.

Visited India, Korea, Thailand, the Netherlands, Hong-Kong, Indonesia, the Maldives, Macau, Saudi Arabia and Sri Lanka.



Mr. Justice Md. Kamrul Hossain Mollah

Father's Name : Late Mizanur Rahaman Mollah
Mother's Name : Late Zebun Nesha Begum
Date of Birth : 01 January, 1960

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

Obtained Bar Council Certificate from Bangladesh Bar Council in the year 1983.

Joined as Munsif on 22 February, 1984 and promoted as District and Sessions Judge on 28 April, 2009, Senior District & Sessions Judge on 28 April, 2014. During this period served at different stations as Munsif, Legal Advisor, DG Health, Sub-Judge, Chief Judicial Magistrate, Additional District Judge, Chairman, Court of Settlement, DG Anti-Corruption Commission, (ACC) and Metropolitan Sessions Judge, Dhaka.

Elevated as Additional Judge of the High Court Division on 31 May, 2018 and appointed Judge of the same Division on 30 May, 2020.

Participated in an international seminar on Law and Justice organized by United Nations Organization (UNO) at New York, USA in the year 1999. Attended in a training Programme on United Nations Convention against Corruption (UNCAC) at Kuala Lumpur, Malaysia in the year 2011. Participated in a different training program on Judicial System and Administrative Management System organized by Judicial Administration Training Institute (JATI), Bangladesh.

Visited England, France, Germany, India, Italy, Kingdom of Saudi Arabia, Malaysia, Singapore, Switzerland, Thailand & USA.



Mr. Justice S M Kuddus Zaman

Father's Name : S M Hamiz Uddin

Mother's Name : Hamida Begum

Date of Birth : 12 August, 1960

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

Joined the Judicial Service as Munsif on 22 February, 1984 and promoted as District & Sessions Judge on 09 October, 2006.

Elevated as Additional Judge of the High Court Division on 31 May, 2018 and appointed judge of the same Division on 30 May, 2020.

Worked as an international judge of the United Nations in East Timor during 2000-2002 and Legal Adviser of UNDP in Sudan during 2007-2010.

Participated in the International Seminars and Training Programmes held in India, Singapore, Turkey, Thailand, USA, UK, Australia, New Zealand, Sudan, East Timor, United Arab Emirates, Kenya, Canada and Malawi.



Mr. Justice Md. Atoar Rahman

Father's Name : Late Alhaj Minhaj Uddin

Mother's Name : Late Lutfun Nesa

Date of Birth : 04 May, 1961

Obtained LL.B. (Hons) and LL.M. in the year of 1983 and 1984 respectively from the University of Dhaka.

Joined the Judicial Service as Munsif on 22 February, 1984 and promoted as District and Sessions Judge on 09 October, 2006.

Elevated as Additional Judge of the High Court Division on 31 May, 2018 and appointed Judge of the same Division on 30 May, 2020.

Participated in a study tour on 'Urban Management', organized by the Government of Thailand (2002).

Completed a course on 'Municipal Services Project' from the University of Malaya, Malaysia (2002).

Attended an international conference, organized by the Government and Judiciary of Malta as well as permanent Bureau of Hague Conference on 'Private International Law' in Malta (2009).

Participated in a training programme on 'Strengthening Subordinate Judiciary Management', organized by Western Sydney University, Australia (2018).

Visited Australia, India, Kingdom of Saudi Arabia, Malaysia, Malta (Europe), Thailand and United Arab Emirates.



Mr. Justice Khizir Hayat

Father's Name : Shahid Abdul Kader Molla
Mother's Name : Late Jamila Khatun
Date of Birth : 24 January, 1967

Obtained B.S.S. (Hons), M.S.S. (Political Science), DU, M.Phil (Human Rights and Rule of Law) DU, LL.B. (DU) and Ph.D fellow from Dhaka University.

Enrolled as an Advocate of the Dhaka District Court and the High Court Division of the Supreme Court of Bangladesh on 06 August, 1997 and 09 February, 2001 respectively.

Elevated as Additional Judge of the High Court Division on 31 May, 2018 and appointed judge of the same Division on 30 May, 2020.

Visited Kingdom of Saudi Arabia, Singapore, Malaysia and Abu Dhabi.



Mr. Justice Sashanka Shekhar Sarkar

Father's Name : Manindra Nath Sarkar
Mother's Name : Sushila Prova Sarkar
Date of Birth : 06 June, 1968

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

Enrolled as an Advocate of the Dhaka District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 15 September, 1992, 22 January, 1994 and 28 December, 2010 respectively.

Appointed as Deputy Attorney General for Bangladesh on 09 February, 2009 and performed till 30 May, 2018.

Represented the Learned Attorney General for Bangladesh in BDR (Now BGB) Mutiny Trial at Rajshahi, Naogao, Chapainawabganj, Satkhira, Khulna and Jessore Sectors.

Elevated as Additional Judge of the High Court Division on 31 May, 2018 and appointed Judge of the same Division on 30 May, 2020.



Mr. Justice Mohammad Ali

Father's Name : Mohammad Anwar
Mother's Name : Mrs. Badiuzzamel
Date of Birth : 15 December, 1969

Obtained LL.B. (Hons), LL.M. from the 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 August, 1994, 07 March, 1996 and 20 March, 2018 respectively.

Elevated as Additional Judge of the High Court Division on 31 May, 2018 and appointed judge of the same Division on 30 May, 2020.

Visited United Kingdom for study.

Also visited Indonesia and India.



Mr. Justice Mohi Uddin Shamim

Father's Name : Late Tofail Ahmed Miah
Mother's Name : Late Umdatun Nesa
Date of Birth : 19 May, 1970

Obtained LL.B. (Hons), LL.M. from the University of Dhaka, LL.B. (Hons), University of Wolverhampton, UK, Bar Vocational Course (BVC) from University of Northumbria, UK, Barrister-at-Law of Lincoln's Inn.

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh on 01 April, 1995 and 20 April, 2005 respectively.

Elevated as Additional Judge of the High Court Division on 31 May, 2018 and appointed judge of the same Division on 30 May, 2020.

Visited UK, USA, Canada, Switzerland, India, Indonesia and Qatar.



Mr. Justice Md. Riaz Uddin Khan

Father's Name : Bazlur Rahman Khan
Mother's Name : Ummey Kulsum Anwara Begum
Date of Birth : 15 December, 1970

Done his primary education at his own village obtaining talent-pool scholarship in class Five. Then he studied at Barisal Zilla School and thereafter went to Barisal Cadet College where he studied from class Seven to class Twelve. He was selected as the Cultural Prefect of Hossain Shahid Suhrawardy House of Barisal Cadet College in 1987-88. He obtained LL.B (Honours) and LL.M degree from the University of Dhaka in 1993 and 1994 respectively.

Enrolled as an Advocate with the Bangladesh Bar Council on 01 April, 1995 and became the member of Dhaka Bar Association. Then was enrolled as an Advocate of the High Court Division and Appellate Division of the Supreme Court of Bangladesh on 29 September, 1996 and 12 May, 2011 respectively and since then practiced in both the Divisions of the Supreme Court of Bangladesh till the elevation as an Additional Judge of the High Court Division. A number of cases conducted by him have been reported in various law journals including DLR, BLC and BLD. He obtained special training on Human Rights and International Law, arranged by Humanist and Ethical Association of Bangladesh. Recently he explored an online course on The Art of Persuasive Writing and Public Speaking under Harvard University. Elevated as Additional Judge of the High Court Division on 31 May, 2018 under Article 98 of the Constitution and appointed as Judge of the High Court Division on 30 May, 2020 under Article 95 of the Constitution. Presented Keynote papers on various subjects and also act as the Editor of the journal of Society for Legal Studies, a law research organization of Dhaka University.

Attended seminars and symposiums on "International Conference on Public Interest Litigation", "International Conference on Economic, Social and Cultural Rights" and "International Moot Court on Public Interest Litigation". Besides those he attended many national seminars, symposium and discussion meetings organized by various organizations.

Personally interested in Public International Law, Comparative Law, Constitutional Law, Environmental Law and Women & Human Rights. He likes to read books (both fiction and non-fiction), hear music, to travel, to engage social welfare activities and helping people in need.

Visited Thailand, Indonesia, Malaysia, India and Australia.



Mr. Justice Md. Khairul Alam

Father's Name : Md. Abdul Mazed Miah

Mother's Name : Mst. Sufia Khatun

Date of Birth : 15 November, 1971

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

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh on 03 March, 1997 and 30 October, 1997 respectively.

Elevated as Additional Judge of the High Court Division on 31 May, 2018 and appointed judge of the same Division on 30 May, 2020.



Mr. Justice S.M. Maniruzzaman

Father's Name : Late Kosim Uddin

Mother's Name : Late Aklima Begum

Date of Birth : 01 February, 1972

Obtained LL.B. (Hons), 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 13 April, 1996, 30 October, 1997 and 01 March, 2018 respectively. Appointed as Assistant Attorney General and appointed as Deputy Attorney General for Bangladesh on 20 April, 2009 and 10 April, 2011 respectively.

Elevated as Additional Judge of the High Court Division on 31 May, 2018 and appointed judge of the same Division on 30 May, 2020. Awarded "Certificate of Merit" by the World Customs Organization for rendering exceptional service to the International Customs Community, 2014.

Participated in the International Legal Consortium Seminar on "Tobacco Control Legal Issue" held on 28-29 October, 2017, Bangalore, India.

Visited Nepal, Indonesia and India.



Mr. Justice Ahmed Sohel

Father's Name : Late Justice Muhammad Ansar Ali

Mother's Name : Mrs. Raushan Ara Begum

Date of Birth : 13 March, 1972

Obtained B.Sc (Hons), M.Sc in Geography and Environment from the University of Dhaka, LL.B. (Hons) from University of Wolverhampton, UK, Barrister-at-law, IC SL, Lincoln's Inn, UK, Post Graduate Diploma in Legal Skills from City University, London, UK. He started his legal profession in 2002 in the United Kingdom in a Law Firm called 'Malik & Michael'. During that period he regularly appeared before various Tribunals and Courts in the UK. Thereafter, in Bangladesh after being enrolled as an Advocate, he started his practice before the Hon'ble High Court Division and later on before the Hon'ble Appellate Division of the Supreme Court of Bangladesh till elevation to the Bench. Elevated as Additional Judge of the Supreme Court of Bangladesh, High Court Division on 31 May, 2018 and appointed judge of the same Division on 30 May, 2020. Participated in many International Seminars, Workshops and Conferences held in United Kingdom on Human Rights, Legal Aid, Pro Bono Legal Services and on International Arbitration. Attended Rotary International Conference in Bhutan. Delivered speech as a Chief Guest on 19 September, 2018 in the 4th Advance Training on 'International Arbitration and Mediation' jointly organized by Bangladesh International Mediation Society (BIMS) and Kovise Foundation, India held in Dhaka, Bangladesh.

Delivered speech as a 'Guest of Honour' in the International conference on 'Role of Mediation in Resolving Disputes' held in Dhaka, on 26 December, 2020 organized by BIMS. He has lectured on several occasions for 'Judges Training' of the subordinate judiciary on 'Introduction to International Mediation' and 'Forty (40) Hours Mediation Training' for Judges organized by (BIMS).

Received 'The Rotary Foundation District Service Award' from the Rotary Club of 'Dhaka Water Bridge'. Recognised as 'Paul Harris Fellow' by Rotary International Club, USA for contribution towards the welfare of the society.

Founder Secretary of 'British-Bangladesh Lawyers Association' UK. Elected as Executive Committee Member of 'Barristers Association of Bangladesh' in the year of 2006-2007. Written a good number of articles on different topics of law in particular on Cyber Crime, International Arbitration, Mediation, Environmental Law and on different legal problems relating to 'Judiciary'. All these articles were published in different law journals and also in National Newspapers.

Visited England and Wales, France, Switzerland, Belgium, Netherlands, Australia, Singapore, Malaysia, Thailand, India, Nepal and Bhutan.



Mr. Justice Sardar Md. Rashed Jahangir

Father's Name : Late Sardar Md Janangir
Mother's Name : Begum Rawshan Akter Banu
Date of Birth : 05 December, 1972

Obtained LL.B. (Hons), 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 12 October, 1995, 10 July, 1999 and 29 March, 2018 respectively.

Elevated as Additional Judge of the High Court Division on 31 May, 2018 and appointed judge of the same Division on 30 May, 2020.

Participated in the Regional Meeting for South and South East Asian countries on effective Central Authorities for international Judicial cooperation in terrorist cases, including cases involving Foreign Terrorist Fighters, held in Kandooma, the Maldives on 7-9 November, 2017, organized by UNODC and CTED.



Mr. Justice Khandaker Diliruzzaman

Father's Name : Late Khandaker Habibur Rahman
Mother's Name : Late Nurjahan Khandaker
Date of Birth : 23 April, 1973

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

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh on 12 December, 1999 and 09 February, 2001 respectively.

Elevated as Additional Judge of the High Court Division on 31 May, 2018 and appointed judge of the same Division on 30 May, 2020.

Participated in the Commonwealth Secretariat prosecution Training Programme Asia/Pacific in May 2009.

Visited U.S.A., Australia and India.



Mr. Justice K.M. Hafizul Alam

Father's Name : K.M. Amir Hossain
Mother's Name : Hasina Begum
Date of Birth : 03 March, 1974

Obtained LL.B. (Hons), LL.M.; PhD

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 29 January, 2002, 27 April, 2003 and 29 March, 2018 respectively.

Elevated as Additional Judge of the High Court Division on 31 May, 2018 and appointed Judge of the same Division on 30 May, 2020. Appointed as a Member of the International Crimes Tribunal, Dhaka on 14 October, 2021.

Visited United Kingdom, Malaysia, Thailand, India, Nepal and Qatar.



Mr. Justice Muhammad Mahbub Ul Islam

Father's Name : Alhaj Muzaffar Ahmad
Mother's Name : Zubaida Muzaffar
Date of Birth : 02 December, 1958

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

Enrolled as an Advocate of the Dhaka District Court in the year 1982.

Joined the Judicial Service as Munsif on 22 February, 1984 and promoted as District and Sessions Judge on 04 March, 2009.

Elevated as Additional Judge of the High Court Division on 21 October, 2019 and appointed Judge of the same Division on 19 October, 2021.

He is an enlisted Lyric Poet of Bangladesh Betar.

He has published numerous writings as 'বরাদ্দের শূন্য ভাঙে' 'Encounter with nothingness', 'ফারাক্কার ভাটি দেশে', 'কাঁটা মুন্ডুর আত্ননাদ'-- কাব্যগ্রন্থাদি সহ বিভিন্ন কবিতা এবং “মুক্তাব্দ-- একটি ঐতিহাসিক প্রস্তাবনা ও প্রাসঙ্গিক কথা” আর্টিক্যালসমূহ।

Visited India, Saudi Arabia and Singapore.

He went to Balat of India, crossing border with his villagers and then to Tura in Magalaya State of India, took guerrilla training and participated in the Liberation War of Bangladesh 1971 as Freedom Fighter and participated in direct fight at many places of the then Netrokona, Sunamgonj and Kishoregonj Sub-Division.



Mr. Justice Shahed Nuruddin

Father's name : Late Md. Abdul Jalil
Mother's name : Late Nurun Nahar Begum
Date of Birth : 01 February, 1960

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

Joined the Judicial service as Munsif on 20 April, 1983 and Promoted as District and Sessions Judge on 27 February, 2000

Elevated as additional Judge of the High Court Division on 21 October, 2019 and appointed Judge of the same Division on 19 October, 2021.

Participated in an international Seminar on law and justice organised by United Nations Organization (UNO) at New York, USA in the year 1999.

Attended in a Judicial Conference on Judicial Education and Court Administration at Delhi Judicial Academy, Delhi India in the year 2013.

He likes Reading, gardening and music.



Mr. Justice Md. Zakir Hossain

Father's Name : Late Syed Ahamed
Mother's Name : Late Maymena Khatun
Date of Birth : 01 January, 1963

Obtained LL.B. (Hons), LL.M. and PhD from University of Dhaka; LL.M. in International Maritime Law with Distinction from International Maritime Law Institute, Malta and Field Training held in London. Obtained fellowship from International Maritime Organization (IMO), UK. Diploma on Equipment Procurement Management Course from International Training Centre of ILO, Turin, Italy. Participated in Training Course on Money Laundering from International Training Institute, ILEA, Bangkok, Thailand; Participated in Mediation Training Course conducted by Loyola Law School, California, USA. Participated in Training Course on Land Administration, Survey and Settlement, Election Laws and also participated in the Training Course at PATC and JATI. Stood 1st in 30th Judicial Administration Training Course at JATI securing outstanding marks.

Enrolled as an Advocate of Dhaka District Bar on 26 October, 1987. Stood 4th in order of merit in 8th BCS (Judicial) Examination and joined in the Judicial Service as an Assistant Judge on 20 December, 1989 and promoted as District and Sessions Judge on 04 March, 2014. Served on deputation as Senior Assistant Secretary, Ministry of Law, Justice and Parliamentary Affairs, Deputy Director of Legal and Judicial Capacity Building Project, Director of Judicial Administration Training Institute, Additional Registrar, Registrar, Registrar General, Ex-officio Member of the Judicial Service Commission, Examiner of the Judicial Service Commission, Treasurer of the Supreme Court Judges' Welfare Foundation and Marshal of the Admiralty Court. Elevated as an Additional Judge of the High Court Division on 21 October, 2019 and appointed Judge of the same Division on 19 October, 2021. Honorary Faculty, Examiner and Member of Examination Committee of Faculty of Law, University of Dhaka; Member-Secretary, Board of Directors of Judicial Administration Training Institute (JATI); Editor, JATI Journal.

Visited and participated in different Seminars and Workshops in Malta, England, United States of America, Russian Federation, Japan, Switzerland, Italy, Greece, Singapore, Turkey, Hong Kong, United Arab Emirates, Saudi Arabia, Nepal, Thailand and India.

Has three major publications in his credit (1) Law of Writs: Constitutional Remedies, (2) Public Safety Law, and (3) Commentary on Society Registration Law.



Mr. Justice Md. Akhtaruzzaman

Father's Name : Late Rais Uddin
Mother's Name : Late Marium Khatun
Date of Birth : 01 January, 1966

Obtained Ph.D. in Law, M.Phil. in Law and LL.M. from the University of Dhaka; LL.B. (Hons) from the University of Rajshahi; Diploma in Refugee Law (Italy).

Enrolled as an Advocate of the District Court on 27 May, 1991. Joined the Judicial Service as Assistant Judge on 01 April, 1993 and promoted as District and Sessions Judge on 14 June, 2015.

Elevated as additional Judge of the High Court Division on 21 October, 2019 and appointed Judge of the same Division on 19 October, 2021.

Participated in International Conferences and Seminars: Graduate, Commonwealth Judicial Education Institute held in Canada; Higher Training on Juvenile Justice Administration held in Nepal; Training on Anti-Money Laundering and Terrorism in Financing held in USA; Training on Case Management and Court Administration held in Australia.

Visited USA, Canada, Australia, Italy, France, Austria, Vatican City, Monaco, UAE, Thailand, Nepal, India, Saudi Arabia and Singapore. Also visited the UN Head Quarters in 2014.

He has numerous publications on “বিকল্প বিরোধ নিষ্পত্তির ধারণা ও আইন এবং আইনগত সহায়তা প্রদান আইন”; “আইনের ব্যাখ্যা ও জেনারেল ক্লজেস্ অ্যাক্ট”; ‘Freedom of Press in South Asia’; “চেক ডিস্অনার ও মামলা দায়ের সংক্রান্ত আইন”; ‘Case Management and Court Administration in Bangladesh’; “লিগ্যাল ড্রাফ্টিং, কনভেন্সিয়ালিং এবং প্রফেশনাল এথিক্স”; “দুর্নীতি দমন আইন, বিধি ও কার্যপদ্ধতি” এবং “মাদকদ্রব্য নিয়ন্ত্রণ আইন, বিধি ও কার্যপদ্ধতি”.



Mr. Justice Md. Mahmud Hassan Talukder

Father's name : Motiur Rahman Talukder
Mother's name : Monowara Begum
Date of Birth : 07 January, 1966
Place of Birth : Jamalpur, Bangladesh

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

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh on 10 December, 1989 and 31 December, 1991 respectively.

Elevated as Additional Judge of the High Court Division on 21 October, 2019 and appointed Judge of the same Division on 19 October, 2021.

Visited Germany, Italy, France, Switzerland, Belgium, Holland, Luxemburg, England, New Zealand, America, Canada, Dominican Republic, Turkey, Abu Dhabi, Japan, Thailand and India.



Mr. Justice Kazi Ebadoth Hossain

Father's name : Kazi Mohammad Hossain
Mother's name : Late Golejan Begum
Date of Birth : 01 October, 1969

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

Enrolled as an Advocate of the Dhaka District Court and the High Court Division of the Supreme Court of Bangladesh on 19 April, 1993 and 27 April, 2003 respectively. He was former General Secretary of Bangladesh Law Association (2009-2010).

Performed as Deputy Attorney General for Bangladesh till elevation to the Bench.

Elevated as Additional Judge of the High Court Division on 21 October, 2019 and appointed Judge of the same Division on 19 October, 2021.



Mr. Justice K M Zahid Sarwar

Father's Name : Advocate M G Sarwar Husain
Mother's Name : Bilkis Romman.
Date of Birth : 01 January, 1971

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

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 12 October, 1995, 30 October, 1997 and 29 March, 2018 respectively.

Performed as Deputy Attorney General for Bangladesh from 09 February, 2009 till elevation to the Bench.

Elevated as Additional Judge of the High Court Division on 21 October, 2019 and appointed Judge of the same Division on 19 October, 2021.

Participated 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 and in the FATF/APG/EAG workshop for Judges and Prosecutors held in Shenzhen, China in 2018.

Visited India, United Arab Emirates, Maldives, Saudi Arabia, Thailand and China.



Mr. Justice A.K.M Zahirul Huq

Father's name : Late Md. Fazlur Rahman
Mother's name : Mrs. Samsun Naher
Date of Birth : 15 February, 1971

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 the Supreme Court of Bangladesh on 10 October, 1995, 10 July, 1999 and 29 March, 2018 respectively.

Elevated as Additional Judge of the High Court Division on 21 October, 2019 and appointed Judge of the same Division on 19 October, 2021.

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



Madam Justice Kazi Zinat Hoque

Father's name : Justice Kazi Ebadul Hoque (Ekushey Padak 2016)
Mother's name : Professor Dr. Sharifa Khatun (Ekushey Padak 2017)
Date of Birth : 14 October, 1974

Obtained LL.B. (Hons) (First Class) and LL.M. (First Class) from the University of Dhaka and LL.M. from the University of Cambridge, England. She obtained Distinction in Post Graduate Diploma in Law from South Bank University, London and Very Competent in Bar Vocational Course from Inns of Court School of Law, London. She obtained B1 Certificate in German Language from Goethe Institute, Dhaka. She was called to the bar as Barrister-at-Law from the Hon'ble Society of Middle Temple, London.

Enrolled as an Advocate of the District Court, High Court Division and Appellate Division of the Supreme Court of Bangladesh on 06 August, 1997, 18 June, 2000 and 20 December, 2015 respectively.

Elevated as Additional Judge of the High Court Division on 21 October, 2019 and appointed Judge of the same Division on 19 October, 2021.

Participated in the course titled "Access to Justice: A Human Rights Based Approach" at National University of Ireland, Maynooth in June 2008.

Visited United Kingdom, Republic of Ireland, the United States of America, Singapore, India, Switzerland, Norway, France and the Maldives.

Justice Kazi Zinat Hoque along with Justice Kazi Ebadul Hoque authored the book "Important Decisions of the Supreme Court of Bangladesh", published by Hakkani Publishers in August 2019.



Mr. Justice Mohammad Showkat Ali Chowdhury

Father's name : Mohammad Shah Alam Chowdhury

Mother's name : Nur Nahar Begum

Date of birth : 06 October, 1962

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

Enrolled as an Advocate of the District Court in 1986. Joined the Judicial Service as Assistant Judge on 15 February, 1988 and Promoted District and Sessions Judge on 12 October 2012. Worked as Judge, Nari- O- Shishu Nirjatan Daman Tribunal No 5, Dhaka, District and Sessions Judge in the Districts of Munshigonj, Tangail and Dhaka.

Underwent Training on Foundation Course (BPATC, Savar, Dhaka), Survey and Settlement Course (Directorate of Land Records & Survey, Tejgaon, Dhaka), Judicial Administration Training Course for the Judges from the JATI, Stood 2nd in Order of Merit in the Training Course for the Senior Assistant Judges and 1st in Order of Merit in the Training Course for the Joint District & Sessions Judges and Obtained Outstanding Marks in the Training Course for the District and Sessions Judges.

Visited WIPO Secretariat at Geneva, Switzerland in June, 2000 as one of the members of the delegation of Law Commission to Exchange Views with the WIPO Officials on Copyright, Patents and Trademarks.

Completed Post Graduate Specialization Course on Intellectual Property Laws in 2001 (University of Turin, Italy and WIPO Worldwide Academy, Geneva, Switzerland).

Participated in a Training Course on "Strengthening Subordinate Judiciary Management" at Western Sydney University, Australia.

Participated in many Training Courses on Public International Law, Environment Law, International Humanitarian Law, Juvenile Justice and Negotiations and Dispute Resolutions.

Completed the Capstone Course in 2016 from National Defense College, Mirpur, Dhaka.

Has a Publication on Law titled, "Artharin Adalat Ain, 2003 and Baboharik Karjaya Pronaly"(Money Loan Court Act, 2003 and Practical Procedure) to his credit, 1st edition, 2nd edition, 3rd edition and 4th edition.

Has a number of Articles to his credit on various Branches of Intellectual Property Laws, Published in the JATI and Bangladesh Judicial Service Annual Journals.

Written an Article titled, "My Memoir in Dhaka University 1981-1987", on Centenary of Dhaka University: Glory, Pride and Expectation, Published in VOL: I, 12 September, 2021, USA, Edited by Raquibuddin Ahmed, Former President and Secretary of Dhaka University Alumni Association (DUAA).

Elevated as Additional Judge of the High Court Division on 31 July, 2022.

Visited Australia, Bhutan, Italy, the Vatican City, India, Malaysia, Singapore, Thailand, Kingdom of Saudi Arabia, Switzerland and The United Arab Emirates.



Mr. Justice Md. Atabullah

Father's Name : Late Md. Robiullah

Mother's Name : Late Manikjan Bibi

Date of Birth : 01 November, 1963

Md. Atabullah was born on 01 November, 1963 in village-Bhanua of Gazipur District.

He passed S.S.C. from Cantonment Board High School, Gazipur and H.S.C. from Dhaka College, Dhaka. He obtained LL.B. (Hons.) in 1985 and LL.M. in 1987 from the University of Dhaka.

Entered in the Bangladesh Judicial Service on 15 February, 1988 as an Assistant Judge. He served at different stations as Assistant Judge, Senior Assistant Judge, Joint District and Sessions Judge, Judge (Artha Rin Adalat), Chief Judicial Magistrate, Additional District and Sessions Judge, Judge, Nari-O-Shishu Nirjatan Daman Tribunal (District and Sessions Judge), Special Judge, Court No. 10, Dhaka (Senior District and Sessions Judge), Senior District and Sessions Judge in Habigonj, Narsingdi and Cumilla, District.

Elevated as Additional Judge of the High Court Division on 31 July, 2022.

He also worked as the Deputy Director (Administration and Training) in the Judicial Administration Training Institute, Dhaka for about five years and Deputy Project Director of DANIDA-JATI Project under Legal and Judicial Capacity Building Project.

On 11 May, 2020, for the first time, only one criminal case was disposed of in Bangladesh virtually by him during the period of corona pandemic. He has successfully completed the "26th Judicial Administration Training Course for the District and Sessions Judges and Metropolitan Sessions Judges" held from 12 December, 2021 to 14 December, 2021 and secured first position obtaining the highest marks.

He attended the Program held on "Train the Trainers Workshop on Case Management, held on March 25, 2015" organized by National Center for State Courts (NCSC). He played his role as one of the participants in the program held on "Dialogue on Utilizing the International Framework for Court Excellence (IFIC) in Bangladesh", held on February 15, 2020 and he made his address on behalf of all the participants that program was organized by Democracy International. Participated as team leader of a group of trainees comprising of 38th Judicial Officers in Judicial Training in India organized by National Judicial Academy, Bhupal, India. Worked on case management with the GIZ and members of GJG. Participated in National Stake Holder Consultation on institutionalization of paralegal approach organized by Law and Justice Division, MOL JPA and Rule of Law Program, GIZ, Bangladesh. Participated in different training programs held on Court Administration and Case Management and Judicial Administration organized by Judicial Administration Training Institute (JATI). Participated in Revenue Training, Survey and Settlement Training organized by Directorate of Land Record and Survey, completed 7th Special Foundation Training Course, BPATC, Savar, Dhaka. Participated in "In House Training" under Danida-JATI-Project, Project Appraisal Template (PAT) training course under Planning and Development Academy, SISP Course on Training of Trainers of the Project Appraisal Template under Bangladesh Institute of Management, Computer Application and English Language Course, BPATC, Savar, Dhaka and Planning and Project Management training course under Academy for Planning and Development under Ministry of Planning and secured outstanding marks.



Mr. Justice Biswajit Debnath

Father's Name : Late Anil Kumar Debnath

Mother's Name : Prova Rani Debnath

Date of Birth : 01 April, 1963

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

Enrolled as an Advocate in Bangladesh Bar Council on 10 May, 1992. Enrolled as an Advocate in the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 01 February, 1997 and 01 March, 2018 respectively.

Performed as Deputy Attorney General for Bangladesh from 08 February, 2009 to 30 July, 2022.

Elevated as an Additional Judge of the High Court Division on 31 July, 2022.



Mr. Justice Md. Aminul Islam

Father's Name : Late Abdus Sobhan Howlader
Mother's Name : Mrs. Nurjahan Begum
Date of Birth : 2 December, 1963

Obtained LL.B. from Dhaka University, M.S.S from Dhaka University, B.S.S.(Hon's) from Dhaka University

Enrolled as an Advocate on 15 September, 1992 with the Bangladesh Bar Council and got membership in Dhaka Bar Association on 22 October, 1992, High Court Division on 20 April, 2005.

Worked as Deputy Attorney General from 2017 to 2022.

Elevated as Additional Judge of the High Court Division on 31 July, 2022.



Mr. Justice Md. Ali Reza

Father's Name : Late Md. Nowsher Ali (Advocate)
Mother's Name : Late Mrs. Meherun Nesa
Date of Birth : 23 January, 1964

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

Enrolled as an Advocate of the Jhenaidah District Court, the High Court Division of Bangladesh Supreme Court and Appellate Division of the Supreme Court of Bangladesh in the year 03 April, 1989, 27 May, 1993 and 12 May, 2011 respectively.

Elevated as Additional Judge of the High Court Division on 31 July, 2022.



Mr. Justice Md. Bazlur Rahman

Father's Name : Md. Sirajuddin Howlader
 Mother's Name : Chanboru
 Date of Birth : 05 June, 1964

Born on 05 June, 1964 in a noble Muslim family of Nalchiti Upazila of Jhalakathi District. Secured first division from humanities group in the SSC examination in 1979 under Jashore Board and ninth position in the merit list from the same group in the HSC examination in 1981. Obtained LL.B (Hons) with 2nd class 4th position in 1985 and LL.M with 2nd class 3rd position in 1986 from the Dhaka University Law Department.

Enrolled as an advocate of Dhaka District Bar Association in 1987.

Started judicial career as an Assistant Judge in 1989 and performed judicial duties in various districts as Senior Assistant Judge, Joint District Judge, Additional District Judge and Chief Judicial Magistrate.

Promoted to the post of District and Sessions Judge in 2014 and served as a Judge (District and Sessions Judge) of the Nari O Shishu Nirjatan Daman Tribunal in Barguna and Faridpur district and as District and Sessions Judge in Lalmonirhat, Pabna and Sylhet districts.

Also held the post of Senior Assistant Secretary, Ministry of law, Justice and Parliamentary Affairs and the Registrar General of the Supreme Court of Bangladesh.

Elevated as an Additional Judge of the High Court Division of the Supreme Court of Bangladesh on 31 July, 2022.

Secured outstanding position in the 8th Training Course for Senior Assistant Judges, 1st position in the 98th Training Course for Additional District Judges and 1st position in 26th Training Course for District Judges.

Successfully completed the 4th Judicial Training Course on Alternative Dispute Resolution, 21st Judicial Administration Training Course for District and Sessions Judges, Special Training Course on Anti-Corruption Laws for Special Judges and District and Sessions Judges, 13th Foundation BPATC Training Course, UNICEF's Policy Advocacy and Legislative Reforms for Children Project Training Course on Training of the Trainers (TOT), ICT, Case and Data Management seminar and Evidence, Trial and Witness Management seminar organized by US Department of State.

Obtained NDC Fellowship from National Defense College, Mirpur, Dhaka.

Participated in the Administration of Justice course in Malaysia, Special Training Program for Bangladeshi Judicial Officers at National Judicial Academy, India and Capacity Building of Law and Justice Division for Strengthening Subordinate Judiciary Management course in Australia.

Taught part-time as an adjunct faculty member at Stamford University, Southeast University, Northern University and Atish Dipankar University.

Also served as Resource Person in Bangladesh Public Administration Training Center (BPATC), Judicial Administration Training Institute, Survey and Settlement Course for BCS Officers and Police Traffic Training School, Dhaka.

Visited Malaysia, India, Australia and Saudi Arabia.



Mr. Justice K.M. Emrul Kayesh

Father's name : Late Md. Layek Hossain Kazi
 Mother's name : Late Saburronissa
 Date of birth : 25 May, 1966

Obtained LL.B. (Hons) from University of Rajshahi and LL.M. from University of Dhaka. Joined in Judicial Service as Assistant Judge on 25 April, 1994 and promoted as District and Sessions Judge on 14 June, 2015.

Elevated as Additional Judge of the High Court Division on 31 July, 2022 Visited: India, Saudi Arabia, Singapore, Australia and U. K.



Madam Justice Fahmida Quader

Husband's name : Md. Maqbul Ahsan (Retired District Judge)
Father's name : Late Abdul Kader Talukder (Former Joint Secretary
Ministry of Law and Parliamentary Affairs)
Mother's name : Late Maksuda Kader
Date of birth : 08 June, 1966

SSC-Agrani Balika Bidalaya Dhaka. H.S.C-Holy Cross College, Dhaka. Obtained LL.B. (Hons) and LL.M. from the University of Dhaka.

Appointed as assistant Judge on 11 December, 1991 and promoted as District Judge on 09 February, 2015. Worked as Chief Judicial Magistrate Sylhet, Divisional Special Judge Sylhet, District and Sessions Judge Sirajganj and Tangail.

Acted as Vice Chairman of Women Judge's Association of Bangladesh

Elevated as additional Judge of the High Court Division on 31 July, 2022.

Participated in International Conferences, Seminar, Training Programmes and Workshops held in USA, Srilanka, Thailand, India and Bangladesh.



Mr. Justice Md. Bashir Ullah

Father's Name : Hafez Saifullah
Mother's Name : Late Mabiya Khatun Milan
Date of Birth : 31 December, 1967

He obtained Ph.D. (Jahangirnagar University), M.Phil., M.S.S., LL.B. and Diploma in Human Rights and Legal Aid from Dhaka International University.

He was enrolled as Advocate on 31 August, 1996; Permitted to practice in High Court Division on 12 December, 2001 and Appellate Division on 29 March, 2018. He served as Assistant Attorney General from 20 April, 2009 to 21 May, 2013 and as Deputy Attorney General from 22 May, 2013 to 30 July, 2022.

He taught as part time lecturer in Dept. of Public Administration in Jahangirnagar University, Dhaka from 05 April, 2008 to 29 April, 2017 and Demra Law College, Dhaka. He wrote a book namely "Bichitra Doritri"..

He participated in Training, workshop, conference held at State Bar of Georgia, Atlanta, USA, International Bar Association, London, England, U.K., Queensland Law Society, Brisbane, Queensland, Australia, Law Council of Australia, Canberra, Australia.

Elevated as Additional Judge of the High Court Division on 31 July, 2022.

He visited Australia, Austria, Bhutan, Canada, China, Czech Republic, Egypt, France, Germany, Hong Kong, India, Indonesia, Italy, Japan, Kingdom of Saudi Arabia, Korea, Lebanon, Luxembourg, Macao, Malaysia, The Maldives, Mauritius, Nepal, Qatar, Singapore, Spain, Sri Lanka, Switzerland, Thailand, Turkey, U.A.E., U.S.A. and U.K., Vietnam.



Mr. Justice S M Masud Hossain Dolon

Father's Name : Abdul Mannan Miah

Mother's Name : Mrs. Rabeya Begum

Date of Birth : 01 January, 1973

Obtained LL.B. (Hon's) from University of Wolverhampton, UK, Post Graduate Diploma (Bar Vocational Course) from University of Northumbria, Newcastle-upon-Tyne, UK and Barrister-at-Law (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 the Supreme Court of Bangladesh on 05 August, 2003, 17 April, 2004 and 21 December, 2015 respectively.

Elevated as an Additional Judge of the High Court Division on 31 July, 2022.

Visited Saudi Arabia, India, The United Kingdom, Malaysia, Singapore, Thailand, Germany, Italy, Spain and France.



Mr. Justice A.K.M. Rabiul Hassan

Father's Name : Md. Abul Kashem

Mother's Name : Mrs. Khushnagar Begum

Date of Birth : 30 October, 1974

Obtained LL.B. (Hon's) from University of Wolverhampton, UK, Post Graduate Diploma (Bar Vocational Course) from University of Northumbria, Newcastle-upon-Tyne, UK and Barrister-at-Law (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 the Supreme Court of Bangladesh on 05 August, 2003, 20 April, 2005 and 29 March, 2018 respectively.

Elevated as an Additional Judge of the High Court Division on 31 July, 2022.

Visited Saudi Arabia, India, The United Kingdom, Malaysia, Singapore, Thailand and Srilanka.



Newly appointed eleven Honourable Judges of the High Court Division after taking the oath with the Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique (From Left) Mr. Justice A.K.M. Rabiul Hassan, Mr. Justice Md. Bashir Ullah, Mr. Justice K.M. Emrul Kayesh, Mr. Justice Md. Ali Reza, Mr. Justice Biswajit Debnath, Mr. Justice Mohammad Showkat Ali Chowdhury, Mr. Justice Hasan Foez Siddique (Honourable Chief Justice of Bangladesh), Mr. Justice Md. Atabullah, Mr. Justice Md. Aminul Islam, Mr. Justice Md. Bazlur Rahman, Madam Justice Fahmida Quader and Mr. Justice S M Masud Hossain Dolon



| Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique and Honourable Judges of the High Court Division of the Supreme Court of Bangladesh

WE MOURN

Appellate Division



Hon'ble Chief Justice Mr. Shahabuddin Ahmed
Died on 19/03/2022



Mr. Justice Kazi Ebadul Hoque
Died on 14/07/2022



Mr. Justice Mohammad Gholam Rabbani
Died on 14/11/2022

High Court Division



Mr. Justice F.R.M. Nazmul Ahasan
Died on 04/02/2022



Mr. Justice Md. Fazlur Rahman
Died on 14/03/2022



Mr. Justice Syed Amirul Islam
Died on 07/09/2022

JUDGES RETIRED IN 2022

Appellate Division



Madam Justice Krishna Debnath

Retired on 09/10/2022



Mr. Justice Mohammad Imman Ali

Retired on 31/12/2022

High Court Division



Mr. Justice Md. Miftah Uddin Choudhury

Retired on 25/07/2022



Mr. Justice S.M. Mozibur Rahman

Retired on 11/07/2022



Mr. Justice A.K.M. Shahidul Huq

Retired on 28/12/2022

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, the Appellate Division and the High Court Division. The High Court Division has original, appellate and other jurisdictions, powers and functions conferred 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 Honourable Chief Justice of Bangladesh.

History of Higher Judiciary in the Territory of Bangladesh

The territorial area of Bangladesh originally being a part 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.



Honourable Chief Justice of Bangladesh along with the Editorial Committee of Annual Report, 2021 submitting the Annual Report, 2021 of the Supreme Court of Bangladesh to the Honourable President of the People's Republic of Bangladesh Mr. Md. Abdul Hamid

The filing of 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 26 March, 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. In 1937, a Federal Court was established under the Government of India Act, 1935 as the highest Court of British India. 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 on 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.

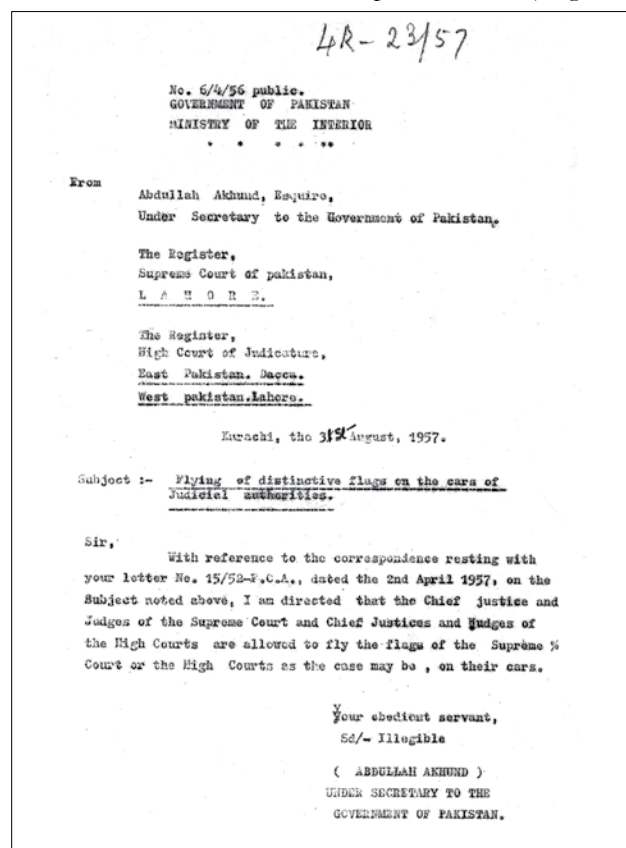
No sooner had we achieved independence, the judges of the Supreme Court of Bangladesh started using flag on

their cars inscribing the official emblem of the Supreme Court with an additional word "Justice". "Scales", 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 on their cars, with the efflux of time, has become a great heritage. The judges carry this heritage while 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 04 November, 1972 with effect from 16 December, 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 of Bangladesh, 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.



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

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

Functions of the Supreme Court

Articles 101 and 102 provide for the jurisdiction and power of the High Court Division in exercising its judicial functions and Articles 103, 104 and 105 provide for the jurisdiction and power of the Appellate Division in exercising its judicial functions. The Appellate Division is also given the advisory jurisdiction to give opinion to any question of law relating to such national and public importance as may appear to the President, which may be referred to by him under Article 106. Article 107 provides for the rule making power of the Supreme Court and the authority of the Chief Justice in constituting Benches of any Division. Article 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 9 (Nine) judges including the Chief Justice of Bangladesh and the High Court Division has 97 (Ninety Seven) judges up to 31 December, 2022.

Jurisdiction of the Supreme Court of Bangladesh

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

Jurisdiction of the Appellate Division

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

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

Jurisdiction of the High Court Division

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

- a. **Original Jurisdiction:** Original jurisdiction of the High Court Division means that jurisdiction whereby it can hear a case or suit as Court of first instance. The Constitution has conferred on the High Court Division special Original Jurisdiction under Article 102 of the Constitution, under which the High Court Division can enforce fundamental rights guaranteed in Part III of the Constitution and can also exercise its power of judicial review. There are some other ordinary laws (Acts of Parliament) namely, the Companies Act, 1994; the Admiralty Court Act, 2000; the Bank Companies Act, 1991; Wills and Probate under the Succession Act, 1925; the Divorce Act, 1869; the Representation of the People Order, 1972; Bangladesh Merchant Shipping Ordinance, 1983; the Contempt of Courts Act, 1926 etc. which fall under the ordinary/original jurisdiction of the High Court Division. Further jurisdiction of the High Court Division is guided by the Code of Civil Procedure, 1908 and The Supreme Court (High Court Division) Rules, 1973.

- b. **Appellate Jurisdiction:** Any law may confer on the High Court Division appellate jurisdiction on any matter. The Code of Criminal Procedure, 1898; the Code of Civil Procedure, 1908; Section 42 of Value Added Tax Act, 1991; Section 196D of the Customs Act, 1969 etc and the High Court Division Rules, 1973 have conferred on the High Court Division appellate jurisdiction.
- c. **Revisional Jurisdiction:** (a) Section 115 of the Code of Civil Procedure, 1908 has conferred on the High Court Division the revisional jurisdiction. The High Court Division may examine the decisions of the Courts subordinate to it.
(b) Section 439 of the Code of Criminal Procedure, 1898 has conferred on the High Court Division the revisional jurisdiction as to criminal matters of the courts subordinate to it. Furthermore, the High Court Division has inherent power under section 561A of the Code of Criminal Procedure, to make such orders as may be necessary to give effect to any order under that Code or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.
- d. **Review Jurisdiction:** Section 114 of the Code of Civil Procedure, 1908 has conferred on the High Court Division the review jurisdiction. The High Court Division Rules, 1973 Part II, Chapter X and Order XLVII of the Code of Civil Procedure, 1908 deal with the procedural matters of review.
- e. **Jurisdiction as to Superintendence and Control over Courts Subordinate to it:** Article 109 of the Constitution provides that the High Court Division shall have superintendence and control over all Courts and Tribunals subordinate to it. As part of its supervisory power over the subordinate judiciary during the long vacation of the Supreme Court (which started on 16 August, 2018 and ended on 30 September, 2018) six Honourable Judges, appointed by the Honourable Chief Justice, inspected all Courts and Tribunals in 13 Districts.
- f. **Transfer of Cases from Subordinate Courts to the High Court Division:** Under Article 110 of the Constitution, if the High Court Division is satisfied that a case pending in a Court subordinate to it involves a substantial question of law as to the interpretation of the Constitution, or on a point of general public importance, the determination of which is necessary for the disposal of the case, it shall withdraw the case from that Court and may- (a) either dispose of the case itself; or (b) determine the question of law and return the case to the Court from which it has been so withdrawn (or transfer it to another subordinate Court) together with a copy of the judgment of the Division on such question, and the Court to which the case is so returned or transferred shall, on receipt thereof, proceed to dispose of the case in conformity with such judgment.

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

Lawazima Court:

The Lawazima Court is presided over by the Registrar General. This Court deals with the procedural matters for making the cases ready for hearing under Chapter II of the Supreme Court (High Court Division) Rules, 1973.

Strategic Plan of the Supreme Court of Bangladesh 2017-2022

Supreme Court of Bangladesh has adopted a five-year strategic plan in 2017 to be implemented by 2022. Followings are some of the core features of the Strategic Plan of the Supreme Court of Bangladesh:

1. Vision Statement

As a constitutional organ of the state, the Supreme Court is primarily accountable to the people of Bangladesh. Its Vision is:

The people continue to place trust, confidence, and respect in the Supreme Court.

2. Mission Statement

Guided by its constitutional mandates and the stated Vision, the Supreme Court of Bangladesh considers its Mission as preserving, protecting and defending the Constitution and the laws of Bangladesh, securing rule of law and serving the people through timely dispute resolution.

3. Values

While pursuing the stated Vision and Mission, the Supreme Court of Bangladesh plans to institutionalize a set of Values, which will shape its external and internal behaviour.

- a) In relation to other organs of the State
 - Independence: With the honourable Judges, the Supreme Court will remain free from any interference from anywhere while exercising its constitutional duties.
- b) In relation to conflicting parties and citizens
 - Impartiality: The honourable Judges and the staff will not favour any party in conflict and respect them equally in the justice delivery process.
 - Accessibility: The parties will have equal access within the decorum of the law and the Court system.
 - Fairness: The Judges and the staff members will explore a balanced view in the exercise of justice.
 - Responsiveness: The honourable Judges will be articulate and dutiful enough to address revealed societal pains as far as the application of laws and justice are concerned.
 - Transparency: Judicial process must be transparent, consistent, and predictable and the proceedings occur in open Courts, where all concerned shall have unhindered access.
- c) In relation to the SC itself
 - Technology-friendly: The SC will embrace modern technologies in its operations to achieve the highest level of efficiency of the honourable Judges, judicial officers, and staff members.
 - Propriety: Irrespective of position and strata, everyone will strictly follow the Rules and Procedures.
 - Innovation: The Supreme Court will encourage a working environment that fosters creativity and generation of new ideas to improve the Court environment and the quality of justice.

Goals, Strategies and Activities

The Goals of the Supreme Court of Bangladesh are embedded in five areas as listed below:

- Judicial Administration of the Supreme Court
- Justice Delivery at the Supreme Court
- Monitoring of Subordinate Courts
- Justice sector as a whole
- e-Judiciary

Goal 1: The Office of the Registrar General (ORG) to meet the emerging needs, is restructured and rejuvenated.

Strategy 1: Classify the existing Sections into four clusters of services in the ORG as follows:

- a) Court/Case related: Bench Office, Judicial Records, Paper Book, Certified Copy, Filing, Stamp Reporter, and Dispatch related to the Court
- b) General Administration and Logistics: Human Resource Management (HRM) for Judicial Officers, HRM for SC & Subordinate Staff, Dispatch, Keeping, Security & Store
- c) Technical: Budgeting, Accounting, Procurement, Store, Transport and Medical Centre
- d) Overarching/Crosscutting: Planning, Monitoring, Research and Reporting, IT and Training

Strategy 2: Rejuvenate the sections with selected work/activities

Strategy 3: Establishment of new Sections, with specific mandate, as follows:

- a) Planning, Monitoring, Research and Reporting Section
- b) Human Resource Development (Training) Section
- c) Monitoring Support Section (to follow up the activities of the Subordinate Courts)
- d) Public Relations Section
- e) International Judicial Collaboration

Goal 2: All Sections/Units/Cells of the Office of the Registrar General are effectively practicing relevant and more advanced modern office management system and procedures.

Strategy 1: Introduce more technology based office management systems and procedures for the effective coordination and quality management among and within the Sections.

Activities

- Forms and Stationaries: Inventory Management System as practiced in business houses
- Purchasing Section: Template based requisition issuing, processing and approval system
- Transport Section: Basic Repair and Maintenance Policy versus outsourcing policy in major cases
- Court Keeping Section: Requisition and follow up/tracking system for all services, and inter-building accessibility, effective space management policy (interior design analysis)
- Human Resource Management 1: Human Resource Management Policy (Filing system, Posting, Transfer, Appraisal, Promotion, Leave, Sickness, Dismissal, Pension Policy) for all Judicial Officers. The policy will build in the aspect of compliance with the Values in the ACR system.
- Human Resource Management 2: Human Resource Management Policy (Filing system, Recruitment based on required skill sets, Posting, Transfer, Appraisal, Promotion, Leave, Sickness, Dismissal, Pension Policy, gender policy) for the staff members
- Paper Book: Introduction of OCR (optical character recognition) software
- Records Section: Space-effective filing and safe storage system, and effective pest management, formatting policy (use of font, both sided)
- Budgeting System: Real-time Budget Control System
- Accounting Section: Modern Accounting System (use of basic accounting software for bookkeeping and reporting)
- Library: Auto-generated borrowing status and issuance of clearance and access to e-library

- The Secretariat of the Office of the Registrar General (ORG): Modern Coordination System (Tracking system for internal and external coordination, auto-generated reporting system)
- Subordinate Courts Section: Online reporting system
- Bench Office: Effective communication with the Subordinate Courts and Records Section
- HRD 1: Needs assessment, workshop design, delivery of training/outsourcing of training/self-learning for the Honourable Judges and judicial officers, training impact evaluation).
- HRD 2: Needs assessment, training design, and delivery/outsourcing/self learning for staff members, training impact evaluation.
- Cause List: Daily publication of cause lists and results
- Nojir (Precedent) : Modern store keeping (space management, storage and filing)
- Stamp Reporter: Modern payment system
- ICT: Repair, Maintenance, and Replacement Policy; Audience-sensitive staff development policy; LAN management policy
- Research: Connectivity with relevant Sections for auto-generated reporting on selected indicators, interpretation practices and recommendations for changes

Strategy 2: Equip the Sections with necessary skills, materials, and equipment.

Goal 3: The Supreme Court and the Subordinate Courts gradually possess the number of Judges at internationally recognized ‘Citizens to Judges’ ratio.

Strategy 1: Approach the Government to recruit more Judges of the Supreme Court, particularly for the High Court Division, based on performance, practical experience, and skills the Judges have demonstrated in the Subordinate Courts.

Strategy 2: Approach the Government to recruit new judicial officers based on the mix criteria of demands (quantitative and subject-specific) and disposal rate (cases per Judge).

Strategy 3: Introduce internships with the HC Benches for the recent law graduates and newly appointed judges with good academic and research records.

Strategy 4: Introduce portfolios of areas for the Benches to specialize in certain areas of law and capitalize on the background and experience of the honourable Judges.

Strategy 5: Expand the quantitative capacity of the justice delivery at the Supreme Court through an increase in vacation benches and shortening of the vacation.

Goal 4: The Courts progressively shifts to an effective Case Flow Management practice

Strategy 1: Allocate staff members (BO, ABO, PO) with required skill sets

Strategy 2: Introduce DCM approach for new cases

Activities

- 1) Undertake classification of the old cases for Differentiated Case Management (DCM), which may include a Last-In-First-Out approach, and suo motto initiatives by the honourable Judges in lieu of the First-In-First-Out principle as an instrument for case flow management for old cases (classification of cases).
- 2) Introduce a key logistics package for the offices of Judges (materials, equipment, IT & internet package) for internal and external communication (Subordinate Courts, the Police, respective lawyers) aiming at a faster serving of notices/summons and tracking of the progress.

Goal 5: The Judges of Supreme Court gain access to reference materials, knowledge banks and capacity enhancing initiatives.

Strategy 1: Finalize the automation of the existing borrowing services.

Strategy 2: Establish e-library for common access (both demand and supply-driven) to legal literature from internal and external sources.

Strategy 3: Periodically arrange interactive workshops with experts on selected and emerging areas of laws and justice sector management (at home or abroad)

Goal 6: All Subordinate Courts function according to the standards set by the Supreme Court.

Strategy 1: Establish a dedicated office under the District and Sessions Judge to function as a bridge to the Supreme Court for effective communication (notices/summons, records) between Courts of the Supreme Court and those of the Subordinate Courts.

Activities

1. Appoint a JDJ/SAJ for the Liaison Office (to be established) JDJ/SAJ as Designated Officer and provide with adequate staff support (at least 4 staff) and other logistical supports, with provisions on how to forward statements to the Supreme Court and monitor communications, and on backup support in case of a temporary vacancy.

Strategy 2: Introduce an effective case-flow management policy for criminal and civil cases

Activity 1: Develop a case flow management policy. A recent workshop has proposed a classification of cases for better management. Additional consultations and workshops may pave the way for further detailing of the process from filing to disposition.

Activity 2: Provide capacity building to the Judges to implement the policy through training at JATI and national level workshops.

Strategy 3: Introduce a uniform, IT-driven and on/off-site monitoring system for the Subordinate Courts using electronic communication between the subordinate Courts and the SC. The District and Sessions Judge/CJM/CMM will monitor the progress and collect information on the challenges faced by his or her associate officers on a monthly basis. The proposed office mentioned earlier will perform the functions mentioned in this strategy.

Strategy 4: Review the experience of JSF/JUST project and seek introduction of the core recommendations for ICT.

The following Activities may be implemented under this strategy:

Activities

1. Establish an IT office in each District Court
2. Organize a national level consultation to discuss the progress of implementations of the recommendations, and develop a time-bound agenda for the implementation of E-communication between justice sector agencies, such as the Courts, police, prison etc.
3. Organize IT training for the judges and staff members.

Strategy 5: Advocate with the Government to further develop the subordinate Courts with an adequate number of judges, staff, and physical facilities and to support work processes with suitable amendments in laws, rules, and orders.

Activities

- a) Seek an increase of the number of Courts in each district with judges, staff members, courtrooms, and logistical supports depending on the history of the situation of cases the District Courts have to deal with and considering the standard judges to population ratio the justice sector has to achieve in the long-run. A flexible approach is suggested as not all districts have the same case burden, and a fair distribution of the workload is advisable.

- b) Seek amendment of laws in cooperation with the Law Commission and the Ministry of Law, Justice and Parliamentary Affairs to avoid that the same victim files a case with multiple Courts – e.g. Family Court, in the magistrate Court (dowry case) and in the special tribunal (Nari O Shishu Nirjatan Daman Tribunal). Another example is that banks may file cases in the Money Loan Court and simultaneously they can file cases under the NI Act for the same money. Sometimes they also file cases under sections 406 and 420 of the Penal Code.
- c) Introduce a differentiated distribution of time a District Judge should commit to administrative and judicial function as opposed to other judges, as the DJ has more administrative responsibilities than others.

Goal 7: All other justice sector institutions work together with the Supreme Court for the implementation of the strategies as well as for the overall development of the justice sector.

Strategy1: Organize workshops/seminars/internships/trainings ensuring participation of key players from other justice sector institutions and other relevant institutions.

Strategy 2: Seek effective representation of the Supreme Court in any initiative (projects, programmes) relating to the overall coordination and management within the Justice Sector.

Strategy 3: Establish effective communication with other justice sector institutions (e.g. BJSC, Bangladesh Bar Council, Supreme Court Bar Association, JATI, Law Commission, NLASO, Ministry of Law Justice and Parliamentary Affairs, Office of Attorney General) for sharing of information of common interest and online access to resources (e.g. Library facilities, archives).

Strategy 4: Seek pro-active engagement of the Bar Council in supporting efforts related to effective case management (increasing use of ADR, positive response to the activism of the Judges).

Strategy 5: Establish effective communication with selected institutions (NHRC, Parliament Secretariat, Ministry of Finance, Office of Accountant's General etc.) for sharing information and the development of the justice sector.

Goal 8: The Office of the Registrar General progressively uses IT-systems in all of the operations of the Supreme Court and seeks the same from the Subordinate Courts, other judicial and affiliated institutions.

Strategy 1 (short-term):

The short-term strategies are based on the assumption that a comprehensive e-judiciary concept and its endorsement would evolve over time and certain preliminary steps can be initiated.

- a) Develop, test and introduce sub-system-based IT-solutions for operational efficiency, transparency and Accountability of the Sections by replacing manual workflow system into automation, e.g. ERP (Enterprise Resource Planning) solution for the management of Human Resources, Accounting, Store Keeping, Procurement, all types of inventory, disbursement and noting of file through e-filing).
- b) Undertake infrastructure development, including the capacity enhancement for IT Section of Supreme Court and Training of Administrators and Supervisors and other office assistants.

Strategy 2 (long-term):

- a) Develop, test, and introduce unified IT-driven systems for connectivity among related Sections, with the Subordinate Courts, other judicial and affiliated institutions. Capitalizing the benefits of a) and in line with e-Judiciary initiatives. (e.g. Integration with Civil Registration and Vital Statistics (CRVS), Electronic Case Filing, Tracking and Monitoring through the Dashboard from a top management position, E-Court Room, Introducing various e-Services for Judges, Lawyers, witnesses and Litigants and introducing ERP solution for the whole judiciary).
- b) Undertake infrastructure development, including building nationwide connectivity with the Supreme Court, capacity enhancement for IT Section of Supreme Court by categorizing the responsibilities of IT personnel and Training of Administrators and Supervisors and other office assistants.
- c) Undertake large-scale procurement of hardware and accessories depending on periodic evaluation.

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

Full Court Meeting:

Three Full Court Meetings of the Supreme Court for the year 2022 were held on 23 June, 2022, 23 August, 2022 and on 10 November, 2022 wherein decisions were taken in various issues including consideration of recommendations of the General Administration Committee (G.A. Committee) in respect of promotion, suspension and imposition of punishment in departmental proceedings to the Judges of the subordinate judiciary. Honourable Chief Justice of Bangladesh presides over the Full Court Meetings.

Different Committees of the Supreme Court: Different Committees of the Supreme Court comprised of Honourable Judges of both Divisions and of the Officers of the Supreme Court have been formed, reconstituted and convened to accomplish different functions necessary for smooth running of the Courts and administration in the year 2022. Some of the Committees and their composition along with the task assigned to them have been discussed below:

(i) **Annual Report, 2022 Editorial Committee:** The Committee prepared the Annual Report 2022 in 2023 which is published by the Supreme Court. The Committee is as follows:

- | | | |
|----|-------------------------------|------------|
| 1. | Mr. Justice Md. Nuruzzaman | - Chairman |
| 2. | Mr. Justice Obaidul Hassan | - Member |
| 3. | Mr. Justice Borhanuddin | - Member |
| 4. | Mr. Justice M. Enayetur Rahim | - Member |
| 5. | Mr. Justice Md. Ashfaul Islam | - Member |
| 6. | Mr. Justice Syed Refaat Ahmed | - Member |
| 7. | Madam Justice Naima Haider | - Member |
| 8. | Mr. Justice Shahidul Karim | - Member |

(ii) **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 2022 is as follows:

- | | | |
|----|---|------------|
| 1. | Mr. Justice Hasan Foez Siddique
Honourable Chief Justice of Bangladesh | - Chairman |
| 2. | Mr. Justice A.S.M. Abdul Mobin | - Member |
| 3. | Mr. Justice Md. Mostafizur Rahman | - Member |
| 4. | Madam Justice Fatema Najib | - Member |

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.

(iii) Committee for observance of Golden Jubilee of the Constitution and Supreme Court of Bangladesh:

The Committee is as follows :

- | | | |
|-----|---|------------|
| 1. | Mr. Justice Hasan Foez Siddique
Honourable Chief Justice of Bangladesh | - Chairman |
| 2. | Mr. Justice Md. Nuruzzaman | - Member |
| 3. | Mr. Justice Obaidul Hassan | - Member |
| 4. | Mr. Justice Borhanuddin | - Member |
| 5. | Mr. Justice M. Enayetur Rahim | - Member |
| 6. | Madam Justice Krishna Debnath | - Member |
| 7. | Mr. Justice Md. Abu Zafor Siddique | - Member |
| 8. | Mr. Justice Jahangir Hossain | - Member |
| 9. | Madam Justice Naima Haider | - Member |
| 10. | Mr. Justice Sheikh Hassasn Arif | - Member |
| 11. | Mr. Justice J.B.M. Hassan | - Member |
| 12. | Mr. Justice Md. Ruhul Quddus | - Member |
| 13. | Mr. Justice K. M. Kamrul Kader | - Member |
| 14. | Mr. Justice Muhammad Khurshid Alam Sarkar | - Member |
| 15. | Mr. Justice Md. Shahinur Islam | - Member |
| 16. | Mr. Justice Khizir Ahmed Choudhury | - Member |
| 17. | Mr. Justice Md. Iqbal Kabir | - Member |
| 18. | Mr. Justice S M Kuddus Zaman | - Member |
| 19. | Mr. Justice Khizir Hayat | - Member |
| 20. | Attorney-General for Bangladesh | - Member |
| 21. | President, Bangladesh Supreme Court Bar Association | - Member |
| 22. | Registrar General, Supreme Court of Bangladesh | - Member |

(iv) 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. The Committee is as follows:

- | | | |
|----|-------------------------------|------------|
| 1. | Mr. Justice Md. Nuruzzaman | - Chairman |
| 2. | Mr. Justice M. Enayetur Rahim | - Member |

(v) 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. The Committee is as follows:

- | | | |
|----|----------------------------------|-------------------|
| 1. | Mr. Justice Mustafa Zaman Islam | - Dhaka Division |
| 2. | Mr. Justice Md. Jahangir Hossain | - Khulna Division |

3. Mr. Justice Zafar Ahmed - Barishal Division
 4. Mr. Justice Md. Kamrul Hossain Mollah - Chattogram Division
 5. Mr. Justice S M Kuddus Zaman - Sylhet Division
 6. Mr. Justice Shahed Nuruddin - Rangpur Division
 7. Mr. Justice Md. Zakir Hossain - Mymensingh Division
 8. Mr. Justice Md. Akhtaruzzaman - Rajshahi Division
- (vi) **Committee for Civil Rules and Orders (Volume I and II) necessary amendment:** The Committee works on bringing necessary amendments to the Civil Rules and Orders (Volume I and II). The Committee is as follows:
1. Madam Justice Naima Haider - Chairman
 2. Mr. Justice Md. Shahinur Islam - Member
 3. Mr. Justice S M Kuddus Zaman - Member
- (vii) **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 Committee is as follows:
1. Mr. Justice M. Enayetur Rahim - Chairman
 2. Mr. Justice Shahidul Karim - Member
 3. Mr. Justice Mohi Uddin Shamim - Member
- (viii) **Committee for Establishing A CNG Re-fueling Station, A Vehicle Pool and A Modern Printing Press in the Supreme Court Premises** is as follows:
1. Mr. Justice Sheikh Md. Zakir Hossain - Chairman
 2. Mr. Justice Khizir Hayat - Member
- (ix) **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 Committee is as follows:
1. Mr. Justice Obaidul Hassan - Chairman
 2. Mr. Justice Sheikh Hassan Arif - Member
 3. Mr. Justice Muhammad Khurshid Alam Sarkar - Member
- (x) **Committee for Chief Justice Award:** The Committee is as follows :
1. Mr. Justice Borhanuddin - Chairman
 2. Madam Justice Farah Mahbub - Member
 3. Mr. Justice Md. Akram Hossain Chowdhury - Member
 4. Mr. Justice S M Kuddus Zaman - Member
 5. Mr. Justice Sardar Md. Rashed Jahangir - Member
 6. Mr. Justice Md. Akhtaruzzaman - Member
- (xi) **Criminal Rules and Orders Amendment Committee** is as follows:
1. Mr. Justice Md. Shahinur Islam - Chairman
 2. Madam Justice Kashefa Hussain - Member
 3. Mr. Justice Md. Zakir Hossain - Member

(xii) Judges Committee for the Birth Centenary Celebration of the Father of the Nation Bangabandhu Sheikh Mujibur Rahman: The Committee is as follows:

- | | | |
|----|--|------------|
| 1. | Mr. Justice Hasan Foez Siddique | - Chairman |
| | Honourable Chief Justice of Bangladesh | |
| 2. | Mr. Justice Md. Nuruzzaman | - Member |
| 3. | Mr. Justice Obaidul Hassan | - Member |
| 4. | Mr. Justice M. Enayetur Rahim | - Member |
| 5. | Madam Justice Krishna Debnath | - Member |
| 6. | Mr. Justice Jahangir Hossain | - Member |
| 7. | Mr. Justice J.B.M. Hassan | - Member |
| 8. | Mr. Justice Md. Khasruzzaman | - Member |
| 9. | Mr. Justice Md. Shahinur Islam | - Member |

(xiii) Judges Sub-Committee for the Souvenir and Memoriam Publications for the Birth Centenary Celebration of the Father of the Nation Bangabandhu Sheikh Mujibur Rahman: The Committee is as follows:

- | | | |
|----|--------------------------------|------------|
| 1. | Mr. Justice Md. Nuruzzaman | - Convener |
| 2. | Mr. Justice Obaidul Hassan | - Member |
| 3. | Mr. Justice M. Enayetur Rahim | - Member |
| 4. | Madam Justice Krishna Debnath | - Member |
| 5. | Mr. Justice Md. Shahinur Islam | - Member |

(xiv) Judges' Corner Committee: The Committee oversees management of the Judges' Corner. The Committee is as follows:

- | | | |
|-----|--|----------------------|
| 1. | Mr. Justice Hasan Foez Siddique | - Chairman |
| | Honourable Chief Justice of Bangladesh | |
| 2. | Mr. Justice Obaidul Hassan | - Executive Chairman |
| 3. | Mr. Justice M. Enayetur Rahim | - Vice Chairman |
| 4. | Mr. Justice Md. Abu Zafor Siddique | - Member |
| 5. | Mr. Justice Jahangir Hossain | - Member |
| 6. | Mr. Justice Md. Rezaul Haque | - Vice Chairman |
| 7. | Mr. Justice Sheikh Md. Zakir Hossain | - Member |
| 8. | Mr. Justice Md. Habibul Gani | - Member |
| 9. | Mr. Justice Sheikh Hassan Arif | - Member |
| 10. | Mr. Justice J.B.M. Hassan | - Editor |
| 11. | Mr. Justice Md. Ruhul Quddus | - Member |
| 12. | Mr. Justice Md. Mozibur Rahman Miah | - Member |
| 13. | Mr. Justice Mustafa Zaman Islam | - Joint Editor |
| 14. | Mr. Justice Md. Jahangir Hossain | - Member |
| 15. | Mr. Justice Bhishmadev Chakraborty | - Member |

(xv) Judges' Library Committee (Appellate Division): The Committee looks after the procurement of books for Appellate Division Library. The Committee is as follows:

- | | | |
|----|-------------------------------|------------|
| 1. | Mr. Justice Obaidul Hassan | - Chairman |
| 2. | Mr. Justice M. Enayetur Rahim | - Member |

(xvi) **Judges' Library Committee (High Court Division):** The Committee takes measures regarding improvement of the Libraries and procurement of books. The Committee is as follows:

- | | | |
|----|---|------------|
| 1. | Mr. Justice Md. Rezaul Haque | - Chairman |
| 2. | Mr. Justice J.B.M. Hassan | - Member |
| 3. | Mr. Justice Muhammad Khurshid Alam Sarkar | - Member |
| 4. | Mr. Justice Zafar Ahmed | - Member |
| 5. | Mr. Justice Md. Zakir Hossain | - Member |

(xvii) **Judges' Privileges Committee:** The Committee is entrusted with the duty to submit reports time to time to the Honourable Chief Justice of Bangladesh identifying admissible privileges to the Judges of the Supreme Court. The Committee is as follows:

- | | | |
|----|--------------------------------------|------------|
| 1. | Mr. Justice Md. Abu Zafor Siddique | - Chairman |
| 2. | Mr. Justice Sheikh Md. Zakir Hossain | - Member |
| 3. | Mr. Justice Shahidul Karim | - Member |
| 4. | Mr. Justice Kamrul Hossain Mollah | - Member |

(xviii) **Judges' Welfare Foundation Executive Committee:** The Supreme Court Judges' Welfare Foundation was registered in 2016 under the Societies Registration Act, 1860. The Judges' Welfare Foundation Committee oversees the welfare, facilities and benefit of the Judges of the Supreme Court. The Committee supervises the activities of the Judges Corner Committee. The Committee is as follows:

- | | | |
|-----|---|-----------------|
| 1. | Mr. Justice Hasan Foez Siddique
Honourable Chief Justice of Bangladesh | - Chairman |
| 2. | Mr. Justice Muhammad Imman Ali | - Vice-Chairman |
| 3. | Mr. Justice Md. Nuruzzaman | - Member |
| 4. | Mr. Justice Obaidul Hassan | - Member |
| 5. | Mr. Justice M. Enayetur Rahim | - Member |
| 6. | Mr. Justice Md. Ashfaque Islam | - Member |
| 7. | Mr. Justice Jahangir Hossain | - Member |
| 8. | Madam Justice Salma Masud Chowdhury | - Member |
| 9. | Mr. Justice Md. Moinul Islam Chowdhury | - Member |
| 10. | Mr. Justice Sheikh Hassan Arif | - Member |
| 11. | Mr. Justice J.B.M. Hassan | - Secretary |
| 12. | Mr. Justice Md. Ruhul Quddus | - Member |
| 13. | Mr. Justice Md. Iqbal Kabir | - Member |
| 14. | Mr. Justice Shah Abu Nayeem Mominur Rahman | - Member |
| 15. | Mr. Justice A.K.M. Abdul Hakim | - Member |

(xix) **Museum Committee:** This Committee recommends measures for increasing the collection of the museum of the Supreme Court of Bangladesh. The Committee is as follows:

- | | | |
|----|-------------------------------|------------|
| 1. | Mr. Justice Obaidul Hassan | - Chairman |
| 2. | Madam Justice Kashefa Hussain | - Member |
| 3. | Mr. Justice Mohammad Ullah | - Member |

(xx) **Supreme Court Online Bulletin (SCOB) Editor:** The committee is responsible for publishing online law reports of the Supreme Court of Bangladesh comprising of judgments from both Divisions. The Committee is as follows:

1. Mr. Justice Sheikh Hassan Arif - Editor
2. Mr. Justice Md. Zakir Hossain - Editor

(xxi) **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. The Committee is as follows:

1. Mr. Justice Obaidul Hassan - Chairman
2. Mr. Justice M. Enayetur Rahim - Member
3. Mr. Justice J.B.M. Hassan - Member
4. Mr. Justice S M Kuddus Zaman - Member

(xxii) **Special Committee for Child Rights:** The Committee looks after the implementation of the Children Act, 2013. The Committee is as follows:

1. Mr. Justice M. Enayetur Rahim - Chairman
2. Madam Justice Naima Haider - Member
3. Mr. Justice Sheikh Hassan Arif - Member
4. Mr. Justice Md. Nazrul Islam Talukder - Member
5. Mr. Justice Khizir Ahmed Choudhury - Member

(xxiii) **Supreme Court Day Observance Committee:** This Committee takes measures to observe Supreme Court Day in each year. The Committee is as follows:

1. Mr. Justice Obaidul Hassan - Chairman
2. Mr. Justice M. Enayetur Rahim - Member
3. Mr. Justice Md. Abu Zafor Siddique - Member
4. Mr. Justice Sheikh Hassan Arif - Member
5. Mr. Justice K.M. Kamrul Kader - Member
6. Mr. Justice Muhammad Khurshid Alam Sarkar - Member
7. Mr. Justice Khizir Ahmed Choudhury - Member
8. Mr. Justice Md. Iqbal Kabir - Member

(xxiv) **Supreme Court of Bangladesh (High Court Division) Rules Committee:** The Committee is as follows:

1. Madam Justice Farah Mahbub - Chairman
2. Mr. Justice J.B.M. Hassan - Member
3. Mr. Justice Md. Mozibur Rahman Miah - Member
4. Mr. Justice Shahidul Karim - Member
5. Mr. Justice S M Kuddus Zaman - Member

(xxv) **Supreme Court Mazar and Mosque Administration Committee:** The committee is responsible for taking necessary actions for the smooth functioning of administration of the High Court Mazar, Mosque and Madrasha. Honourable Chief Justice of Bangladesh is the Chief Adviser of the Supreme Court Mazar and Mosque Committee. The Committee is as follows:

- | | | |
|----|--|-----------------|
| | Mr. Justice Hasan Foez Siddique | - Chief Adviser |
| | Honourable Chief Justice of Bangladesh | |
| 1. | Mr. Justice Md. Nuruzzaman | - Chairman |
| 2. | Mr. Justice Md. Abu Zafor Siddique | - Member |
| 3. | Mr. Justice Md. Habibul Gani | - Member |
| 4. | Mr. Justice Md. Khasruzzaman | - Member |
| 5. | Mr. Justice K. M. Kamrul Kader | - Member |
| 6. | Mr. A. M. Amin Uddin (Attorney-General for Bangladesh) | - Member |

(xxvi) **Supreme Court Jame Mosque Committee:** Supreme Court Jame Mosque Committee looks after the Supreme Court Jame Mosque situated in the Supreme Court premises. The Committee takes necessary measures for the maintenance of the mosque and provides necessary supports for facilitating five time prayers, Jumma prayer and observe other religious events. The Committee is as follows:

- | | | |
|----|--------------------------------------|------------|
| 1. | Mr. Justice M. Enayetur Rahim | - Chairman |
| 2. | Mr. Justice Jahangir Hossain | - Member |
| 3. | Mr. Justice Sheikh Md. Zakir Hossain | - Member |
| 4. | Mr. Justice Md. Ashraful Kamal | - Member |
| 5. | Mr. Justice Mohammad Ullah | - Member |
| 6. | Mr. Justice Md. Mostafizur Rahman | - Member |

(xxvii) **Supreme Court Judges Medical Allowance Committee:** The Committee is as follows :

- | | | |
|----|-------------------------------|------------|
| 1. | Mr. Justice Md. Nuruzzaman | - Chairman |
| 2. | Mr. Justice Obaidul Hassan | - Member |
| 3. | Mr. Justice M. Enayetur Rahim | - Member |

(xxviii) **Vehicles Purchase Consultative Committee:** The Committee supervises the purchase of all vehicles for the Supreme Court of Bangladesh. The Committee is as follows :

- | | | |
|----|--|------------|
| 1. | Mr. Justice M. Enayetur Rahim | - Chairman |
| 2. | Mr. Justice Khizir Ahmed Choudhury | - Member |
| 3. | Mr. Justice S.M. Maniruzzaman | - Member |
| 4. | Mr. Justice Sardar Md. Rashed Jahangir | - Member |
| 5. | Mr. Justice Md. Mahmud Hassan Talukder | - Member |

Statistics on Filing of New Cases, Disposals and Pending Cases in the Appellate Division of the Supreme Court of Bangladesh

1. Statement of Filing of New Cases, Disposals and Pending Cases From 01 January, 2022 to 31 December, 2022

1.1. Petitions

Cases	Carried Over	New filing	Total	Disposal	Pending on 31 December, 2022
Civil	7161	3569	10730	1744	8986
Criminal	2132	1744	3876	490	3386
Civil Review	766	373	1139	400	739
Criminal Review	140	75	215	42	173
Jail Petition	29	18	47	07	40
Grand Total	10228	5779	16007	2683	13324

1.2. Miscellaneous Petitions

Cases	Carried Over	New filing	Total	Disposal	Pending on 31 December, 2022
Civil Misc Petition	613	1017	1630	635	995
Criminal Misc Petition	1489	2121	3610	1407	2203
Contempt Petition	107	43	150	18	132
Grand Total	2209	3181	5390	2060	3330

1.3. Appeals

Cases	Carried Over	New filing	Total	Disposal	Pending on 31 December, 2022
Civil	2968	88	3056	614	2442
Criminal	736	58	794	44	750
Jail	31	56	87	05	82
Grand Total	3735	202	3937	663	3274

1.4. Consolidated Statement of Cases (from 01 January, 2022 to 31 December, 2022) in the Appellate Division of the Supreme Court of Bangladesh.

Cases	Carried Over	New filing	Total	Disposal	Pending
Petition	10228	5779	16007	2683	13324
Misc. Petition	2209	3181	5390	2060	3330
Appeals	3735	202	3937	663	3274
Grand Total	16172	9162	25334	5406	19928

**Consolidated Statements of All Cases from
01 January, 2022 to 31 December, 2022**

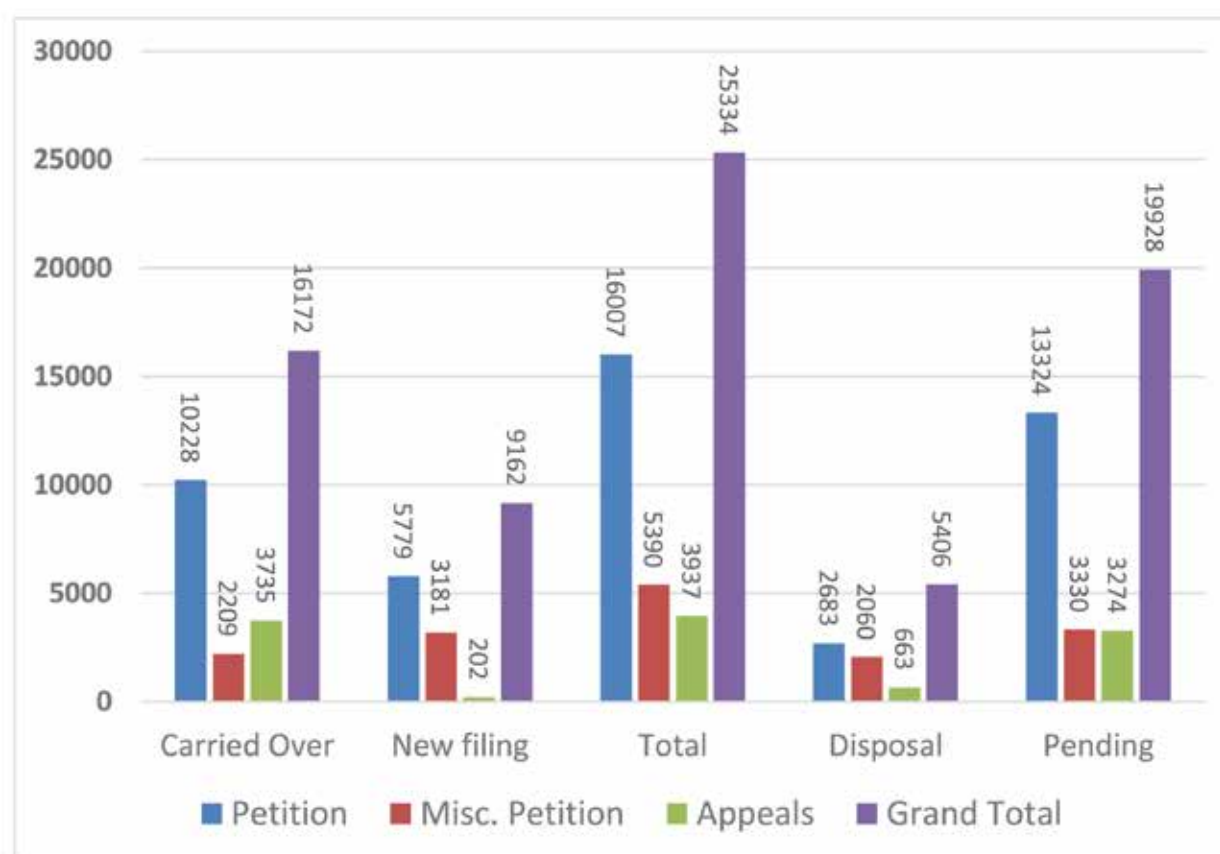


Figure 1: Vertical Bar Chart showing new filing, pendency and disposal of all cases in the year 2022 in the Appellate Division of the Supreme Court of Bangladesh

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

2. Year-wise Filing of New Cases, Disposal and Pendency of Cases from the Year 1972 to 2022

Years	New filing	Disposal	Pending
1972	14	11	4056
1973	113	91	4062
1974	185	153	4094
1975	168	150	4112
1976	257	224	4145
1977	471	386	4230
1978	530	400	4360
1979	540	400	4535
1980	454	372	4790
1981	683	583	4870
1982	723	596	4909
1983	663	565	4875
1984	635	565	4802
1985	531	469	4706
1986	492	444	4736
1987	373	334	5064
1988	474	424	5255
1989	662	597	5214
1990	625	575	5440
1991	556	497	5802
1992	801	709	6254
1993	859	765	6462
1994	1161	1070	6433
1995	973	850	7511
1996	1041	970	8410
1997	1928	1746	8751
1998	1869	1649	9330
1999	1987	1918	10929
2000	2228	2116	11816
2001	3517	2819	8997
2002	3003	2789	4781
2003	3212	2587	5406
2004	3021	2690	5737
2005	3405	2372	6770
2006	3855	1501	9124
2007	4093	6146	7071
2008	5041	5220	6892
2009	4403	6035	5260
2010	5464	1583	9141
2011	4749	1449	12441
2012	6036	1830	16647
2013	5989	8298	14338
2014	6919	5911	15346
2015	8007	9992	13361
2016	9945	9634	13672
2017	11484	8591	16565
2018	10572	6695	20442
2019	9478	6303	23617
2020	6958	15350	15225
2021	7806	6859	16172
2022	9162	5406	19928

3. Some visible trends

3.1. Trend of filing of new cases, disposal and pendency from the year 1972 to 2022

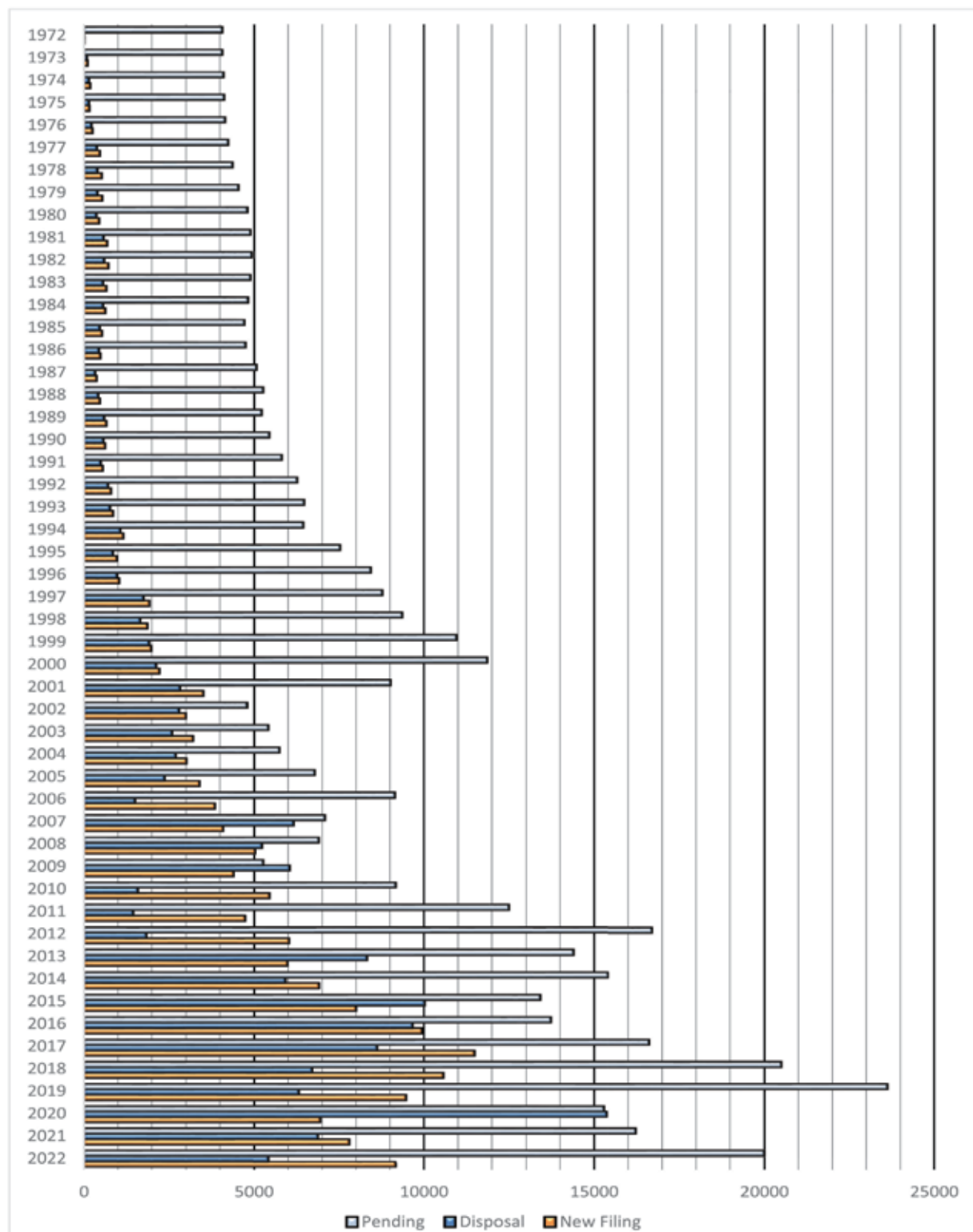


Figure 2: Horizontal Bar Chart of filing of new cases, disposal and pending cases in the Appellate Division of the Supreme Court of Bangladesh from 1972 to 2022

3.2. Trend of New Filing of Cases from the Year 1972 to 2022

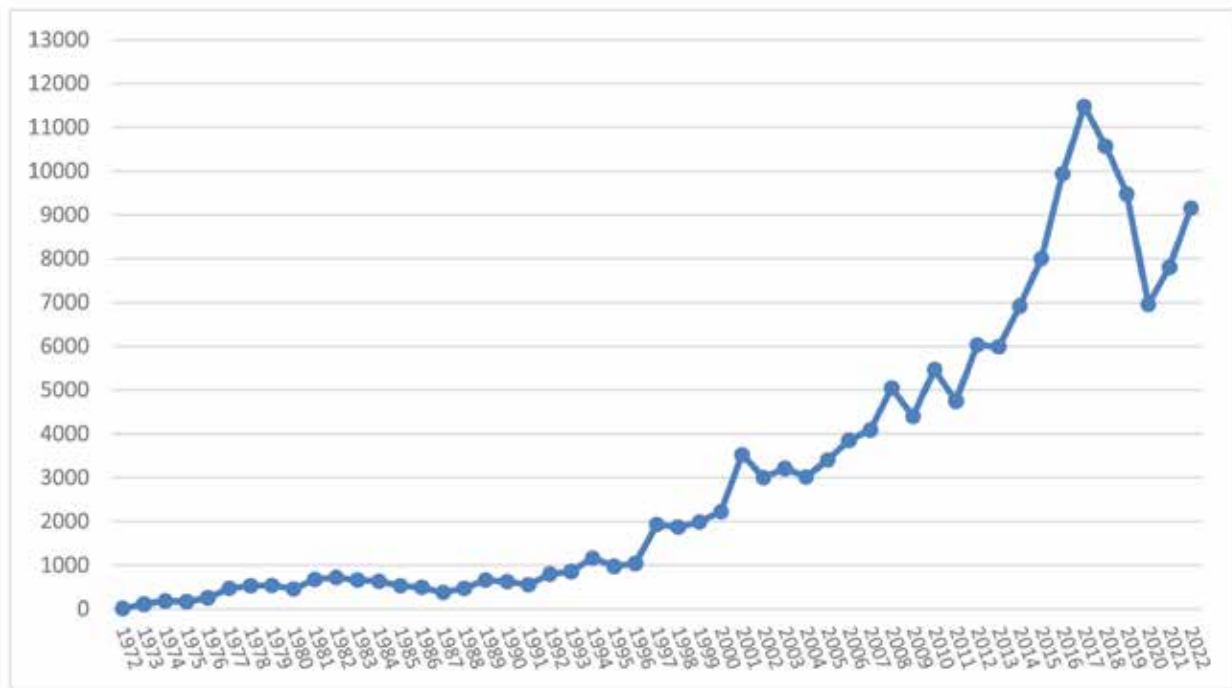


Figure 3: Line graph of filing of new cases from the year 1972 to 2022

3.3. Trend of disposal of cases from the year 1972 to 2022

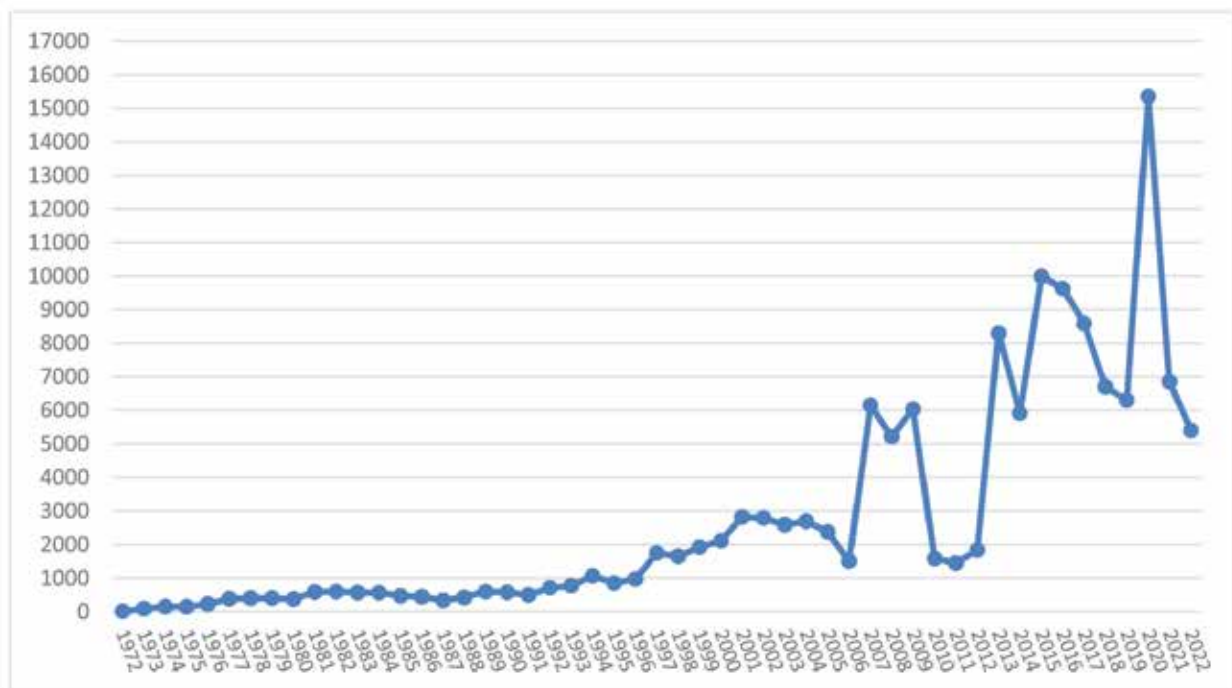


Figure 4: Line graph of disposal of cases from the year 1972 to 2022

3.4. Trend of pending cases from the year 1972 to 2022

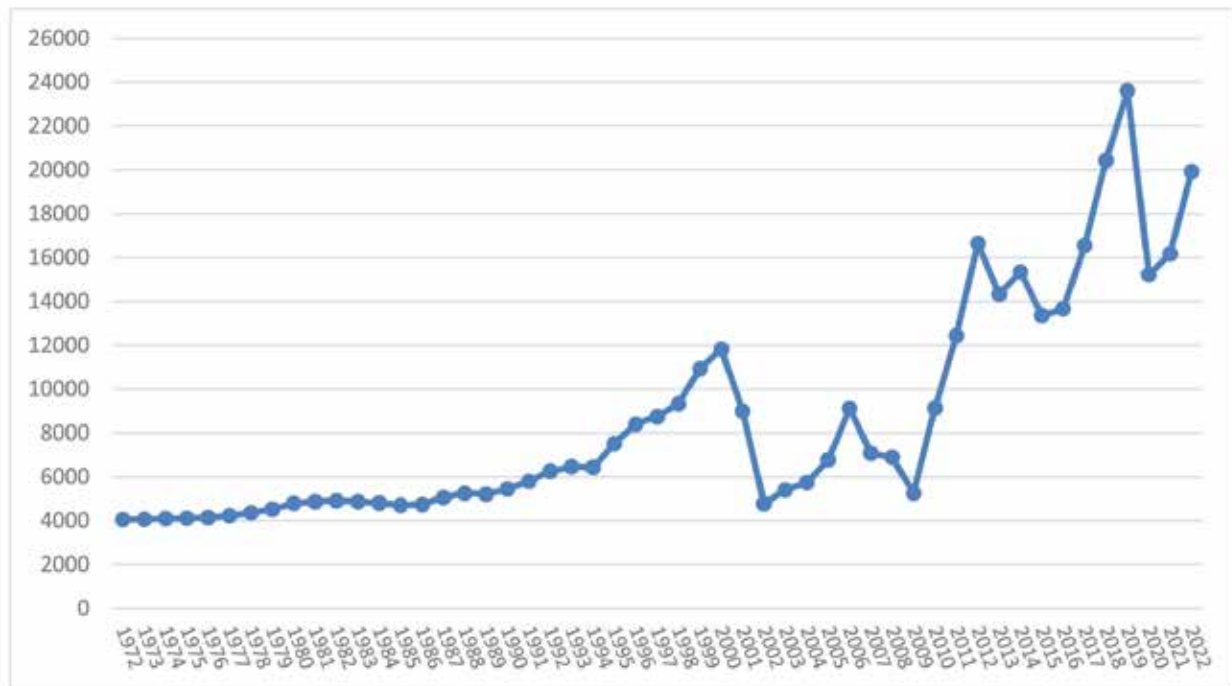


Figure 5: Line graph of pending cases from the year 1972 to 2022

3.5. Comparative Chart of filing of new cases, disposal and pending cases from the year 1972 to 2022

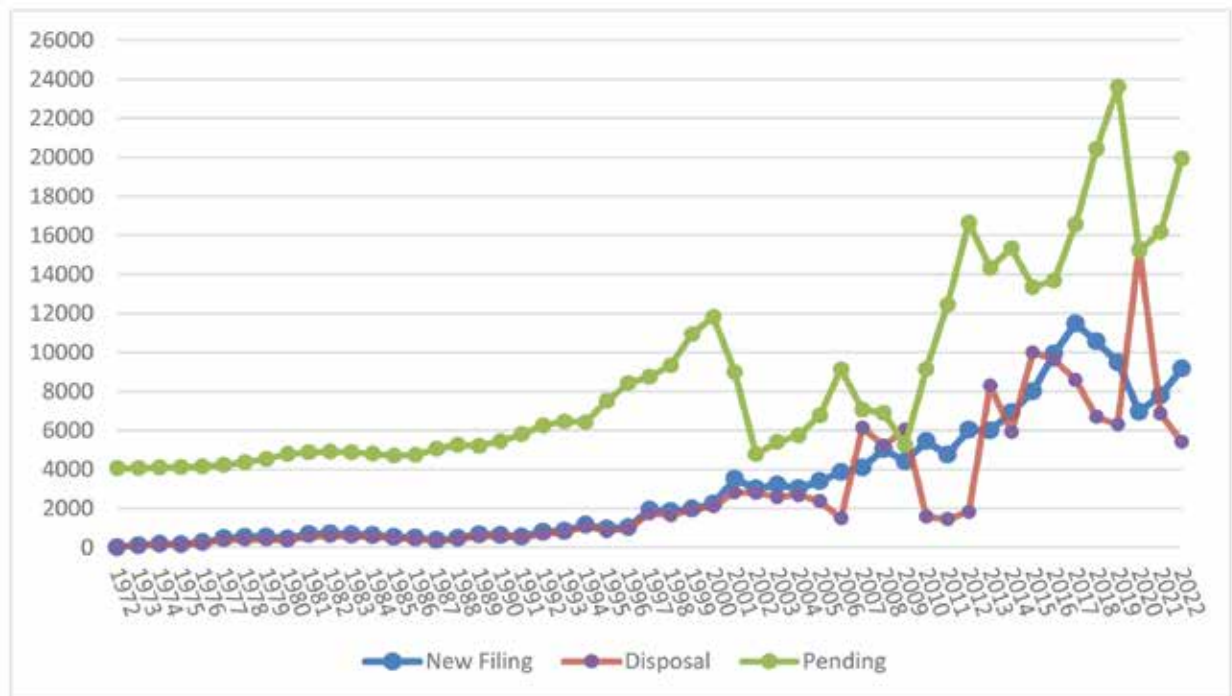


Figure 6: Line graph of pending, disposed off & new filing of cases from the year 1972 to 2022

4. Analysis of the pending cases of the Appellate Division in 2022

The number of pending cases for the year 2022 is 19928, while the number of pending Petitions is 13324, that for Misc. Petitions is 3330 and Appeals is 3274.

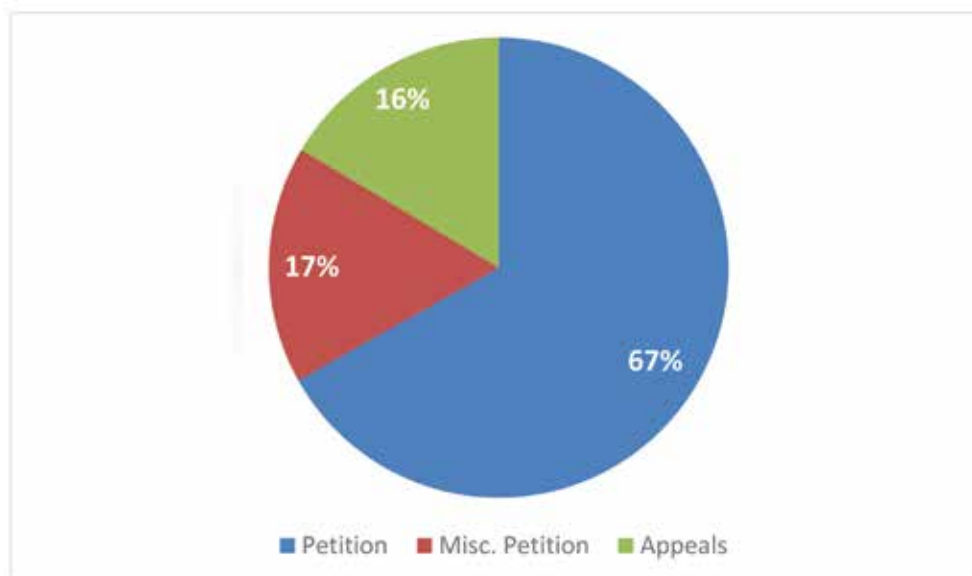


Figure 7: Pie Chart of all pending cases in the Appellate Division of Supreme Court of Bangladesh in the year 2022. There are 67% Petition, 17% Misc. petition and 16% Appeals of all the pending cases.

4.1. Pending Petitions

Carried over	New Filing	Total	Disposal	Pending for Disposal
10228	5779	16007	2683	13324

4.2. Pending Miscellaneous Petitions

Carried over	New Filing	Total	Disposal	Pending for Disposal
2209	3181	5390	2060	3330

4.3. Pending Appeals

Carried over	New Filing	Total	Disposal	Pending for Disposal
3735	202	3937	663	3274

5. Filing of new cases, disposal and pendency of cases in the Appellate Division of the Supreme Court of Bangladesh from 1972 to 2022

5.1. Petitions

Year	Opening Balance	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
2016	8638	6072	14710	8110	6600
2017	6600	7148	13748	6511	7237
2018	7237	7114	14351	3786	10565
2019	10565	6346	16911	3405	16506
2020	13506	4043	17549	7555	9994
2021	9994	5133	15127	4899	10228
2022	10228	5779	16007	2683	13324

5.2. Misc. Petitions

Year	Opening Balance	Filing of new cases	Total	Disposal	Pending at the end of the year
1972	1392	0	1392	0	1392
1973	1392	0	1392	0	1392
1974	1392	0	1392	0	1392
1975	1392	0	1392	0	1392
1976	1392	0	1392	0	1392
1977	1392	0	1392	0	1392
1978	1392	0	1392	0	1392
1979	1392	0	1392	0	1392
1980	1392	0	1392	0	1392
1981	1392	108	1500	95	1405
1982	1348	96	1444	85	1359
1983	1318	51	1369	48	1321
1984	1339	55	1394	45	1349
1985	1361	69	1430	58	1372
1986	1367	67	1434	56	1378
1987	1416	64	1480	52	1428
1988	1463	105	1568	87	1481
1989	1503	99	1602	89	1513
1990	1541	137	1678	125	1553
1991	1581	127	1708	102	1606
1992	1685	165	1850	132	1718
1993	1791	206	1997	192	1805
1994	1838	238	2076	208	1868
1995	1892	239	2131	205	1926
1996	2260	262	2522	242	2280
1997	2464	573	3037	555	2482
1998	2495	446	2941	407	2534
1999	2731	586	3317	545	2772
2000	2895	643	3538	610	2928
2001	2988	709	3697	695	3002
2002	2293	703	2996	687	2309
2003	699	654	1353	639	714
2004	714	600	1314	727	587
2005	587	776	1363	503	860
2006	860	1199	2059	187	1872
2007	1872	1039	2911	2512	399
2008	399	1327	1726	264	1462
2009	1462	547	2009	811	1198
2010	1198	1500	2698	47	2651
2011	2701	1440	4141	482	3659
2012	3659	1633	5292	567	4725
2013	4725	1803	6528	3754	2774
2014	2774	2220	4994	1654	3340
2015	3340	2406	5746	3367	2379
2016	2379	2946	5325	943	4382
2017	4382	3697	8079	1687	6392
2018	6392	3167	9559	2632	6927
2019	6927	2584	9511	2754	6757
2020	6757	2137	8894	7267	1627
2021	1627	2374	4001	1792	2209
2022	2209	3181	5390	2060	3330

5.3. Appeals

Year	Opening Balance	Filing of new cases	Total	Disposal	Pending at the end of the year
1972	361	14	375	11	364
1973	364	25	389	19	370
1974	370	79	449	55	394
1975	394	27	421	15	406
1976	406	43	449	29	420
1977	420	142	562	89	473
1978	473	170	643	75	568
1979	568	192	760	85	675
1980	625	144	769	83	686
1981	687	142	829	78	751
1982	781	145	926	91	835
1983	823	172	995	92	903
1984	840	133	973	93	880
1985	817	109	926	86	840
1986	769	70	839	53	786
1987	760	38	798	29	769
1988	818	44	862	31	831
1989	887	87	974	65	909
1990	879	100	979	85	894
1991	876	57	933	43	890
1992	930	82	1012	62	950
1993	965	97	1062	78	984
1994	950	97	1047	69	978
1995	940	63	1003	47	956
1996	1026	59	1085	39	1046
1997	1127	133	1260	89	1171
1998	1160	140	1300	95	1205
1999	1311	122	1433	108	1325
2000	1799	246	2045	210	1835
2001	1956	596	2552	541	2011
2002	1415	367	1782	269	1513
2003	1378	460	1838	170	1668
2004	1668	267	1935	222	1713
2005	1713	284	1997	218	1779
2006	1779	221	2000	244	1756
2007	1756	311	2067	652	1415
2008	1415	390	1805	170	1635
2009	1635	771	2406	488	1918
2010	1918	328	2246	236	2010
2011	2010	237	2247	147	2100
2012	2100	248	2348	141	2207
2013	2207	279	2486	211	2275
2014	2275	344	2619	288	2331
2015	2331	637	2968	624	2344
2016	2344	927	3271	581	2690
2017	2690	639	3329	393	2936
2018	2936	291	3227	277	2950
2019	2950	548	3498	144	3354
2020	3354	778	4132	528	3604
2021	3604	299	3903	168	3735
2022	3735	202	3937	663	3274

6. Maximum number of Judges at a time during the year in the Appellate Division of the Supreme Court of Bangladesh from 1972 to 2022

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
2016	9
2017	9
2018	7
2019	7
2020	9
2021	7
2022	9

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

1. Statement showing new filing, disposal & pendency of cases (from 01 January, 2022 to 31 December, 2022)

1.1. Statement for all cases from 01 January, 2022 to 31 December, 2022 in the High Court Division of Supreme Court of Bangladesh

Cases	Opening Balance	New Filing	Restored	Total	Disposal	Current Pendency	Remarks
Civil	88377	7531	33	95941	4749	91192	Increased by 2815
Criminal	312670	64093	04	376767	70951	305816	Decreased by 6854
Writ	97079	16834	37	113950	11355	102595	Increased by 5516
Original	14450	3040	0	17490	419	17071	Increased by 2621
Grand Total	512576	91498	74	604148	87474	516674	Increased by 4098

Consolidated statement for all cases from 01 January, 2022 to 31 December, 2022

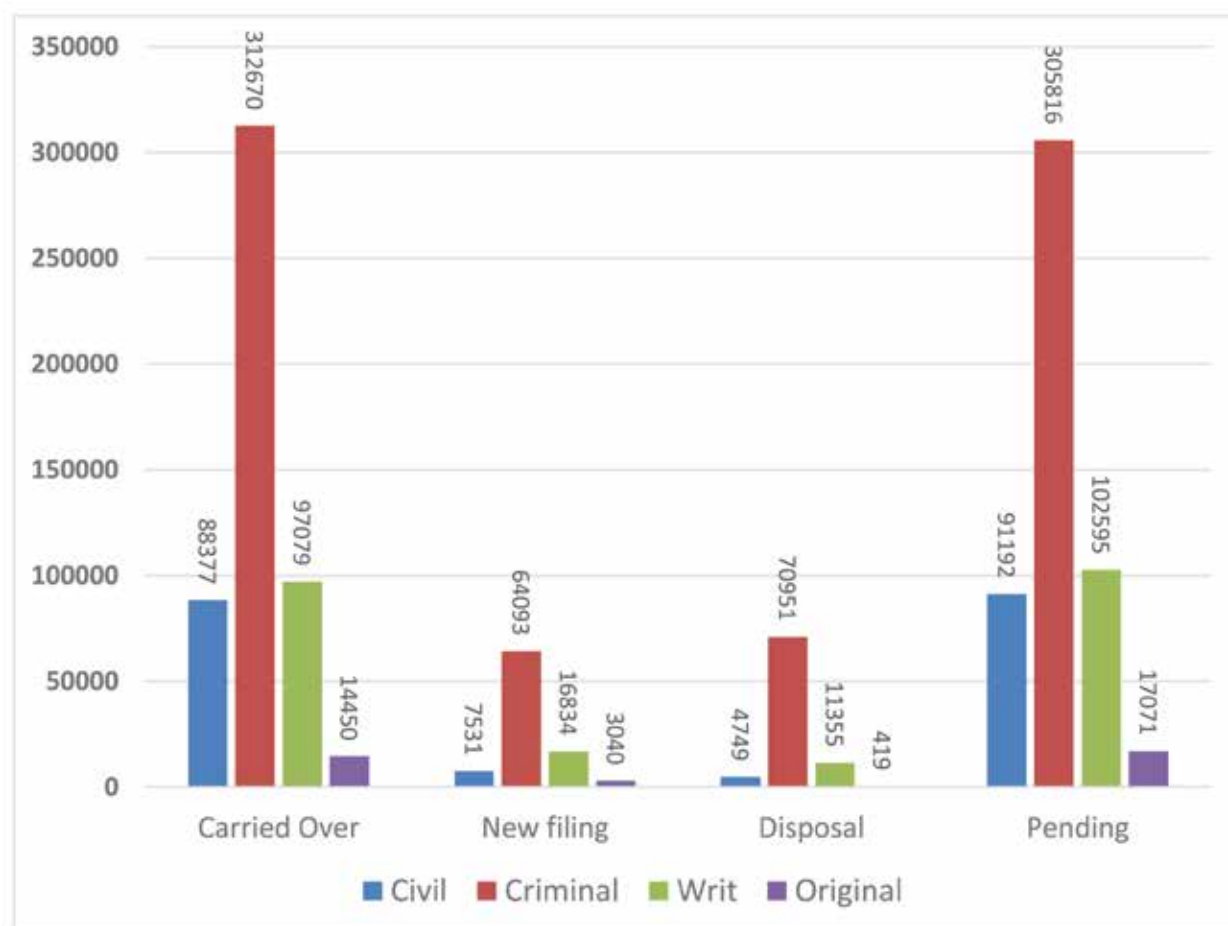


Figure 1: Vertical Bar Chart of pendency, new filing and disposal of all cases in the year 2022 in the High Court Division of the Supreme Court of Bangladesh

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

2. 1. Year wise new filing, disposal and pendency of all cases from 1972 to 2022

Years	New Filing	Disposal	Pending
1972	2461	3873	20567
1973	5654	3657	24063
1974	8844	6402	28186
1975	4896	5190	29545
1976	4515	7241	28287
1977	5656	8195	26676
1978	5765	7309	26620
1979	5145	7597	24716
1980	4026	7032	22779
1981	5054	6950	21652
1982	919	3615	21061
1983	1550	5456	19115
1984	1891	3556	21159
1985	2960	3529	22460
1986	3558	3360	24468
1987	5187	3272	28810
1988	8220	3564	33289
1989	11381	6099	37739
1990	11583	9789	39261
1991	12809	5565	45681
1992	14098	6543	51764
1993	13775	7799	57749
1994	15061	8401	64281
1995	17326	10844	70990
1996	21045	11526	79457
1997	23838	12337	88388
1998	23909	13744	97574
1999	24143	11863	108323
2000	27931	11049	122178
2001	32328	16014	135879
2002	45627	22048	154168
2003	37734	20331	168447
2004	34217	15581	184811
2005	42900	16894	208389
2006	48056	13839	240483
2007	47555	16578	262345
2008	53220	21664	293901
2009	53155	21485	325571
2010	57470	69306	313735
2011	45084	68425	279923
2012	56732	38437	297731
2013	50010	24295	323446
2014	60069	22477	361038
2015	70940	37753	394225
2016	70647	39878	424994
2017	87252	35496	476750
2018	88801	49035	516652
2019	107568	135275	489068
2020	64013	34192	452963
2021	83216	23654	512576
2022	91498	87474	516674

2.2. Some visible Trends

2.2.1. Trend of new filing, disposal and pendency (1972 to 2022)

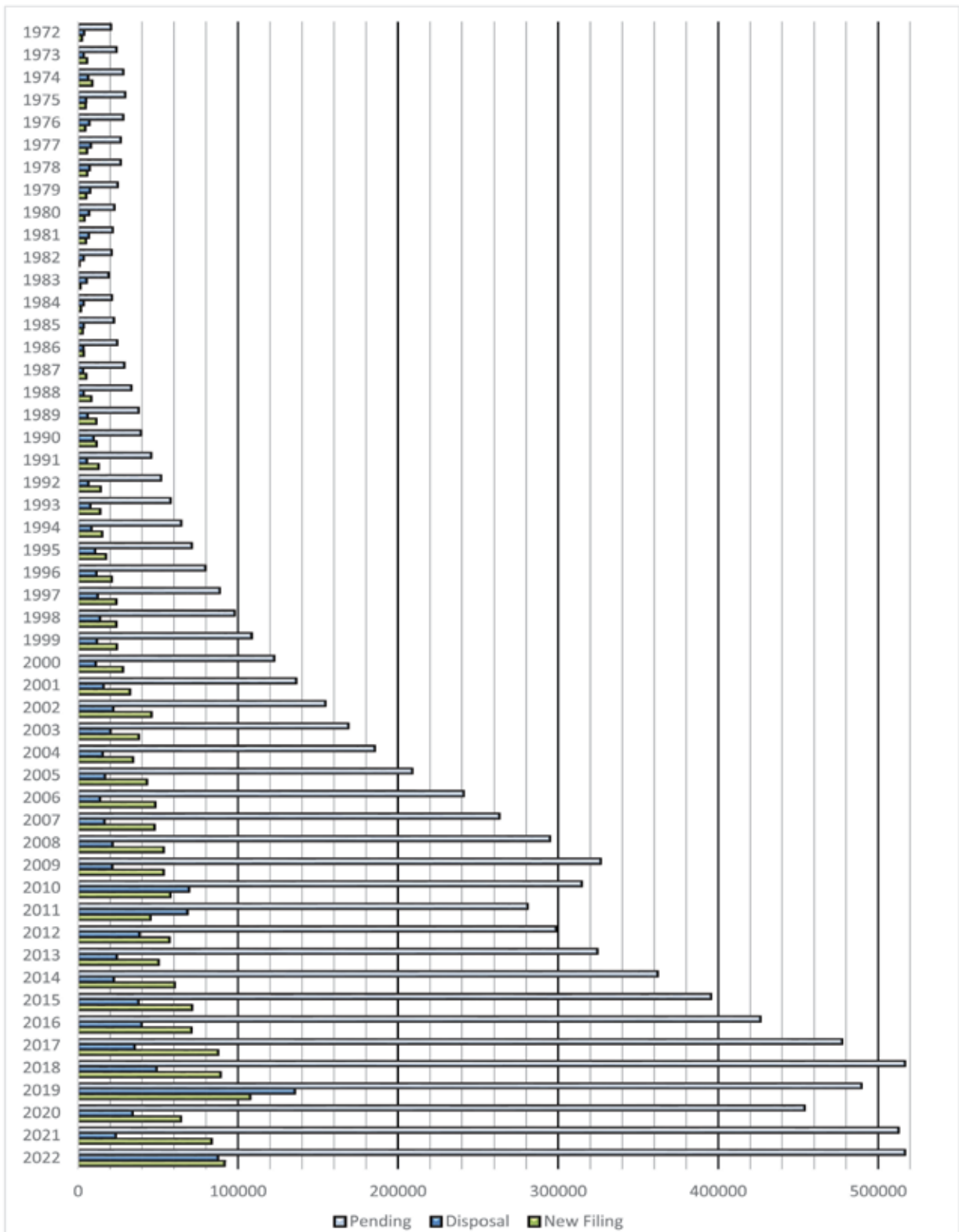


Figure 2: Horizontal Bar Chart of new filing, disposal and pending cases in the High Court Division of the Supreme Court of Bangladesh from the year 1972 to 2022

2.2.2. Trend of new filing of cases from the year 1972 to 2022

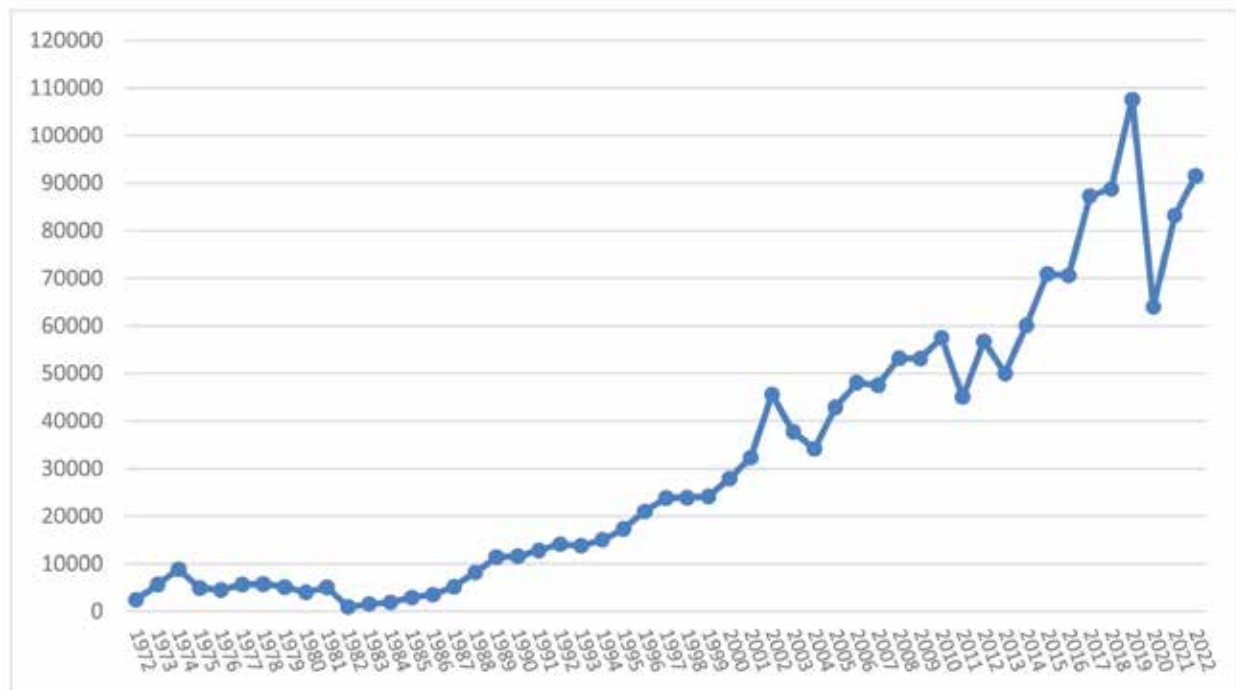


Figure 3: Line graph of filing of new cases from the year 1972 to 2022

2.2.3. Trend of disposal of cases from the year 1972 to 2022

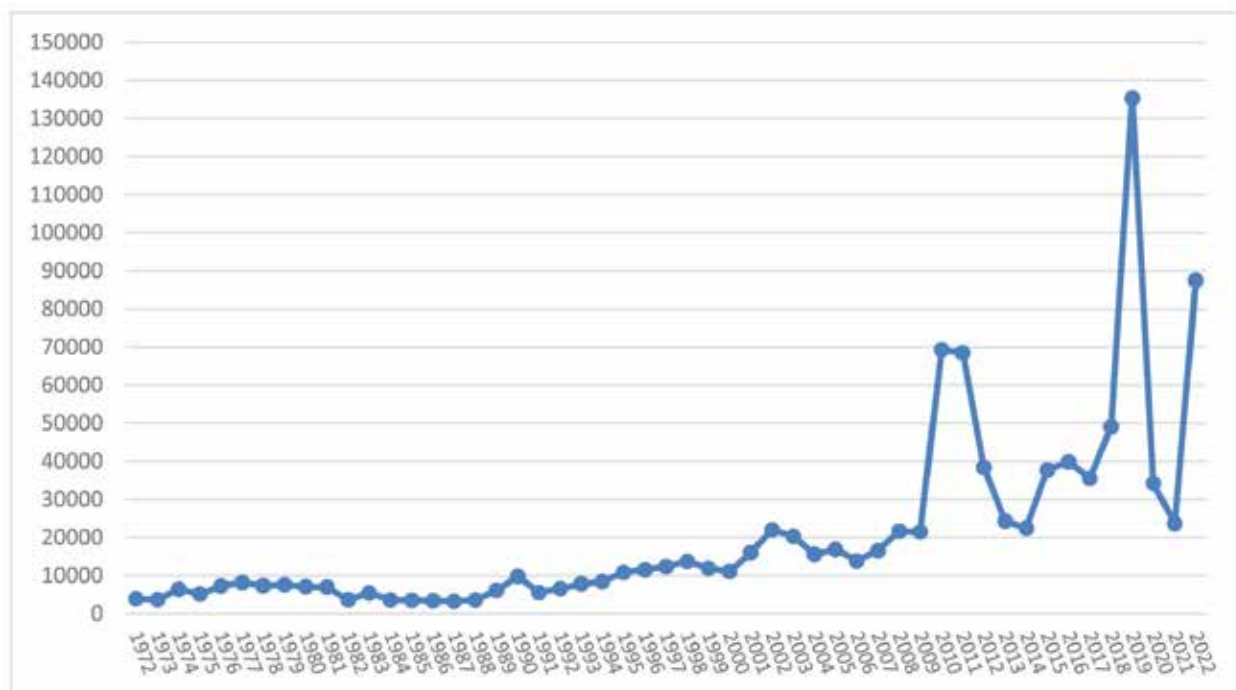


Figure 4: Line graph of disposal of cases from the year 1972 to 2022

2.2.4. Trend of pending cases from the year 1972 to 2022

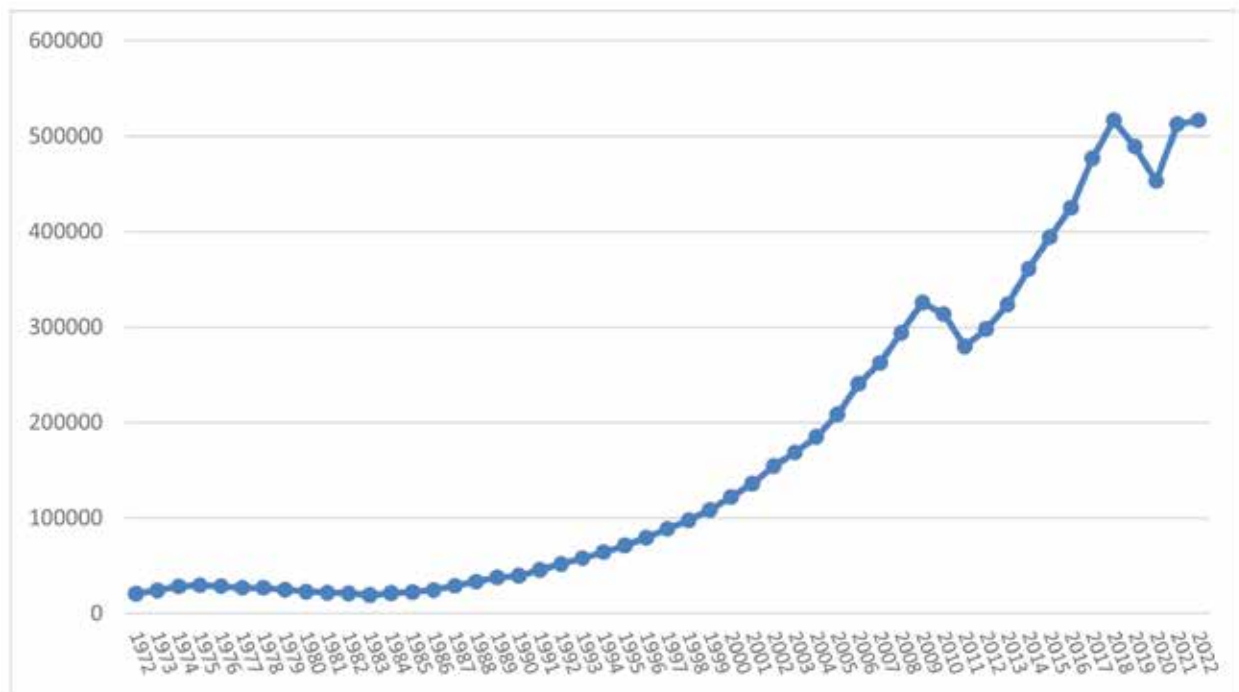


Figure 5: Line graph of pending cases from the year 1972 to 2022

2.2.5. Comparative Chart of new filing, disposal and pending cases from the year 1972 to 2022

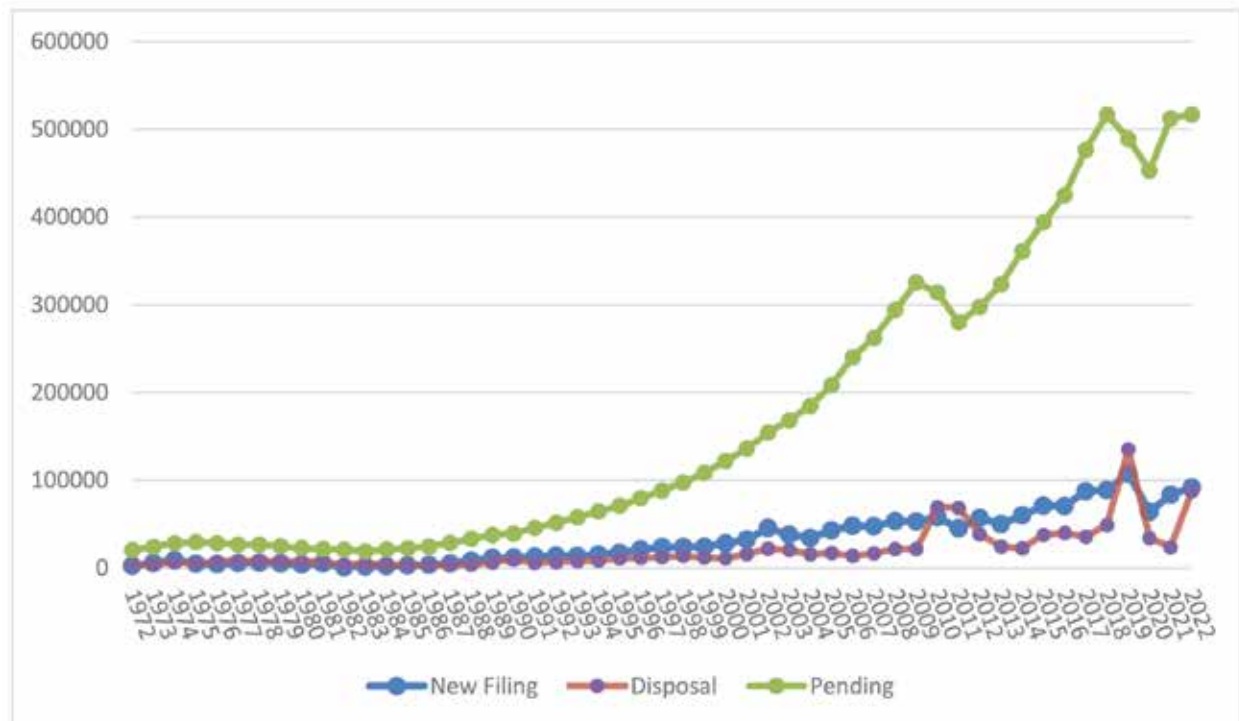


Figure 6: Line graph of pending, disposal & filing of new cases from the year 1972 to 2022

3. Analysis of the pending balance for the High Court Division in 2022

The number of all pending cases for the year 2022 is 516674, while the pending balance for Civil Cases is 91192, that for Criminal Cases is 305816, for Writ is 102595 and for Original Cases is 17071.

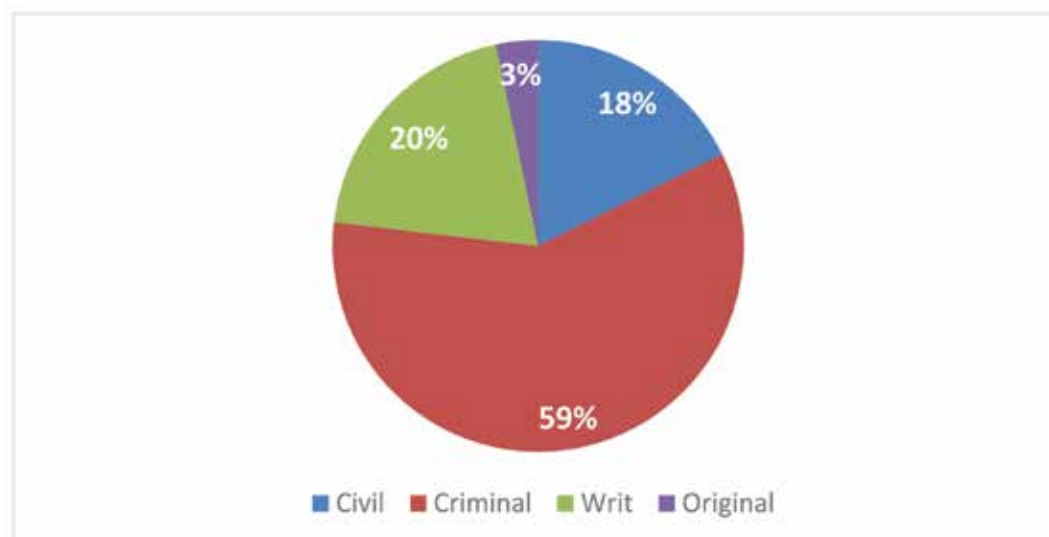


Figure 7: Pie Chart of all pending cases in the High Court Division in the year 2022.

There are 59% Criminal cases, 18% Civil cases, 20% Writ and 3% Original cases of all the pending cases.

3.1. Pending Civil Cases

Carried over	New Filing and Restoration	Total	Disposal	Pending for Disposal
88377	7564	95941	4749	91192

3.2. Pending Criminal Cases

Opening Balance	New Filing and Restoration	Total	Disposal	Pending for Disposal
312670	64097	376767	70951	305816

3.3. Writ

Opening Balance	New Filing and Restoration	Total	Disposal	Pending for Disposal
97079	16871	113950	11355	102595

3.4. Original

Opening Balance	New Filing and Restoration	Total	Disposal	Pending for Disposal
14450	3040	17490	419	17071

4. Filing of new cases, disposal and pendency of cases in the High Court Division from 1972 to 2022

4.1. Civil Cases

Year	Carried over	New Filing	Total	Disposal	Pending
1972	15517	1615	17132	752	16380
1973	16380	2771	19151	798	18353
1974	18353	3884	22237	3498	18739
1975	18739	2593	21332	1955	19377
1976	19377	2775	22152	2323	19829
1977	19829	2652	22481	3933	18548
1978	18548	2769	21317	3550	17767
1979	17767	2391	20158	3391	16767
1980	16767	1268	18035	2755	15280
1981	15280	2656	17936	3819	14117
1982	14117	489	14606	783	13823
1983	13823	667	14490	2325	12165
1984	13823	1044	14867	864	14003
1985	14003	1359	15362	873	14489
1986	14489	1534	16023	606	15417
1987	15417	2750	18167	750	17417
1988	17417	1575	18992	998	17994
1989	17994	4284	22278	2467	19811
1990	19811	4595	24406	4033	20373
1991	20373	4595	24968	2033	22935
1992	22935	4435	27370	2289	25081
1993	25081	5017	30098	2850	27248
1994	27248	5884	33132	3935	29197
1995	29197	6440	35637	3137	32500
1996	32500	5942	38442	3340	35102
1997	35102	6839	41941	5078	36863
1998	36863	7540	44403	4314	40089
1999	40089	7589	47678	3428	44250
2000	44250	8565	52815	2384	50431
2001	50431	9348	59779	4185	55594
2002	55594	9020	64614	6400	58214
2003	58214	7447	65661	4656	61005
2004	61005	7908	68913	3801	65112
2005	65112	7253	72365	3723	68642
2006	68642	6867	75509	3693	71816
2007	71816	7721	79537	4881	74656
2008	74656	6257	80913	5275	75638
2009	75638	6716	82354	6565	75789
2010	75789	6667	82456	4597	77859
2011	77859	6662	84521	5118	79403
2012	79403	6418	85821	5233	80588
2013	80588	5691	86279	3472	82807
2014	82807	6471	89278	4862	84416
2015	84416	7088	91504	4194	87310
2016	87310	6603	93913	3665	90248
2017	90248	6431	96679	3505	93174
2018	93174	6471	99645	4021	95624
2019	95624	6013	101637	4021	97616
2020	97616	3702	286470	2686	87282
2021	87282	4371	91653	3276	88377
2022	88377	7564	95941	4749	91192

4.2. Criminal Cases

Year	Carried over	New Filing	Total	Disposal	Pending
1972	3391	544	3935	1016	2919
1973	2919	1964	4883	784	4099
1974	4099	3349	7448	826	6622
1975	6622	1767	8389	1041	7348
1976	7348	1093	8441	2720	5721
1977	5721	1876	7597	2051	5546
1978	5546	1881	7427	1678	5749
1979	5749	1718	7467	2058	5409
1980	5409	1597	7006	2006	5000
1981	5000	1397	6397	1076	5321
1982	5321	320	5641	674	4967
1983	4967	663	5630	985	4645
1984	4645	595	5240	490	4750
1985	4750	748	5498	486	5012
1986	5012	1248	6260	529	5731
1987	5731	1264	6995	371	6624
1988	6624	3950	10574	289	10285
1989	10285	4487	14772	1579	13193
1990	13193	4664	17857	3053	14804
1991	14804	4679	19483	1399	18084
1992	18084	4822	22906	1879	21027
1993	21027	6170	27197	2507	24690
1994	24690	6189	30879	2131	28748
1995	28748	7786	36534	5417	31117
1996	31117	8279	39396	5978	33418
1997	33418	8560	41978	4927	37051
1998	37051	11508	48559	7021	41538
1999	41538	10881	52419	5910	46509
2000	46509	12445	58954	5790	53164
2001	53164	15092	68256	9219	59037
2002	59037	27000	86037	13192	72845
2003	72845	21363	94208	13300	80908
2004	80908	18297	99205	9332	89873
2005	89873	25179	115052	10760	104292
2006	104292	27747	132039	7833	124206
2007	124206	27779	151985	9035	142950
2008	142950	34492	177442	7071	170371
2009	170371	36725	207096	8096	199000
2010	199000	39631	238631	56705	181926
2011	179698	25573	205271	52149	153122
2012	153122	31258	184380	24108	160272
2013	160272	30137	190409	12414	177995
2014	177995	39301	217296	7745	209551
2015	209551	47870	257421	19457	237964
2016	237964	45353	283317	25836	257481
2017	257481	59491	316972	19337	297635
2018	297635	63623	361258	31923	329335
2019	329335	83688	413023	120594	292429
2020	292429	47170	286457	24682	261775
2021	261775	62929	324704	12034	312670
2022	312670	64097	376767	70951	305816

4.3. Writ

Year	Carried over	New Filing	Total	Disposal	Pending
1972	799	8	807	10	797
1973	797	751	1548	474	1074
1974	1074	1461	2535	293	2242
1975	2242	438	2680	322	2358
1976	2358	538	2896	508	2388
1977	2388	975	3363	1049	2314
1978	2314	1027	3341	490	2851
1979	2851	923	3774	1431	2343
1980	2343	1057	3400	911	2489
1981	2489	899	3388	1220	2168
1982	2168	0	2168	0	2168
1983	2168	0	2168	0	2168
1984	2168	0	2168	0	2168
1985	2168	567	2735	57	2678
1986	2678	494	3172	252	2920
1987	2920	890	3810	102	3708
1988	3708	1745	5453	1560	3893
1989	3893	2490	6383	2361	4022
1990	4022	2015	6037	2917	3120
1991	3120	3142	6262	2567	3695
1992	3695	4455	8150	3356	4794
1993	4794	2244	7038	2097	4941
1994	4941	2639	7580	2174	5406
1995	5406	2745	8151	1830	6321
1996	6321	6490	12811	3042	9769
1997	9769	7988	17757	4539	13218
1998	13218	4362	17580	2958	14622
1999	14622	5078	19700	3162	16538
2000	16538	6345	22883	5349	17534
2001	17534	7256	24790	4614	20176
2002	20176	8782	28958	7292	21666
2003	21666	7722	29388	5127	24261
2004	24261	7192	31453	4276	27177
2005	27177	9628	36805	4433	32372
2006	32372	12693	45065	4129	40936
2007	40936	11166	52102	11122	40980
2008	40980	11589	52569	8915	43654
2009	43654	8848	52502	6370	46132
2010	46132	10330	56462	7303	49159
2011	40916	11587	52503	10924	41579
2012	41579	18003	59582	8028	51554
2013	51554	13013	64567	7473	57094
2014	57094	12861	69955	8688	61267
2015	61267	14347	75614	13457	62157
2016	62157	17026	79183	9857	69326
2017	69326	19563	88889	12119	76770
2018	76770	17234	94004	12560	81444
2019	81444	16415	97859	10006	87853
2020	87853	11930	97667	6471	91196
2021	91196	13853	105049	7970	97079
2022	97079	16871	113950	11355	102595

4.4. Original Cases

Year	Carried over	New Filing	Total	Disposal	Pending
1972	310	294	604	133	471
1973	471	168	639	102	537
1974	537	150	687	104	583
1975	583	98	681	219	462
1976	462	109	571	222	349
1977	349	153	502	234	268
1978	268	88	356	103	253
1979	253	113	366	169	197
1980	197	104	301	291	10
1981	10	102	120	74	46
1982	46	110	266	176	103
1983	103	220	355	163	137
1984	137	252	423	218	238
1985	238	286	520	185	281
1986	281	282	564	239	400
1987	400	283	1350	164	1061
1988	1061	950	1181	289	1117
1989	1117	120	1426	64	713
1990	713	309	1106	713	964
1991	964	393	1350	142	967
1992	967	386	1311	383	862
1993	862	344	1211	449	870
1994	870	349	1225	341	930
1995	930	355	1264	295	1052
1996	1052	334	1503	212	1168
1997	1168	451	1667	335	1256
1998	1256	499	1851	411	1325
1999	1325	595	1901	526	1026
2000	1026	576	1658	875	1049
2001	1049	632	1681	609	1072
2002	1072	825	1897	454	1443
2003	1443	1202	2645	372	2273
2004	2273	820	3093	444	2649
2005	2649	840	3489	406	3083
2006	3083	749	3832	307	3525
2007	3525	889	4414	655	3759
2008	3759	882	4641	403	4238
2009	4238	866	5104	454	4650
2010	4650	842	5492	701	4791
2011	4791	1262	6053	721	5332
2012	5332	1053	6385	1068	5317
2013	5317	1169	6486	936	5550
2014	5550	1436	6986	1182	5804
2015	5804	1635	7439	645	6794
2016	6794	1665	8459	520	7939
2017	7939	1767	9706	535	9171
2018	9171	1609	10780	531	10249
2019	10249	1575	11824	654	11170
2020	11170	1273	13063	353	12710
2021	12710	2114	14824	374	14450
2022	14450	3040	17490	419	17071

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 2022

Period	Number of Judges
1972	10
1973	8
1974	12
1975	12
1976	13
1977	18
1978	17
1979	16
1980	19
1981	18
1982	18
1983	18
1984	24
1985	24
1986	21
1987	25
1988	29
1989	29
1990	29
1991	28
1992	25
1993	31
1994	38
1995	35
1996	30
1997	36
1998	36
1999	39
2000	43
2001	48
2002	55
2003	48
2004	54
2005	72
2006	71
2007	68
2008	67
2009	78
2010	94
2011	98
2012	101
2013	95
2014	90
2015	97
2016	95
2017	89
2018	95
2019	100
2020	97
2021	92
2022	97



The Impact of Constitutional Law on Administrative Remedy

Justice Obaidul Hassan

Appellate Division
Supreme Court of Bangladesh

Administrative law is recognized as a branch of public law, which is more connected with the organization and powers of administrative and quasi-administrative agencies and prescribes principles and rules by which an official action is reached and reviewed in relation to individual liberty and freedom. Administrative law also includes the control mechanism by which the administrative agencies are kept within bounds and made effective in the service of the individuals. This control mechanism is technically called the 'review process'.

The principle that the executive branches of government should be subject to the rule of law is a principle which has ancient origins. In England, the Court of King's Bench by the medieval prerogative writs of prohibition, certiorari and mandamus, kept other Courts within their jurisdiction and the High Court determined the lawfulness of the acts of public authorities. The Lord Chief Justice of England Charles Arthur Russell in *Kruse v. Johnson* case stated that if an action taken by an administrative authority is so unreasonable that no reasonable authority could do it, "the Court might well say, "Parliament never intended to give authority to make such rules; they are unreasonable and ultra vires". This was a case where the validity of a byelaw was challenged. But the principle of reasonableness is used in testing the validity of all administrative actions and an unreasonable action is taken to have never been authorised by the legislature and is treated as *ultra vires*.

The rise of good governance and the dissemination of the concept of public interest litigation has widened the scope of judicial review to encompass arrays of issues pertaining to public importance. Judicial review of administrative action is included within this spectrum. The Courts in India are given extraordinary powers to control and review the administrative actions. The Courts are playing the creative role in order to protect the relations of the growth and development of administrative law. Bangladesh is no exception to this growing phenomenon. Because of its common law heritage, Bangladesh had inherited many aspects of British colonial administration. Similarly, the instrument to counteract the despotism of administrative action had also been obtained from the colonial legacy. An example of it, is the adoption and application of the concept of *ultra vires*, doctrine of legitimate expectation and doctrine of public accountability.

The Constitution of Bangladesh is an autochthonous constitution, borne of supreme sacrifice of its people in the historic struggle for national liberation that witnesses one of most heinous genocides of the world in 1971. Being an organic document with the status of the Supreme Law of the land, the Constitution embodies aspiration of equality, human dignity and social justice. The Constitution of the People's Republic of Bangladesh, which came into effect on 16 December 1972, provides the provisions of the separation of the judicial and the executive branches. The Supreme Court of Bangladesh began its journey on 18 December, 1972 by formally acknowledging its sublime responsibility to help building an equitable social order by ensuring the rule of law. The Constitution has also conferred supervisory authority on the Supreme Court over all other subordinate Courts.

The bifurcated structure of the Supreme Court consists of the Appellate Division and the High Court Division. The Appellate Division is the appellate forum for the High Court Division and has powers to do complete justice, review and prospectively overrule its own judgments. The High Court Division has both original as well as appellate jurisdiction. Constitutional supremacy of Bangladesh underpins the power of the High Court to review administrative action, thereby entrenching legal authority for judicial review enumerated in Article 102 of the Constitution. Article 102 of the constitution has conferred on the High Court Division the power to redress wrong relating to violation of fundamental rights, and issue certain writs in the nature of habeas corpus, mandamus, certiorari, quo-warranto and

prohibition. As such, the judicial review of administrative action is done, in the form of issuing writ and remedying the wrong of any administrative action or inaction, through article 102 of the Constitution. The Supreme Court has the power to strike down laws for unconstitutionality, and its judicial pronouncements are binding unless the Court subsequently overrules itself or the parliament re-enacts the law removing the unconstitutionality.

I would like to provide a glimpse of the Supreme Court's role in the production of administrative law through Court's order. In the case of *Matiur Rahman and others v Bangladesh*¹ the detention order was challenged before the Court. Pursuant to a circular of the Ministry of Home Affairs, issued a detention order which was effected from the date of the service of the order. The district magistrates relied on the circular as justification for such action. However, the Court held that such circular and any action on its basis is "wholly unlawful and unauthorized because it keeps a person in custody for a period longer than permitted by law."²

In the case of *A.T. Mridha v The State*,³ which concerned the legality of detention of the petitioner under a law that precluded judicial review, the Court held that its constitutional supervisory power could not be ousted by a sub-constitutional legislation.⁴

Review of administrative action has also been done through application of different principles. For instance, applying the principle of legitimate expectation, the Court in *Soya-Protein Project Ltd. Vs. ...Secretary, Ministry of Disaster Management and Relief, Bangladesh Secretariat, Dhaka* held that discontinuance of school feeding programme violating its own policy, was in "gross violation of the legitimate expectation not only of the petitioner but also of the millions of under-nourished children warranting interference of the Court, and directed the government to implement its previously articulated policy."⁵

In *Kazi Mukhlesur Rahman vs. Bangladesh and Ors.*⁶ case, famously known as *Berubari* case the agreement between Bangladesh and India regarding Dahagram and Angarpota enclaves was in issue. Through Judicial Review, the Court held agreement to be ultra vires to the Constitution. Later on, Third Amendment to the Constitution was brought based on this judgement. *Berubari* is probably the beginner of abstract judicial review of serious constitutional breaches. Its most eminent aspects were the Court's use of comparative constitutional law materials, again quite earlier than most other supreme Courts in this region, and the judicial pedagogy in clarifying the government's responsibility of amending the constitutional definition of state-territory before it could execute the impugned treaty.

Positing the concept of public interest litigation, the Court in *Mohiuddin Farooque v. Bangladesh*⁷, held that if the fundamental rights of any person or group of persons are violated on account of any administrative action but the aggrieved cannot have resort to the Court on account of their poverty, disability, because of their socially and economically disadvantageous position, any individual or a group of people of the state can move to the Supreme Court on their behalf. The Court observed that the expression "person aggrieved" means not only any person who is personally aggrieved but also one whose heart bleeds for his less fortunate fellow beings for a wrong done by the Government or a local authority in not fulfilling its constitutional or statutory obligations.

Asserting the activities of the administrative agencies, the High Court Division in *Mozammel Haque v Secretary, Cabinet Division*⁸ observed: "We must say that every decision of any government of the Republic exercising the power on behalf of the people of Bangladesh and affecting the people at large is always subject to the judicial review. When any decision of the government lacks fairness and is not based on any valid reason and not borne by the record it is liable to be struck down."

1. 25 BLD (HCD) 90

2. Ibid para 16

3. (1973) 25 DLR (HCD) 335.

4. Ibid, at 350, per Choudhury J, by referring to the P.O. Order No. 50.

5. Outcome of the doctrine of legitimate Expectation <https://www.lawyersnjurists.com/article/outcome-of-the-doctrine-of-legitimate-expectation-in-bangladesh/> accessed 31.12.2022

6. 26 DLR(AD) (1974) 44

7. 1 BLC (AD) 189

8. 28 BLD 412

In the case of *The University of Dacca through its Vice-chancellor and The Registrar, University of Dacca vs. Zakir Ahmed*⁹, it is held that it is necessary to observe certain formalities which have been designed to assure the minimum essential principles of justice and fairness, by at least telling the person sought to be punished or condemned what are the allegations against him and -by giving him a fair opportunity to correct or contradict any relevant statement to his prejudice.

In *Anwar Hossain Chowdhury v Bangladesh*¹⁰ Invalidated part of the Eighth Amendment to the Constitution that diffused the High Court Division into six permanent benches in cities beyond the Court's permanent seat at Dhaka, by replacing original art. 100 of the Constitution. The Appellate Division held that Parliament's amendment power under art. 142 is subject to un-alterability of "basic structures" of the Constitution. This is how the Supreme Court authoritatively established the "basic structure doctrine"

In the case of *Shahriar Rashid Khan vs. Bangladesh and others*¹¹ it was held that, repealing Indemnity Ordinance, 1975 as an ordinary law by Indemnity Repeal Act, 1996 with simple majority in the parliament is legitimate and FIR can be lodged and case can proceed for the Murder of Bangabandhu Sheikh Mujibur Rahman and his family.

In *Khondker Delwar Hossain Secretary, BNP & another vs. Bangladesh Italian Marble Works and others*¹² case, the Court put on record its total disapproval of Martial Law and suspension of the Constitution or any part thereof in any form and thus, declared the 5th amendment to the Constitution void.

In the case of *Siddique Ahmed vs. Government of Bangladesh*¹³ it was held that, the seventh amendment to the Constitution is ultra vires to the Constitution and thus cannot sustain in the eye of law.

In *Abdul Mannan Khan vs. Government of Bangladesh, represented by the Secretary, Ministry of Law, Justice and Parliamentary Affairs and Others* (10.05.2012) case, it was held in a majority decision that, the republic cannot be ruled over by anyone other than representatives elected directly by the vote of the citizens and thus, the 13th amendment is void.

Over the last five decades, the Supreme Court of Bangladesh expanded review in many cases, holding public agencies accountable for action or inaction and accommodated judicial review as a stimulus for legislative and executive functions. This positive attitude of our judiciary has played a dynamic role in dispensing justice truly as 'the light at the end of the tunnel' for those are in distress.

The intersection of constitutional law and administrative remedy presents both challenges and opportunities for legal practitioners, scholars, and policymakers. On the one hand, administrative remedies provide an efficient and accessible means for individuals to vindicate their constitutional rights without resorting to costly and time-consuming litigation. On the other hand, the use of administrative remedies raises questions about the adequacy of these remedies in protecting fundamental rights, especially when the remedies are limited by the discretion of administrative agencies. There is a need for continued engagement and collaboration among legal practitioners, scholars, and policymakers to address the challenges and opportunities presented by the intersection of constitutional law and administrative remedy. By working together, we can ensure that administrative remedies play a critical role in safeguarding constitutional rights and promoting justice for all.

9. 16 DLR (1964) 722

10. 1989 BLD (Spl.) 1 (Afzal J dissenting, but conceding to the view (at 212-3) that "the Constitution cannot be destroyed or abrogated" in the name of amending it).

11. 18 BLD (AD) 155,

12. 62 DLR(AD) (2010) 298

13. 2013 33 BLD (AD) 129,

However, the Judiciary also faces immense challenges in this regard. There are multiple factors that act as hindrances. Some factors are internal such as the intellectual understanding or the thought processes of judges. Certain factors, however, are external such as the political environment or lack of positive response from other branches of the State. Despite these, even in the barren period, during the extra-constitutional regimes, the Judiciary of Bangladesh remained immensely progressive in terms of ensuring rule of law through proper judicial activism. The Supreme Court ensured right to liberty of thousands of detainees arrested during martial law regimes under preventive detention scheme and thus, invalidated government actions and paved the way to resume democracy in Bangladesh. Indeed, the judiciary continues to strive to uphold the Constitutional mandates by protecting human rights, ensuring equality and justice and judicial review is one of the aiding tools in this respect in the constitutional scheme of Bangladesh. Given the role the Courts have so far been playing in restricting unfettered administrative actions, we have absolute faith that the Judiciary will continue to be the flagbearer of the Constitution and the overseer of rule of law in more meaningful ways in the days to come like as in the past.

The above trajectory of the jurisprudence, developed over the years, depicts the Supreme Court's firm stance in upholding justice through the exercise of its power of judicial review in analysing the legality and rationality of administrative actions and decisions. "Justice is truth in action" said by Benjamin Disraeli. Delivery of justice is indeed a heavy responsibility to be discharged truthfully, honestly, faithfully and in accordance with the Constitution and law without any fear, favor, affection or ill-will. I am confident that our judiciary and the judiciary around the globe, at all levels, shall continue to dispense justice in all circumstances and uphold constitutionalism and justice by promoting rule of law and fundamental rights.



Technology and Innovation Shaping the Future of IP

Dr. Justice Syed Refaat Ahmed

High Court Division
Supreme Court of Bangladesh

Distinguished Guest Speakers, Ladies & Gentlemen. Good Morning.

Technology and innovation have always pushed the boundaries of any legal framework. But when it comes to intellectual property law, the emergence of technologies and innovation have not only pushed the boundaries of the intellectual property laws but also resulted in systemic disruptions to the prejudice tax and fiscal administration.

Bangladesh, the country I represent and belong to, has been growing rapidly over the last decade and is considered as the next Asian Tiger by many. Bangladesh being one of the thriving economies in the world now, has embraced innovation as a particular tool for expanding its growth, productivity and economic sustainability which is noticeable from the recent policy approaches with regard to the intellectual property rights (“IPR”) régime.

However, like many other jurisdictions, proliferation of innovation and creativity is exposed to various challenges in Bangladesh too. Counterfeits, parallel imports and piracy sneak through systemic barriers affecting brand owners’ and IP right-holders’ interests adversely. An appropriate legal framework along with effective IPR enforcement mechanisms, therefore, acquire a primacy for a country like Bangladesh that wishes to augment its growth and place in the global economy.

In so far as the intellectual property legal framework in Bangladesh is concerned, the country has enacted and updated all the relevant statutes in keeping with global standards the prime examples of which are the National Innovation and Intellectual Property Policy 2018, IPR Enforcement (Import and Export) Rules, 2019 and the new Patent Act, 2022.

The National Innovation and Intellectual Property Policy, 2018 has a focus on IPR capacity building, management and coordination among different public and private bodies and individuals, while the IPR Enforcement (Import and Export) Rules, 2019 has been framed to combat the formidable challenge as emerges from counterfeit and parallel importation of branded products which seems to keep the brand owners on the edge. Such brand owners are mostly multinational companies



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or foreign investors conducting business, operating or engaged in manufacturing in Bangladesh.

There is no doubt that the inclination towards parallel and counterfeit imports and exports of branded goods is likely to create an adverse and damaging impact on Bangladesh's economy and GDP growth by discouraging or slowing down foreign investment and depriving Bangladesh of its due revenue earnings.



Mr. Justice Syed Refaat Ahmed receiving memento at 10th World IP Forum Conference 2022 (© WIPF)

It is here that the role of the National Board of Revenue (or “the NBR”), the apex authority for tax and fiscal administration in Bangladesh which operates under the Internal Resources Division of the Ministry of Finance, acquires significance. As part of its regulatory function, and to combat such infringements, the NBR has, therefore, framed the IPR Enforcement (Import and Export) Rules, 2019 under the aegis of sections 15, 16 and 17 of the Customs Act, 1969, and with that Bangladesh has joined the league of countries that have customs recordation systems within their legal framework for controlling borders. The Rules cover and address both import and export which means that under the Rules brand owners can record their brands with the customs authority for stopping both imports or exports of counterfeit and parallel importation of goods.

One of the salient features of the IPR Enforcement (Import and Export) Rules, 2019 is that the scope of the Rules extends to the exportation of counterfeit goods – a praiseworthy decision taken by the NBR. The prohibition of the export of counterfeit goods from Bangladesh shall greatly encourage foreign brands that are having their branded goods manufactured in Bangladesh and this shall in turn boost the brand owners' and right holders' confidence and trust as well as attract more investment for Bangladesh.



Mr. Justice Syed Refaat Ahmed delivering speech as guest speaker at 10th World IP Forum Conference 2022 (© WIPF)

Goods or brands having registered Trademark, Patent, Design, Geographical Indication or Copyright can now be recorded with the customs authority by filing an application with the relevant customs house. In this regard on one occasion I have adjudicated upon an application that was filed before my bench under the Writ Jurisdiction seeking a Rule Nisi and direction by the brand owner called NESTLÉ Bangladesh Limited. In the Writ Petition the applicant, i.e. NESTLÉ, challenged the inaction and failure of the respondents (the customs authority) for disposing of the application for recordation that was made by NESTLÉ and accordingly a direction was prayed for as an interim relief. Having found merit in the applicant's case my Court was inclined to issue a Rule Nisi coupled with an interim order of direction upon the customs authority for disposing

of the application made by the petitioner, NESTLÉ. The Writs were, therefore, issued both in Certiorari and in Mandamus in Writ Petition No. 6513 of 2020.

Moving on to the new Patent Act, 2022, I would like to share two aspects of that piece of legislation. Patents are now granted for 20 years, which used to be for 16 years under the previous Patent Act, 1911. In the Patent Act, 2022, a new chapter has been introduced to allow Utility Model Patents which are otherwise known as Mini Patent. Utility Model Patents are given for a 10-year term. This is expected to address the dynamics of startup companies. The startup ecosystem has shaped up pretty well over the last decade in Bangladesh, and with the latest change in the patent law the startup ecosystem is expected to see further growth.

Over time it has been observed that the lack of awareness among stakeholders is the predominant reason behind feeble implementation and ineffective enforcement of IPR laws in Bangladesh. Therefore, building capacity among the relevant stakeholders and creating mass awareness are very important in the interest of an effective IPR régime and for IPR enforcement in Bangladesh. The judicial intervention above cited is but one example of the effort in that direction as operates as well to engender a compliance culture in our jurisdiction.

I am humbled by the gracious gesture shown to me by the organizers of the World IP Forum. I thank them for having me here and wish them all deserved success.

Thank you.



The Separation of Judiciary in Bangladesh

Justice A.N.M. Bashir Ullah

High Court Division

Supreme Court of Bangladesh

The Separation of Judiciary has been implemented in Bangladesh on 1st November 2007. But the nation did not get this 1st November for the events of any one or two days, rather it has a very long and neglected history which we should know. But in this short space it is not possible to narrate such an elaborate history of Separation of Judiciary. Moreover, the very traditional and essay type history may bore the readers and interested persons. So, instead of the very traditional and essay type writings I am trying to give a short picture of effort, fact, initiative, action and contribution regarding the Separation of Judiciary chronologically through the following table. It may kindly be considered as a short synopsis on the subject. The write-up has been written on the basis of the information which I could have made available within my limited source.

Separation of Judiciary at a glance

Sl. No.	Date/ Year	Facts	Initiative/ Contribution Authority	Comments
1.	22.03.1898	The Code of Criminal Procedure, 1898 was passed on this day which came in to force from 01.07.1898 keeping the provisions of Magistracy in the hands of executive.		After only 22 years of this enactment people of this area was feeling that the Magistracy should be separated form the executive.
2.	04.04.1921	In the Legislative Council of Bengal a proposal was passed for Separation of Judiciary.	Sher-e-Bangla A.K. Fazlul Haque took the initiative.	A committee was formed under the leadership Justice Sir Edward Grivs.
3.	1924	In the Legislative Assembly of Bengal a proposal for separation of Judiciary was placed.		Sir Hew Stephenson, an authority rejected the recommendation of Grivs committee.
4.	1954	In the then East Pakistan the Juktofront, a great political alliance incorporated the demand of separation in point no. 15 out of 21 points.		It was made to show the respect to the popular demand of the peoples of this country for separation.
5.	1957	In East Pakistan Legislative Assembly E.P Act no 36/57 was passed amending the Cr.P.C for Separation.	This act was passed by all the members of Legislative Assembly unanimously.	This act had never been acted upon for the wants of notification of its date of implementation.
6.	1958	Law Commission made recommendation for bringing the Judicial Magistrate under the control of High Court.		Govt. did not pay heed to this recommendation at all.

Sl. No.	Date/ Year	Facts	Initiative/ Contribution Authority	Comments
7.	1967	Law commission in a report opined that it is a great obstacle for the early disposal of the criminal cases as the Magistrates are working with the Executive. They recommended for implementation of Act no.36/57.		Govt. did not pay heed to this report and recommendation yet.
8.	04.11.1972	The sacred Constitution of the People's Republic of Bangladesh was adopted on this day with the giving assurance of Separation of Judiciary in Article 22.	The members of the National Assembly of Bangladesh.	It was the fundamental, legal and mental force and basis of Separation of Judiciary.
9.	1973	In neighboring country Pakistan the implementation of Separation of Judiciary has been ensured.		
10.	1974	In neighboring country India the implementation of Separation of Judiciary has been ensured.		
11.	1976	A Law Committee headed By former Chief Justice Kemaluddin Hossain recommended for implementation of Separation of Judiciary in three phases.		This committee also recommended the enforcing of E.P Act 36/57.
12.	1987	At the time H.M Ershad regime a bill on Separation of Judiciary was placed fixing 1 st April/1987 as the date of its implementation.		This bill was not passed and did not see the light of sun for the reasons best known to the nation.
13.	08.01.1994	The Ministry of Finance enhanced the pay of Sub-Judge. Addl. District and District Judge to the next scale.		
14.	28.02.1994	The Ministry of Finance stayed the enhanced pay of Sub-Judge, Additional District Judge and District Judge to the next scale.		This was done for the resistance of the officers of different cadre service.
15.	02.11.1995	The Ministry of Finance cancelled the enhanced pay scale of Sub-Judge, Additional District Judge and District Judge to the next scale.		The then Judicial (B.C.S) Association did not take it easy.
16.	1995	The Then Judicial (B.C.S) Association took the decision for filing writ case against the Government challenging the cancel order of their enhanced pay.	A ten members committee for filing the case was formed headed by Mr. Azizul Haque, the then Additional District Judge, Dhaka, later on he was elevated as the Judge of the Supreme Court of Bangladesh.	The Committee consulted with Barrister M Amirul Islam, who also asked the Judges to take help of Dr. Kamal Hossain and Barrister Istiak Ahmed. These Lawyers helped the Judges all thorough the proceeding.

Sl. No.	Date/ Year	Facts	Initiative/ Contribution Authority	Comments
17.	1995	441 Judicial Officers of Bangladesh along with the writer of this write up filed the writ Petition in the Honourable High Court Division being writ case no 2424/95 challenging the order of Ministry of Finance dated 28.02.1994 & 02.11.1995. Rule nisi was issued on 19.11.1995.	Initiative was taken to establish that Judges are not Officers like others, so they should have separate rules for appointment and pay in view of Article 115 of the Constitution. Counsel: Barrister Mr. Ishtiaq Ahmed, Dr. Kamal Hossain, Barrister M Amir Ul Islam, Idrisur Rahman and Ms. Tanya Amir.	Since at that time Mr. Masder Hossen was the General Secretary of the Judicial Association and since the president declined to be a party in the proceeding, so the name of Mr. Masdar was given in serial no 01 of the Petitioners among others, that is why, the case is now popularly known as Masder Hossen Case.
18.	07.05.1997	Writ Petition being no 2424/95 was allowed with the direction that the Government shall take immediate steps for carrying out the purpose of Separation of Judiciary from the executive among many others. (Reported at 02 BLC-444)	Mr. Justice Mozammel Hoque and Mr. Justice Hasan Ameen made the Rule absolute.	This Judgment is an important piece of document for Separation of Judiciary.
19.	1999	Secretary, Ministry of Finance preferred Civil Appeal no 79/99 before Honourable Appellate Division against the judgment dated 07.05.1997 of writ Petition of 2424/95.		
20.	02.12.1999	The Appellate Division passed the historical Judgment of Separation of Judiciary with a direction to implement 12 points embodied in the Judgment. [Reported at 52 DLR (AD) 82]	The Chief Justice Mustafa Kamal, Mr. Justice Latifur Rahman, Mr. Justice B.B Roy Chowdhury & Mr. Justice Mahmudul Amin Choudhury (Judges of Appellate Division) delivered this historical judgment.	This judgment and verdict of the Appellate Division can be considered as Magna Carta of the Separation of the Judiciary in Bangladesh.
21.	2000	The Government filed a review petition before the Appellate Division for reviewing the Judgment dated on 02.12.1999. This review was rejected on 18.06.2001.		After rejection of the review petition the Government had no better option but to work for Separation, but unfortunately Government did not react properly and sincerely.
22.	2001 to 2007	The Government prayed for adjournment for 22 times before the Appellate Division for taking necessary action in view of the direction of the Appellate Division and the total matter was adjourned for 28 times.		In fact the Government who were in the power before 01.11.2006 did not take any effective effort for implementation of the direction of Appellate Division.

Sl. No.	Date/ Year	Facts	Initiative/ Contribution Authority	Comments
23.	28.01.2004	The Judicial Service Commission Rules was framed by the President. But it was not framed as per direction of the Appellate Division's verdict dated 02.12.1999.		This Rules was Cancelled on 16.01.2007.
24.	13.04.2004 20.02.2006	Chowdury Munir Uddin Mahfuz, the then District Judge, filed 02 petitions for drawing contempt proceeding against the Government Officers who were not complying with the Directions of Honourable Appellate Division.		The 1 st petition was filed on 13.04.2004 when the applicant was the Chairman, labour Court, Khulna. The 2 nd petition was filed when the applicant was Judge at Nari-o-Shisu Nirjatan Daman Tribunal at Kishoreganj.
25.	29.11.2004	Since the Government framed rules for the Separation of Judiciary in violation of the direction of the Appellate Division, a contempt proceeding was started against Government Officers, being contempt case no. 07 of 2004.		On 07.05.2007, the Honourable Appellate Division made a direction to the Government for creation of the posts for Judicial Magistracy and the supporting staffs.
26.	16.01.2007	The new Bangladesh Judicial Service Commission Rules, 2007 was framed by the President. It was framed as per direction of the Appellate Division's verdict dated 02.12.1999. (The previous rules framed on 28.01.2004 were replaced by these Rules).	For the sincere effort of Honourable Adviser, Ministry of Law Barrister Mr. Moinul Hossen with in the 05 days of the Care Taker Government 4 important Rules were framed. By the Order of Honourable President it was signed on his behalf by Mr. Alauddin Sarder, Secretary, Ministry of Law.	The new Care Taker Government came into the power on 11.01.2007 and within 05 days of their ruling they took the effective effort for Separation of Judiciary.
27.	16.01.2007	The Bangladesh Judicial Service (Pay Commission) Rules, 2007 was framed by the President. It was framed as per direction of the Appellate division's verdict dated 02.12.1999.	By the Order of Honourable President it was signed on his behalf by Mr. Siddiqur Rahman Chowdhury, Secretary, Ministry of Finance.	
28.	16.01.2007	The Bangladesh Judicial Service (Framing of Service, Appointment, Temporary Suspension, Suspension and Dismissal form Service) Rules, 2007 was framed by the President. It was framed as per direction of the Appellate Division's verdict dated 02.12.1999.	By the Order of Honourable President it was signed in his behalf by Mr. Abu Md. Maniruzzaman Khan, Secretary, Ministry of Establishment.	

Sl. No.	Date/ Year	Facts	Initiative/ Contribution Authority	Comments
29.	16.01.2007	The Bangladesh Judicial Service (place of posting, Promotion, Leave, Discipline, and other condition of Service) Rules, 2007 was framed by the President. It was framed as per direction of the Appellate Division's verdict dated 02.12.1999.	By the Order of Honourable President it was signed in his behalf by Mr. Abu Md. Maniruzzaman Khan, Secretary, Ministry of Establishment.	
30.	11.02.2007	Ordinance no 02 of 2007 was promulgated amending the Cr. P.C 1898 in a broad and effective way keeping the provisions of Judicial and Executive Magistrate.	In Section 01(2) of the Ordinance it has been said that after the acting upon of the rules framed under Article 115/133 of the Constitution the Ordinance will be affected. (For the above conditions it had some uncertainty like the E.P Act 36/57)	Code of Criminal Procedure 1898 was taken on 22.03.1998 and after 109 years 07 months 09 days a drastic change was made in the Cr. P.C for an effective Separation.
31.	10.04.2004	Ordinance no 04 of 2007 was promulgated amending the Cr.P.C 1898 and the ordinance no 02 of 2007 in a very narrow way keeping the provisions of acting upon the ordinance no 02/07 at the advice of Honourable Supreme Court.	Promulgated By Professor Dr. Yeazudding Ahmed, the Honourable President of the People's Republic of Bangladesh.	This Ordinance was made, so that the ordinance no. 02 of 07 did not die at the age of its birth, like E.P Act no 36/57.
32.	13.09.2007	The Government as per direction of the Honourable Appellate Division dated 07.05.2007 passed in contempt petition no 07/04 created the posts of 655 Judicial Magistrates and posts of 3618 supporting staffs with the other facilities like microbus for all the district and steno and computers for all the Magistrates.	The Ministry of Law, Justice and Parliamentary affairs by its Memo no, Bichar-4/5 C-02/2007/1126 dated 13.09.2007 notified about the creation of posts.	This creation of post with all modern facilities and office equipments was a dynamic progress in the way of Separation.
33.	27.09.2007	The Honourable Supreme Court of Bangladesh took the decision for acting upon the Ordinance no. 02 of 07 from 1 st November, 2007.	Under the guidance and effective initiative of Mr. Md. Ruhul Amin, the Honourable Chief Justice of Bangladesh, all the Judges of Appellate Division of Supreme Court of Bangladesh took this historical and dynamic decision.	This courageous decision is the mile stone of Separation of Judiciary. Had there been no such bold decision the fate of Ordinance no 02 of 07 might have been like the E.P Act no 36/57.

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34.	09.10.2007	The Government through S.R.O no 241-Law/2007 made the gazette notification of acting upon of the Ordinance no 02 of 07 from 1 st November, 2007.	By the Order of the Honourable President, the gazette was signed on his behalf by Salma Binte Kadir, Deputy Secretary, Ministry of Law.	This declaration was the official declaration of the Government for Separation of Judiciary.
35.	09.10.2007	179 Judicial Officers were posted in the post of Chief Metropolitan Magistrate, Chief Judicial Magistrate, Additional C.M.M, Additional Chief Judicial Magistrate and Judicial Magistrate by the Government.	The Ministry of Law with the consultation of the Supreme Court of Bangladesh by 8 separate notifications posted these officers. By the Order of the Honourable President, the notification was signed on his behalf by Farook Ahemd, Deputy Secretary, Ministry of Law.	This Step of the Government was very much realistic effort for the Separation.
36.	09.10.2007	The Bangladesh Supreme Court, High Court Division, Dhaka by a general letter asked all the District Judges for providing all supports including office, staffs, vehicles and residence to the newly appointed Judicial Magistrates.	This important letter was issued in the signature of Mr. Iktdar Ahmed, Registrar of the Supreme Court of Bangladesh. The memo no of the letter was 12719G.	This direction was very much necessary and became fruitful for the smooth starting of the Judicial Magistracy across the country.
37.	17.10.2007	The Bangladesh Supreme Court, High Court Division, Dhaka by a Circular established a control room for round the clock with a direction to contact the control room for any problem in performing the office work of the Judicial Magistracy.	This important circular was issued in the signature of Mr. Iktdar Ahmed, Registrar of the Supreme Court of Bangladesh. Mr. Golam Sarwar, Deputy Registrar-3 was in the charge of the control room. The circular no was 06 dated 17.10.2007.	It was a time demanding steps of the Honourable Supreme Court to meet up the crisis of the Judicial Magistracy.

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38.	October, 2007	The Honourable Chief Justice of Bangladesh formed a high powered committee to monitor and to solve the problems of transition period of the Judicial Magistracy.	The Committee was headed by Mr. Justice M. M. Ruhul Amin, Justice, Appellate Division. The other members were Mr. Justice Mirza Hossain Haider, Mr. Justice Kamrul Islam Siddique, Mr. Kazi Habibula Awal, Law Secretary, Mr. Ikhteder Ahmed, Registrar, Mr. Anwarul Hak, Joint Secretary, Ministry of Law and Mr. Farid Ahmed Shibli, Additional Registrar, Appellate Division.	This decision of the Honourable Chief Justice was a far sighted step for the smooth starting of the Judicial Magistracy across the country.
39.	19.10.2007 20.10.2007 21.10.2007 22.10.2007 23.10.2007 26.10.2007	The High powered committee visited Dhaka Court, Chattogram, Rangamati, Bandarban, Rajshahi, Khulna and Jessore and held meeting with the Judges, other senior Government officers and members of the respective Bar Association for the smooth starting of Judicial Magistracy from 1 st November, 2007.	The high powered committee visited Dhaka on 22.10.2007 Chattogram-19.10.2007 Khagrachori-20.10.2007 Rangamati/Bandarban 21.10.2007 Rajshahi-23.10.2007 Khulna/Jessore-26.10.2007	For the active and sincere effort of this high powered committee, the transfer of Magistracy from Executive to Judiciary held smoothly.
40.	17.10.2007	An orientation programme was held for the newly appointed C.M.M and CJM, at Judicial Administration Training Institute, Dhaka. The meeting was organized by the Ministry of Law and presided over by Mr. Justice Hamidul Haque, Director General of Judicial Administration Training Institute (JATI).	Mr. Justice Md. Ruhul Amin, the Chief Justice of Bangladesh as chief guest addressed the audience about role of the newly Appointed Judicial Magistrates. Among others Mr. Justice M.M Ruhul Amin, Justice Appellate Division Mr. Justice Mirza Hossain Haider and Mr. Justice Kamrul Islam Siddique spoke in the gathering.	

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41.	18.10.2007	An orientation programme was held for the District Judges and Metro Sessions Judges at Judicial Administration Training Institute, Dhaka. The meeting was organized by the Ministry of Law and presided over by Mr. Justice Hamidur Haque, Director General of Judicial Administration Training Institute (JATI).	Mr. Justice Md. Ruhul Amin, the Chief Justice of Bangladesh as chief guest addressed the audience about role of the District Judges for the newly created Judicial Magistracy. Among other Mr. Justice M.M Ruhul Amin, Justice Appellate Division Mr. Justice Mirza Hossain Haider and Mr. Justice Kamrul Islam Siddique spoke in the gathering.	
42.	21.10.2007	Resistance was thrown against the separation by the officers of B.C.S Admin Cadre. They held a meeting in the name of seminar “Sushanoner Jonno Bichar Bivag” at BIAM Foundation Auditorium, Dhaka. They opposed the separation very nakedly. They assaulted the Judiciary in all the possible ways.	Mr. Rokan-Ud-Doula, a Metro Magistrate as the key speaker, crossed his limit. He asked his followers to stop the work in the Ministry, Zilla and Upozilla Parishad. He also told that if he is arrested for his stance against the Separation he is ready to go even into the gallows to resist the separation.	The seminar was presided over by Mr. Ikram Ahmed, Divisional Commissioner, Dhaka. Mr. Abu Md. Maniruzzaman Khan, the president of their Association was the chief guest who as Secretary of Establishment Ministry signed at least two rules of separation on 16.01.2007. Before 10 days of this organized resistance a leaflet was thrown in the Dhaka City against the Separation.
43.	23.10.2004/ 24.10.2004	The total nation reacted seriously against the stand of officers of the BCS Admin Cadre regarding the Separation of Judiciary. Advocate Mr. Z.I Khan Panna, issued a legal notice to Mr. Rokan-Ud-Doula and 4 others of contempt of court. Mr. Rokan-Ud-Doula sought apology in his official chamber through electronic media to the Honourable Chief Justice, to the Government and also to all other concern.		In fact Mr. Rokan-Ud-Doula had no better alternative but to seek pardon for his misdeeds and audacity.

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44.	21.10.2007	Bangladesh Judicial Service Association denied the allegation of the Administrative cadre's regarding the disparity in the rules of service commission.	Mr. Ikhtedar Ahmed, Registrar, Supreme Court as vice president of the Association spoke to the journalists. Among other Mr. Ishtiaq Hossain, District Judge, Dhaka and President of the Association and Mr. Masder Hossain were present.	
45.	22.10.2007	The Bangladesh Bar Council and the Supreme Court Bar Association seriously opposed the stance of Admin Cadre. They demanded legal action against them. They also declared the 1 st November of the year as "Judiciary Separation Day" inviting all the bars to observe it in a befitting manner.	Advocate Mr. Khondekar Mahbub Hossen, Vice Chairman of Bangladesh Bar Council and Barrister Amir Ul Islam in a different press conference declared the programme on behalf of their organization.	
46.	29.10.2007	An orientation programme was held for the Additional C.M.M, Additional CJM and Judicial Magistrates at Judicial Administration Training Institute, Dhaka. The meeting was organized by the Ministry of Law and presided over by Mr. Justice Hamidul Haque, Director General, Judicial Administration Training Institute (JATI).	Mr. Justice Md. Ruhul Amin, the Chief Justice of Bangladesh as chief guest addressed the audience about role of the newly appointed Judicial Magistrates. Mr. Justice M.M Ruhul Amin, Justice Appellate Division Mr. Justice Mirza Hossain Haider and Mr. Justice Kamrul Islam Siddique spoke in the gathering.	
47.	01.11.2007	After removing all clouds from the sky of Separation Mr. Fakhruddin Ahmed, the Chief Advisor of Care Taker Government and Mr. Md. Ruhul Amin, the Chief Justice of Bangladesh formally inaugurated the Separation of Judiciary of Bangladesh at Bangladesh-China Friendship Conference Centre. The meeting was presided over by the Law Advisor Barrister Moinul Hossen. Mr. Kazi Habibul Awal, Secretary of Ministry of Law made his welcome address in the occasion.	Mr. Fakhruddin Ahmed, the Chief Advisor of Care Taker Government and Mr. Md. Ruhul Amin, the Chief Justice of Bangladesh symbolically inaugurated the function of the Court of C.M.M and CJM Dhaka unveiling the skin of stone at Bangladesh-China Friendship Conference Centre.	The colorful function was attended among others by former Chief Justice Mr. M. Habibur Rahman, Mr. Justice M. Mustafa Kamal, Mr. Justice Latifur Rahman, Mr. Mahmudul Amin Choudhury, Mr. Justice K M Hasan, Mr. Justice Syed J.R. Mudassir Husain. In fact the whole function became a cheerful gathering of all the members' of Judicial fraternity including the Judges, Lawyers and well wishers of the Judiciary.

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48.	01.11.2007	In all the District Judge Courts of Bangladesh Judicial Magistracy starts its functioning under the auspices of District Judges. The starting ceremony was very much simple in all the stations. In many stations munajat were offered seeking the blessing of Almighty Allah. Every District Bar Association celebrated the “Judicial Separation Day” holding seminar and discussion meeting etc in response of the call by Bangladesh Bar Council.		The whole Lawyers Community welcomed the Separation of Judiciary from their core of hearts and as a result they observed the 1 st November as “Judicial Separation Day” across the Country.
49.	01.11.2007	The Supreme Court Bar Association hold a meeting in observing the “Judicial Separation Day” in the afternoon of the day. Almost all the Judges of the Supreme Court among others attended the meeting. The meeting was presided over by the Supreme Court Bar Association President Barrister M Amir-ul-Islam.	Mr. Justice Md. Ruhul Amin, the Chief Justice of Bangladesh as chief guest urged the Judges, Lawyers and all concerned to work collectively in order to make the Separation meaningful to the people. Among others former Chief Justices-Justice Mr. Mustafa Kamal and Justice Mr. Mahmudul Amin Chowdhury also spoke in the function.	The gathering is the best evidence of suitable coordination in between the Bar and Bench regarding the Separation of Judiciary.
50.		On 08.04.2009, Act no 32 of 2009 amending the Code of Criminal Procedure, 1898 and endorsing the Ordinance nos. 02/07 and 04/07 (by which the Judiciary was separated initially) was passed in 9 th Parliament of Bangladesh with effect from 01.11.2007. In enacting the Act no. 32 of 2009 the Separation of Judiciary has been confirmed by the Awami League Government.	Act no. 32 of 2009 was passed in the 9 th Parliament of Bangladesh. Had there been no such Act, the total scheme of Separation of Judiciary would be in an end. At the time of passing such Act the government of Bangladesh was led by Awami League headed by Honourable Prime Minister Sheikh Hasina and Mr. Shafique Ahmed was Law Minister while Mr. Muhammad Quamrul Islam was State Minister of Law and in Parliament Advocate Mr. Abdul Hamid was the Speaker and Mr. Shawkat Ali was the Deputy Speaker. The nation will always remember their historical contribution in passing the Act no. 32 of 2009 Separating the Judiciary finally in Bangladesh.	Under the provisions of Article 93(1) of the Constitution of the People’s Republic of Bangladesh, Ordinance no. 02 of 2007 and 04 of 2007 were promulgated to Separate the Judiciary from executive but in view of Article 93(2) of the Constitution if any Ordinance is not approved or adopted in the 1 st Sessions of the Parliament, such Ordinance so promulgated in absence of Parliament loses its legal force. So, if the Awami League Government headed by the Honourable Prime Minister Sheikh Hasina, in the 1 st sessions of Parliament in 2009 did not pass the Act no 32 of 2009 on 08.04.2009 adopting the Ordinance no 02 of 2007 and 04 of 2007, the total scheme of the Separation of Judiciary would die in its childhood. So, the Peoples of the country are enjoying the huge privileges of Separation of Judiciary for the determination and historically correct decision of Honourable Prime Minister Sheikh Hasina and her Awami League Government.

Conclusion: In the last 66 years from 1957 many efforts were taken for Separation of Judiciary but nothing came into the light. In the case of Masder Hossain, the former Chief Justice Mr. Mustafa Kamal, Justice Latifur Rahman, Justice B.B. Roy Chowdhury and Justice Mahamudul Amin Choudhury gave their verdict and guideline for the Separation of Judiciary. The then Government was trying to frustrate the scheme but for the very bold and sincere initiative of Mr. Md. Ruhul Amin, the then Chief Justice of Bangladesh, the Separation of Judiciary ultimately came into the light from 1st November, 2007. Had there been no decision on 27.09.2007 under the dynamic leadership of the then Chief Justice Mr. Md. Ruhul Amin for implementation of Ordinance No. 02/07 (Amendment of the Cr. P.C dated 11.02.2007) from 01.11.2007 there would be no Separation of Judiciary at all. So, the nation will ever remember the contribution of Mr. Md. Ruhul Amin, the then Chief Justice of Bangladesh for his leadership in the Separation of Judiciary.

The nation also remember the contribution of the Care Taker Government under the Leadership of Chief Adviser Mr. Fakhruddin Ahmed and Law Adviser Barrister Moinul Hossain for Separation of Judiciary as they took initial step for Separation of Judiciary. The nation also remember the role of High Powered monitoring committee headed by Justice M.M. Ruhul Amin and the other members of this committee for their contribution for the smooth starting of the Judicial Magistracy from 1st November, 2007. The nation will also remember the active role of Mr. Kazi Habibul Awal, Law Secretary and Mr. Ikhtedar Ahmed, Registrar of the Supreme Court of Bangladesh for their good, sincere and effective co ordination in implementing the Separation of Judiciary from 1st November, 2007. The nation also appreciate the contribution of the Lawyers community in this great job.

The nation remember the role of Bangladesh Awami League government and Honourable Prime Minister Sheikh Hasina in separating the Judiciary finally. The initial step for Separation of Judiciary was taken in 2007 promulgating the Ordinance no 02 of 2007 and 04 of 2007 when there was no Parliament in the country. The 9th Parliament election took place on 29th December, 2008. The Bangladesh Awami League headed by Sheikh Hasina won in 230 seats out of 300 and ultimately Sheikh Hasina sworn as Prime Minister of Bangladesh on 6th January, 2009. The Bangladesh Awami League government in its 1st Sessions of 9th Parliament passed the Act no 32 of 2009 endorsing the Ordinance no. 02 of 2007 and 04 of 2007 thereby Separation of Judiciary has been implemented finally. Had there been no such Act nos 32 of 2009, the Ordinance no. 02 of 2007 and 04 of 2007 would die sine die within the 1st Sessions of 9th Parliament. So the final and ultimate credit goes to the Honourable Prime Minister Sheikh Hasina and her government Bangladesh Awami League for the much expected Separation of Judiciary in Bangladesh.

Before parting I beg apology for any errors if any.



Clinical Legal Education and Law Clinic

Justice Md. Badruzzaman
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Clinical Legal Education is a legal teaching method based on experiential learning, which fosters the growth of knowledge, personal skills and values as well as prompting social justice. This education is necessary to bridge a gap between theory and practice. The clinical legal education is a crucial aspect of legal teaching methodology, which basically involve practical legal training through moot-Court, mock trial, participation of the students in alternative dispute resolution and also in public legal education. Clinical legal education provides numerous advantages to the law student cohort and establishes an opportunity for the students to gain important practical experience, whilst enabling them to offer a valuable service to the local community.

The ‘Law Clinic’ or legal clinic is often regarded as an integral part of the clinical legal program. It helps the students to maximize the benefits of clinical legal education by enabling them to develop key skills which a lawyer possesses, which includes client interviewing skills, marshalling of facts, arts of examination and cross-examination, civil and criminal procedure in practice and different laws in action. The use of the word “Clinic” perhaps, prompts the analogy of trainee doctors meeting real patients in their medical clinics. Clinical Legal Education is only one way in which theory and practice can be brought together.

A legal clinic (also law clinic or law school clinic) is a law school program providing hands-on-legal experience to law students and services to various clients. Clinics are usually directed by clinical professors [Ref. Blacks Law Dictionary, 6th Edition, “ Clinical Legal Studies,” (St. Paul, Minn: West Publishing Co., 1990), 254]. Legal Clinics typically do pro bono work in a particular area, providing free legal services to clients. There are practice-based law clinics with no academic link which provide hands-on-skills to lawyers, judges and non-lawyers on practical ethical dimensions of the law, at the same time offer free public defence legal services. [Ref. “International Organizations”. Lextern Retrieved 18.10.2019].

According to Avani Bansal, in cases where parties cannot afford a lawyer and are provided legal services by the state, the quality of that legal representation is often questionable. Therefore, the need for clinical legal education, or establishing legal aid clinics at law school, where law students can provide legal advice to indigent people. [see Bansal, Advani. Clinical Legal Education as a means to advance access to justice in India. Retrieved 26 July 2017].

There are some areas where clinical legal education can apply. This studies exist in diverse areas such as immigration law, environmental law, intellectual property, housing, criminal defense, criminal prosecution, American Indian law, human rights and international criminal law. [404-“Universiteit Utrecht”, University Utrecht School of Law Clinical Programme on Conflict, Human Rights and International Justice, retrieved March 16, 2017].

In the developed countries clinical legal education has been introduced in the law schools and universities in their curriculum as a compulsory subject. There are some notable legal clinics in developed countries which provide legal assistance to the indigenous litigants. For example, in Netherland “Utrecht School of Law Clinical Programme on

Conflict, Human Rights and International Justice” and in United States ‘Stanford Law School Three Strikes Project’, ‘Supreme Court Clinic’, ‘Tulane Environmental Law Clinic’ and ‘Yale Law School Supreme Court Clinic’ provide such legal assistance.

In this sub-continent this system is gradually developing. The Bar Council of India issued a Circular in 1997 using its authority under the Advocates’ Act 1961. It directed all universities and law schools of India to revise their curriculums by introducing 21 compulsory subjects and mandated the inclusion of 4 practical papers which became effective in 1998-99 academic year. But surprisingly, in Bangladesh, no such compulsory practical subject has been introduced either in the universities, (private or public) or recognized law colleges who, are providing law education. As a result, the law students face difficulties in Bar Council examination as well in practice as a junior advocate.

Recently, some public universities included Law Clinic as a compulsory course for 100 marks. All of those are mock trial based which have no connection with litigant public.

Bangladesh Bar Council should take effective measures so that all universities and law colleges of Bangladesh revise their curriculums by introducing compulsory practical papers along with theoretical subjects.



Dichotomy between the Muslim Personal Laws and our Constitution

Justice Kashefa Hussain

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Dichotomy between the Muslim Personal laws and our constitution Equality in all spheres of life irrespective of sex, caste and creed is undoubtedly the cardinal feature which reflect the spirit of our constitution. Our constitutional principles were built on the concept of equality. Several provisions of the constitution unambiguously and specifically embodies the principle of equality.

Part 3 of the constitution ensues with Article 26 which mandate that any law enacted if it may be inconsistent with the provisions of Part 111 of the constitution, such law shall be void to the extent of such inconsistency. In other words if any law enacted, in retrospect or prospectively, which overrides the meaning and spirit of Part 111 in particular, such laws, bylaws, rules etc shall be void ab initio, so far as it relates to the inconsistency.

Evidently Part 3 of our constitution is legally and judicially enforceable in Courts of law in Bangladesh. However the provisions of Part 2 of the constitution which lay down the principles of State policy, are not judicially enforceable. Part 2 of the constitution reflects an ideal society. The provisions of Part 2 acts as more of a reminder of what the society and the conditions of the people living in society ought to be like. The concept of equality emanates from and pervades through the soul of our constitution.

Part 3 of the constitution starting from Article 26 till Article 47 on the other hand significantly mandate strict compliance of the provisions by all citizens including the authorities governing the state and all others engaged in the affairs of the state. The provisions of Part 3 imply and include all persons contemplated within its meaning irrespective of religion, caste, creed and sex.

The larger bulk of our laws and bylaws are enacted by ways of Acts, Ordianances, Rules, circulars (although circulars do not bear the force of law). In pursuance of the strict mandates of the constitution, it is expected that no law inconsistent with any of the provisions of the constitution will be allowed to exist nor enacted. Article 26 contemplates that if any law to the contrary is enacted or was in force before the constitution came into effect, such laws , rules will be void atleast so far as it relates to such inconsistency.

Fortunately enough, Bangladesh ever since its inception followed by the constitution coming into force in the later part of 1972 has shown more or less adequate compliance of among others Article 27, 28, 29, 31 of the constitution in most spheres of public life and generally in the governance of the state. In most spheres the republic till date manifests appreciable compliance particularly of the equality concept from the perspective of religion, race and caste. In these areas we may boast of a much more proactive attitude and practice than many other countries, either developed or developing.

Significantly enough when it comes to equality of the sexes, needless to state that women too in our country have in many ways made tremendous progress in all spheres of life, specifically in the work force of the country. Currently there is hardly any sector in public life without the presence and participation of women. Be it the bureaucracy, administration, judiciary, education, development, legal, medical, and all other professions and in all other spheres, women are represented. Among the middle and lower strata too women have been making commendable contribution, the most important being the garments industry. Women striving and toiling in the brick fields is not an uncommon scene either.

Thus broadly speaking, the constitutional equality concept has succeeded in more often than not making women the bread earner in the family and sometimes the sole bread earner. Thus women are asserting their presence in all sectors, public and private, and in all tiers of society. Upto a certain extent the constitutional mandates so far as conferring equal rights to women are being satisfactorily followed.

So much said about the progress of women, nevertheless the flow comes to a standstill at a certain point. The paradox of our nation and national life is the significant presence of some of the personal laws which override and reign in spite of the constitutional equality philosophy and its mandates. Despite the mandatory dictates particularly the express equality concept envisaged *inter alia* in Article 27, 28, 29 and 31 of the constitution, nevertheless in a very significant sphere the equality concept is not followed. Neither in practice nor in law, so far as the personal laws relating to property, divorce and guardianship of children in particular is concerned.

Although a broad principle of secularism emanates through the soul of our constitution, however paradoxically the personal laws of every citizen is guided by the religion he or she may follow. In Bangladesh the majority population which includes women are Muslims, following Islam as their religion. Therefore while penning down this piece, I have confined myself to the Muslim Shariah laws for purpose of evaluation and comparison.

While evaluating property rights in Islam it is necessary to draw upon the inheritance laws. The Muslim shariah Inheritance rights is a dominant feature of the shariah law. When we refer to the Shariah inheritance law it generally implies reference to the law so far as the Sunni Muslims are concerned.

Without going into the details a broad overview is that Sunni inheritance law relating to property does not grant equal rights to women. One significant and debated example is the denial of equal share of women in the parental/family property. When it comes to division of property between siblings, the son inherits more than the daughter. In the absence of a son, the daughter or daughters are not entitled to inherit all of her/their parental property, a large portion of which is inherited by a male relative.

It is not necessary here to elaborate as to which male relative will be part of the heirs. Nor is it necessary to embark on a discussion or analysis on the proportion of shares allotted to a female co sharer in proportion to the male co sharer. The over all principle and dictate of the Muslim shariah law is that the male is entitled to inherit more property than the female.

Discussion of details is not my purpose here. I am not trying to question the whys and wherefores of the shariah law, nor am I trying to question or doubt the justification of the personal laws.

The object of this piece here is to analyse the Muslim personal laws and the relevant constitutional provisions and upon comparison thereof point out the inconsistencies which exist between the two.

It is necessary to remind oneself that the spirit of our constitution is equality and emancipation of women in all spheres with men. By all spheres it evidently includes the economic spheres. Equality implies empowerment of women. A significant yardstick of women's empowerment is economic empowerment. When we discuss the issue of inheritance, we obviously imply basically property rights, and which property rights bear a direct nexus to economic rights. Economic rights and economic empowerment are overlapping concepts, the ultimate object of both being the same.

The constitution unequivocally contemplate economic empowerment of women and equality and which empowerment and equality is significantly enough being encouraged in both public and private sectors. Such being the state of affairs, the unequal treatment of women in the Muslim shariah law emerges as a contrast to the equality philosophy emanating from our constitution.

Apart from the law of inheritance, there are some other provisions of the Shariah law which override the mandatory equality provisions of the constitution. The Shariah law relating to divorce is another example of discrimination between the rights granted to the husband and the wife.

The Shariah law clearly grant inherent divorce (talaq) rights to the husband in more than one manner by way of Talaq Ahsan, Talaq hasan, Talaq ul bidaat etc.

But however so far as the wife is concerned such inherent right to divorce is denied except in the case of Khula talaq and Talaq e Tafweez. None of these two forms confer inherent legal right to a wife to divorce. The concept of khula is more of an annulment and/cancellation of the marriage contemplating a Court order at the wife 's instance. While Talaq e Tafweez is again a delegated right of divorce only if delegated to the wife by the husband.

Moreover, the lack of parity in the status of the husband and wife is conspicuously noticed in the Shariah law which allows the husband to grant oral talaq too (under certain circumstances and upon following a process). In contrast the wife has not been granted any inherent right to divorce. As stated above, she has the right to divorce only under very limited circumstances. It goes without saying that such lack of parity in treatment of the divorce rights between spouses appears paradoxical when compared to our constitutional mandate of equality.

The Muslim Family Laws Ordinance 1961 pursuant to its coming into force has without substantively amending the Shariah law enacted certain procedures which are to be followed by both parties following a divorce. However there are no substantive deviation from the Quranic law.

In cases of guardianship of minor children too , the dominant role of the father and in his absence dominant role of other male relatives prevails. But however the mother of the child and in her absence the closest female relatives has been given preference too.

But so much said the dominant presence and right of the father and other male relatives is perceived allthrough. And which is again inconsistent with the provisions of the constitution.

Having given an overview of the dominant position of the quranic laws and the inconsistency with our constitutional provisions, it is necessary to pause here. Evidently except for the personal laws, others laws and rights of the Muslims of the subcontinent since the colonial era were not subject to and still are not based on the Quranic mandates of the Shariah law. But the personal laws have always been guided by the religion of the person.

However so far Muslims of the Indian subcontinent are concerned the provisions of the The Muslim Personal Law (Shariat) Application Act 1937 was passed in the year 1937. The objective of enactment of the Act of 1937 was to codify the application and mandatories of the Quranic laws so far as the “personal “ laws of Muslims are concerned. The overall application of personal law includes the laws relating to intestate succession (inheritance law), talaq (divorce), marriage, guardianship including others. The relevant provision is Section 2 of the The Muslim Personal Law (Shariat) Application Act of 1937.

It is evident that for whatever the reasons in the year 1937 the then colonial rulers codified the applicability and the mandatory presence of the Shariah law when it comes to the “personal “matters and rights of any Muslim. Such codification undoubtedly strengthened the mandatory compliance and following of the Shariah law although following the Shariah law was prevalent even prior to the enactment of the Act of 1937. Through the passing of the Act of 1937, the custom and practice of following the Shariah law received support from the Act of 1937, and thus became the law of the land through statutory enactment and continues to be the law till the present date.

Revolving around the issue of the usage and mandatory compliance of the Shariah law in personal matters, it is necessary to discuss the position of the Act of 1937 and its relation to the constitution. Upon perusal of Section 2 of the Act of 1937 and upon comparison with the provisions of our constitution, it is noted that the intention and objective of the Act is not in harmony with the spirit of equality as expressed in the constitution. As discussed above the Shariah law grants unequal rights to women in inheritance of property, divorce, guardianship of children etc. The Act of 1937 so far as personal matters/issues are concerned makes the following of the Shariah mandatory for all Muslims. Such being the position the Act of 1937 the said Act overrides the express mandates of the constitution.

My objective here is not to weigh the positive or negative aspects of the laws. Nor is it my objective to embark on any ethical or moral judgment. I am not here examining as to what is right and what is wrong.

Through this write up I have only attempted to examine and compare some of our personal laws and the bearing those may have by way of inconsistency with some of the provisions of the constitution the compliance of which have otherwise been made mandatory.

It may be mentioned here, that maybe the framers of the constitution of 1972 while enacting the provisions of equality and equal treatment of all particularly women, ought to have kept in mind the Shariah laws and the statutory Act of 1937 which we are undoubtedly subject to. Looking back on our constitution, it was enacted upholding the ideals of an idealistic society. As to what is right and what is wrong will however continue to be a subject of debate in posterity too.

It is hoped that sometime in the future without contravening the sacrosanct mandates of our Holy Quran, a consensus may be reached by granting equal status to women in matters of property rights, divorce, etc. Despite intermittent initiatives by some quarters including by rights activists, no such consensus could be reached till contemporary times.

It may be mentioned here that the personal laws of those following other religions in Bangladesh, such Personal laws are also guided by their respective religion.

In some other countries where the Muslim population constitute the majority and Islam is the main religion, attempts have been made to bring about changes and amendments in the Islamic law of inheritance. The objective being to end the disparity between men and women in inheritance of intestate property. Tunisia is an example of such attempts to bring about change to grant equal inheritance rights to women. However, such attempt have been proved futile till date. The reason of the futile exercise being the failure to reach a consensus.

Such being the universal position, indeed, to every Muslim in Bangladesh whatever supremacy the constitutional provisions may mandate for other purposes including for purposes of any law being void or invalid, nevertheless, if the constitutional provisions are inconsistent with the mandates of the Muslim personal laws in that event the Muslim personal law must prevail. This exception also includes the validity and vires of the Muslim Personal Laws Shariat Application Act 1937. However much we may attempt to vindicate the supremacy of the constitution, nevertheless for every Muslim here the Quranic Laws reigns supreme over any constitutional “supremacy” at least so far as the personal laws are concerned.

While touching upon the idea of reaching a consensus at some stage in posterity, it is necessary to side by side touch upon the Shia law of inheritance. Although the Sunnis comprise of the vast majority of Muslims all over the world, however the number of Shias even if not a large number globally or in Bangladesh, their presence cannot be ignored.

For an overview of the treatment of women from the perspective of equality concept, it may help to compare the Shia law of inheritance with the Sunni law of inheritance it appears that by and large the principles of the two laws are basically similar. However a significant difference and dissimilarity is noticed in a few areas. An exhaustive analysis being difficult here, to serve the purpose of this write up the comparison in one particular area should suffice.

I have tried to examine the Shia law as it is on the issue of treatment of children of parents with regard to share in inherited intestate property. For example the first class of heirs of a Shia parent or parents, either son or a daughter, will have equal rights against the 2nd class of heirs. Under Shia law as long as an heir from the 1st class (be it a son or a daughter) is present from Class 1, no one will be entitled to inheritance from Class 2.

Such a provision undoubtedly calls for the remark that so far as equal treatment in the law of inheritance is concerned the Shia Law is certainly a few steps ahead and closer to the equality concept and consequently closer to consistency with the constitutional provisions. Moreover, such dissimilarity also creates a dichotomy between the Sunni law and Shia law.

Citing the dissimilarity in the inheritance law, nevertheless both the sunni law and the Shia law derive the principles of their laws from the Holy Quran. Such being the common origin and source of the law, it is strange that the two sects interpreted the Quran in distinctly different manner so far as the inheritance law and the equal treatment concept is concerned. Such dichotomy of interpretation between the two sects of Islam also leaves room for thought.

While analysing the equality concept it ought to be mentioned that with the advent of Islam in Arabia and the revelation of the Holy Quran, Islam granted property and other considerable rights to women which rights were denied to women in pre Islamic Arabia. According to some historians and academics although upper class women had property and other rights in pre Islamic Arabia, conversely the women belonging to the lower strata of society were denied any such rights in pre Islamic Arabia. With the advent of Islam the Quranic law for the first time granted women substantive rights, property rights in particular.

The extent and proportion of the property rights granted through the Shariah law was granted in the context of the position of women in the society and the social and economic fabric as it was then.

With the passage of time, society along with the social fabric have changed and undergone evolution since. Therefore the possibility of a consensus may be given a thought in the context of contemporary times and the evolutionary change in the lives and position of women.

The steady progress and empowerment of women in all sectors on one hand, and the undisputed supremacy of the Quranic laws (in matters involving personal laws) on the other hand is definitely a continuous dichotomy and paradox with regard to position of women in our society.

In conclusion , despite whatever has been discussed here or whatever questions raised here, the Holy Quranic law and its interpretation thereof reign and stand supreme so far as the personal laws are concerned. If a consensus can ever be reached on the issue of parity, the position of women may be more in parity with the equality concept. An endeavour for consensus may be successful subject only to a proper interpretation of the Holy Quran by scholars and academicians. If such consensus is consistent with the Quranic law, it may succeed. Conversely, if it is inconsistent with the Quranic law, things shall and should remain as they are.



Mediation: Its concept, opportunities and challenges in Bangladesh perspective

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In modern world, 'Alternative Dispute Resolution' (ADR) has become very popular as an alternative route for reaching a speedier and less expensive mode of settlement of disputes. It is usually considered to be alternative to litigation. It includes Mediation, Arbitration, Negotiation and Conciliation etc.

Mediation is not something new in this subcontinent. Like India, Bangladesh had also for ages utilized the system called the 'Panchayat' system, whereby respected village elders assisted in resolving community disputes. This type of traditional mediation continues to be utilized even today, in villages, which is called 'Salish'. Also, in pre-British India mediation was popular among businessmen. Impartial and respected businessmen called 'Mahajans' were requested by business association members to resolve disputes using an informal procedure, which combined both mediation and arbitration. In a very simple term 'Mediation' is a process where a neutral and independent third person (a mediator) helps the parties in a dispute to reach their own solution. In fact, mediator acts as a **'shuttle diplomat'** between the parties and exchanges offers and counter offers between them. The parties usually agree who will be the mediator for their dispute, except in court-annexed mediation. At mediation, each party has the opportunity to voice their own point of view. The mediator helps the parties to focus on the real issues of the dispute and explore options to resolve these. They do not take sides. The mediator does not impose a solution or give tactical advice. The parties have ultimate control over the outcome of mediation. The parties and not the mediator are the focal point of the mediation process. If the parties resolve their dispute at the mediation, they may make a written agreement and have orders made by the Court to finalize the case. Those orders have the same standing, as orders made by a Judge, and can be enforced, if necessary. In contrast to court proceedings, which are open to the public, the mediation process is private and confidential. Anything said or produced as evidence at a mediation session, cannot be used in later hearing, except in exceptional circumstances. It is the duty of all the parties to the mediation, to participate in good faith.

Now, who can be a 'Mediator'?. There is no strict requirement for that, however, usually Mediators come from various professional backgrounds and have undergone training in mediation skills and techniques. A mediator is not an adjudicator. A mediator must possess certain qualities such as highest standard of honesty and integrity in conduct and behavior, maintain neutrality, objectivity and not judgmental. He must have patience, persistence and perseverance, good communication skills, open mindedness and flexible in nature. Mediator, in fact, is a guide who helps the parties to find their own solution to the dispute and he works as a peacemaker and therefore, they must have the above qualities.

There are mainly two types of mediation. (1) 'Court-Annexed Mediation' is a form of alternative dispute resolution, whereby cases which are brought to court for litigation, are referred to mediation for possible settlement. That means, court-annexed mediation is conducted while the cases are still pending in court. This is done by a court order. The parties can ask the court to make an order for referral or the court may consider the case appropriate for referral, even if the parties do not ask, the court has the power to make a referral to mediation with or without the consent of the parties. For court-annexed mediation, there is no charge for the mediator or use of rooms. The cost of legal representation is the responsibility of each party.

(2) Private Mediation-In private mediation, qualified mediators offer their services after receiving their fees, on a private basis to the Court, to members of the public, to members of the commercial sector and also to the government sector to resolve disputes through mediation. It can also be used in connection with dispute, pending in Court and pre-litigation disputes.

It is said that “The more laws, the less justice”. It should be known to all that, law is not the only key to ensure justice. Where the law failed to ensure justice, then equity came to “fill the gap”. Mediation as an ‘Alternative Dispute Resolution’ (ADR), is an equitable process, which ensures easy access to justice.

There are many advantages of mediation rather than going for a prolonged litigation. In mediation, the parties have control over the mediation process in terms of its scope and outcome i.e., the right to decide whether to settle or not and the terms of settlement. Mediation is participative, parties get an opportunity to present their case in their own words and directly participate in the negotiation. The process is voluntary and any party can opt out of it, at any stage, if he feels that it is not helping him. The self-determining nature of mediation ensures compliance with the settlement reached. The procedure is speedy, efficient and cheaper. It is simple, flexible and time bound. The process is conducted in an informal, cordial and conducive environment. It is a fair process and preserves peaceful relationships between the parties. The mediator is impartial, neutral and independent. The mediator ensures that pre-existing unequal relationships, if any between the parties, do not affect the negotiation. The process is confidential, which is the big advantage for both the parties. The main focus in mediation is on resolving the dispute in a mutually beneficial settlement. It allows creativity and promotes finality. The disputes are put to rest fully and finally, as there is no scope for any appeal or revision and further litigation, as per Section 89A of the Code of Civil Procedure. Refund of Court fees is permitted as per the rules in the case of settlement in court referred mediation. Further, it is **‘without prejudice’** that is what is said by you or by the party, will not be used against you as evidence, if your case proceeds to trial. Finally, it helps to reduce pressure on judiciary. It is like win-win situation, for both the parties, which creates peace among the parties and a way forward for development. Any settlement reached in a case that is referred for mediation during the course of litigation is required to be reduced to writing, signed by the concerned parties and filed in Court for passing of an appropriate order. A settlement reached at a pre-litigation stage is a contract, which is binding and enforceable between the parties. In the event of failure to settle the dispute, the report of the mediator does not mention the reason for the failure. The report will only say **“not settled”**. The mediator cannot be called upon to testify in any proceeding or to disclose to the court as to what transpired during the mediation.

In our legal system, there are number of legislations in Bangladesh that have specifically provided for the provisions relating to ADR particularly mediation and arbitration in civil matters, which are: The Code of Civil Procedure, 1908; The Muslim Family Laws Ordinance, 1961; The Family Courts Ordinance, 1985; The Arbitration Act, 2001; The Artha Rin Adalat Ain, 2003; The Income Tax Ordinance, 1984; The Value Added Tax Act, 1991; The Customs Act, 1969; The Conciliation of Disputes (Municipal Areas) Board Act, 2004; The Village Courts Act, 2006; The Labour Act, 2006; The EPZ Trade Union and Industrial Relation Act, 2004; The EPZ Trade Welfare Society and Labour Industrial Relation Act, 2010 and Real Estate Development and Management Act, 2010, etc.

Mediation in Civil proceedings under the Code of Civil Procedure (CPC):

This is very important to understand the court-annexed mediation procedure in our legal system. The legislature has incorporated mediation and arbitration provisions into the Code of Civil Procedure, 1908 by way of amendments in Section 89A to 89E of the Code. The amended Act of 2003, introduces the court-annexed mediation and arbitration as integral part of the civil proceedings in Bangladesh. However, at that time it was the discretionary power of the court to explore the scope of mediation. Later on, the Act went through another amendment in 2006, that introduced the provision of mediation even at the appellate stage (Section 89C of the CPC). Thereafter, the Code was amended in 2012 that made the mediation system mandatory in civil proceeding and it was again amended in 2017 that made provision to refer the dispute or disputes to the concerned ‘Legal Aid Officer’ (LAO). The Code as it stands now after the amendment in 2012, it is mandatory, which means the court is now under an obligation to refer every dispute of civil nature to mediation. Now, every appeal deriving from original decree must be referred to mediation and comply with the same provisions as enumerated in Section 89A of CPC. After the written statement has been submitted before the court, it can itself initiate mediation proceeding, or may refer the same to the concerned Legal Aid Officer appointed under Legal Aid Act, 2000 or to the engaged pleaders of the disputing parties, or to the parties themselves, or to a mediator from the mediator panel prepared by the concerned District Judge under Section 89A (10) of CPC. After reference of a dispute to the engaged pleaders of the disputing parties, they shall, upon consultation with their respective clients, appoint another pleader who has never worked for the parties before, or a retired judge, or a mediator from the panel of mediators prepared by District Judge under Section 89A (10), or to any other person, who, in their opinion, is competent to facilitate the mediation process as mediator. However, a

person holding an office of profit in the service of the Republic, shall not be eligible for appointment as mediator. The main advantage of this section is that, it restricts the time frame to 60 days from the day on which the Court is so informed, or a mediator is appointed by the court, as the case may be, within which the mediation process must be concluded. The court may, however, on its own motion or upon a joint request preferred by the parties extend the time period for another 30 days. So, in total 90 days+ 7 days time for passing necessary order according to Order 23 rule 3 of the CPC. The parties will always have the option to get back to the stage of formal judicial process from which the dispute has been sent for mediation. In case of court initiated mediation the same court shall not hear and dispose the suit, if the court continues to be presided over by the same judge. The parties will get back the entire amount of money paid as court fees during the institution of the suit and the court will issue a certificate to that effect. Once an agreement is reached and executed by the parties, the same is considered to be final and no party will be permitted to reopen the same either by way of a fresh suit or by way of appeal or revision.

Mediation in Family Matters: The Family Courts Ordinance, 1985 was promulgated with a view to expedite the resolution of cases related to family affairs rapidly and effectively. Some Family Courts have been established by the Family Courts Ordinance 1985. These courts have been following the mediation procedure in disposing the cases both before and even after closing of evidence. The family court is supposed to fix a date for pre-trial hearing within 30 (thirty) days after the filing of the written statement by the defendant. In the pre-trial hearing, the court generally ascertains the points at issue between the parties and attempt to effect a compromise or reconciliation, if that be possible, between the parties. The Court can take steps to compromise between the parties even after the closing of evidence and before pronouncing final judgment. Where the dispute is settled through compromise or reconciliation between the parties, the Court execute the decree or give decision on the basis of that compromise or reconciliation.

Mediation in Artha Rin matter: We know that the Artha Rin Adalat Ain, 2003 is a special law, after the amendment in 2010, Section 22 of the amended Artha Rin Ain, incorporated the provisions of mediation almost in the same words and measures as is provided for under Section 89A of the Code of Civil Procedure. Unlike the provisions in the Code, the Artha Rin Adalat Ain has created a scope for the Artha Rin Court, according to which, the Court may employ another attempt in order to effect compromise at the post trial stage before passing a final judgment or order in accordance with the provisions of Chapter 4 of the Ain. The Ain takes one step ahead of the Code in the sense that it provides for mediation provisions not only at the appellate stage, but even at the revisional stage (as per Section 44ka) and as well as at the executing stage of an Artha Rin suit(as per Section 38 of the Ain).

Village Court Act, 2006: After formation of Village Court, it shall hear both the parties and shall take initiation for conciliation between the parties. If the mediation is successful, the terms and conditions as the parties agreed upon, will be incorporated in an agreement which is to be signed by both the parties and their nominated person. After that, the Village Court shall pass the order or decree accordingly.

Section 22 of Arbitration Act, 2001, provides scope of ‘mediation’. at any stage of arbitration proceeding with the consent of all parties. If the parties resolve the matter amicably and notify the Tribunal, the Arbitration Tribunal shall pass an agreed ‘award’/a consent award.

ADR in Criminal Litigation in Bangladesh: It is true that mediation has not been yet widely introduced in criminal justice system. However, Section 345 of the Code of Criminal Procedure, 1898 enacts provision for compromise in the compoundable offences.

Section 345(1) provides the list of offences which can be compounded without the permission of the Court and Section 345(2) provides the list of offences which can be compounded only with the permission of the Court.

Mediation Under Legal Aid Act 2000: The provisions relating to ADR were incorporated into the Legal Aid Act in 2013 by inserting Section 21A to the Act. In order to give effect to Section 21A (2) of the Legal Aid Act, the Government has promulgated a set of rules in the name of the ‘Legal Aid’ (Legal Advice and Alternative Dispute Resolution) Rules, 2015’. Rules 4 to 17 of the Legal Aid Rules has mentioned the ADR provisions in the form of mediation and empowers the legal aid officer, appointed under Section 21A(1) to act as the mediator, in cases of disputes that come to him either in the form of application for legal advice or by reference by any competent court or tribunal. In the Legal Aid Act, it is encouraged to resolve the dispute via mediation before filing a case with the help of Government Legal Aid. My expectation is that legal aid office will be a hub for mediation which will help to curb the backlog of cases of our judiciary.

Now, from my point of view, the reasons for declining Mediation in Bangladesh are non-cooperation of the lawyers, ignorance and absence of trained mediators, lack of Mediation Centers, change of mentality, and no specific law for Mediation like Arbitration Act 2001, etc.

It is a fact, that in our country, the lawyers do not want to cooperate with the court about mediation, due to fear of losing their income. My view is that a standard amount of fees for the lawyers may be set consensually in every district for mediation for a better result.

Public Awareness need to be created for promoting mediation. To that effect, special programmes on mass media like radio, TV channels and newspapers may be featured. Social media like Facebook may also be of tremendous help. Additionally, legal aid office in the District Court can also work as a cell, in informing people about the benefits of mediation.

Adequate training for mediators and arbitrators should be arranged from time to time. More steps should be taken to train the lawyers, then they will be encouraged to be a professional mediator, in addition to their legal practice.

Now, delay in disposal of cases, become common culture in our court system. It is also to be kept in mind that mediation is not going to solve all the problems of formal adjudication system as a panacea, but it is true that, if properly utilized to its proper sense and spirit, it can significantly help to reduce the backlog of cases. Bangladesh is a party to the **‘New York Convention’**. In the early days after independence, arbitrations in Bangladesh were governed by Arbitration Act, 1940. In order to rectify its shortcomings, Bangladesh enacted the Arbitration Act, 2001, based on the **UNCITRAL Model Law**. However, now, for practical reasons, arbitration is not working properly in Bangladesh. Most of the arbitration took around 7 to 10 years to come to a conclusion. Another problem is that, arbitration award is not final, as against this, there is a provision to challenge the arbitration award and it can go up to the Appellate Division. Contrary to arbitration, as you know that no appeal or revision lies against the compromised decree or order, which has been resolved through mediation. So, it is like win-win situation, less formal, less expensive and time bound by law. Therefore, considering the above advantages, in the context of Bangladesh, I believe mediation would be the best possible option to overcome the backlog of cases.

Online Mediation during pandemic: Since 2020, due to pandemic whole world is in crisis. The functioning of the Courts have been particularly hindered all over the world. Many Court houses have been closed and judges and lawyers have been also forced to postpone in-person trials and hearings, for maintaining social distancing and also due to lockdowns. In response to the COVID-19 crisis across the whole world, the western countries are increasingly using different forms of technology and online dispute resolution (ODR) platform for mediation, which allow the parties to negotiate remotely, to continue to resolve lawsuits and disputes even in an age of cancelled hearing, postponed trails and maintaining social distancing, by virtually using smart phone, tablet, computer or other similar technology, practically from any location. The delay of judicial proceedings in response to COVID-19 crisis, mediation provides a vital alternative to court in many situation.

It is very natural that everything has good and bad side. In mediation, some difficulties that there are no guarantees, about the success of mediation. If the other side is adamant that they are right, refuses to listen to what you have to say or won't agree to mutually beneficial terms, then the case could end up going to Court anyway. Sometimes, you might want to go public as because mediation is confidential, but in some cases, this might not work in your favour. If you have been accused of something publicly, then you may want the public vindication that comes with a Court case.

Our economy is developing very rapidly, bringing its businesses into close contact with the outside world. Many foreign companies are now investing in Bangladesh. Therefore, effective steps towards alternative dispute resolution is needed to make Bangladesh an investment oriented country. I believe that the Bangladesh Government will continue to strongly support the use of mediation and arbitration and encourage efforts to develop the field of mediation through research, studies and training and will help to create a better business friendly environment by establishing an ‘International Mediation Academy’ in Bangladesh. Also, I think it is the high time for Bangladesh to be a signatory of ‘Singapore Convention.’ The United Nations General Assembly adopted the Convention on 20th December 2018. It is known as the ‘Singapore Convention’ on Mediation and also the first UN treaty to be named after Singapore. The Singapore convention will provide a more effective way of enforcing mediated settlements of corporate disputes involving businesses in Bangladesh and other signatory countries. Till date, the Convention has 54

signatories, including India, Sri Lanka, Maldives, China and USA as well. It will ensure that a settlement reached by the parties becomes binding and enforceable in accordance with a simplified and streamlined procedure. The Singapore Convention ultimately aims to facilitate international trade by rendering mediation in efficient and entrusted method for solving Cross border disputes, alongside with arbitration and litigation.

One of the cardinal indicators for attracting international investments and trade into a country is practice of the rule of law and good governance. One of the surest ways of ensuring good governance is for a nation to promote access to justice which, I believe can best be achieved through the use of mediation in our courts. As the world continues to become a global village, it is already observed, investment and trading activities can only be beneficial under a judicial environment like mediation that ensures speedy and efficient disposal of disputes that may arise in the course of doing business. The courts dockets are overloaded and new cases are being filed every day in our Country. It is becoming humanly impossible to decide all these cases by the regular courts in a speedy and cost effective manner. It has, therefore, become imperative to use mediation mechanism to resolve disputes, so that, one can enjoy the peace and development, he/she desires.

Mediation is currently seeing a success rate of average 80% throughout the Western world. Regarding ADR, our former Late lamented Honourable Chief Justice of Bangladesh, Honourable Justice Mustafa Kamal, said “ADR is a non-formal settlement of legal and judicial disputes as a means of disposing of cases quickly and inexpensively. It is not a panacea for all evils but an alternative route to a speedier and less expensive mode of settlement of disputes. It is voluntary and cooperative way, out of impasses”.

At the present stage, there is no gainsaying that mediation is emerging as a viable alternative rather it is still at a very nascent stage in Bangladesh. The true potential of mediation still remains untapped.

Recently, in the India-Singapore Mediation Summit, Honourable Chief Justice of Singapore Mr. Justice Sundaresh Menon, Supreme Court of Singapore said that ‘Mediation is the way forward.’ i.e. it ensures peace and development.

We know that judiciary of Bangladesh is over burdened with nearly 4(four) million cases and the number is mounting day by day with institution of fresh cases. Although, the wheel of disposal has been accelerated over the years, however, it could not manage to change the position due to a number of factors including inadequate number of judges in terms of pending cases, procedural formality and complexity and poor logistic support. In this backdrop, we can easily understand the importance of promoting mediation in our judiciary, to reduce the huge backlog of cases.

Nowadays, in the western world, mediation is not considered as ‘Alternative Dispute Resolution’ rather an ‘Actual Dispute Resolution’ process to settle the disputes outside the Court.

We all are aware about the common quotes in the judicial domain, said by William E. Gladstone that ‘Justice delayed is justice denied’ also Martin Luther King Jr. said “Injustice anywhere is a threat to justice everywhere”.

Every citizen is entitled to have access to Justice. Delayed justice even sometimes fails to give proper remedies to a winning party. We all have to keep in mind, all these quotes for our judicial system and do our job properly, to open the door of justice and ensure it for all. So, my view is that mediation is a tested mechanism and its role in building up an efficient dispute resolution system is undisputed. Thus, mediation should be part and parcel of our judiciary and considering the huge backlog of cases, we should encourage litigant people to go for mediation, not for litigation. Litigation should be the last resort.



Present and Future Trends of Plea Bargaining: A Model of ADR¹

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The Criminal Justice System is one of the most recent ADR adopters and has been gaining popularity in many parts of the USA and around the world as an alternative to traditional retributive justice. The offender, the victim and the community each has equal responsibility within the process, and solutions are achieved through consensus, currently restorative justice is most often used in juvenile's cases.² Although widely known for its propensity for litigation, the USA has one of the world's most advanced and successful systems for settlement of disputes outside the formal legal system through mechanisms of mediation and arbitration. More extensive use of this system internationally and by other countries can dramatically enhance the speed and quality of social justice globally. Usage within the USA varies widely.³

Plea bargaining, a model of ADR, is the process by which a prosecutor and a criminal defendant, in the USA the accused is called defendant, negotiate an agreement, where the defendant pleads guilty to lesser offense or to a particular charge in exchange for some concession by the prosecutor, such as more lenient sentence or a dismissal of other charges. Thus, plea bargaining gradually become a widespread practice and it was estimated that 90% of all criminal convictions in the USA were through guilty pleas. In 1970, the constitutional validity of plea bargaining was upheld in *Brady v. United States*⁴ where it was stated that "it was not unconstitutional to extend a benefit to a defendant who in turn extends to a benefit to the state." One year later, in *Santobello v. New York*⁵ the United States formally accepted that plea bargaining was essential for the administration of justice. From that Validity, in the USA plea bargaining becomes a significant part of the criminal justice. For successful adoption of plea bargaining for first time in USA, this concept is speedily evolving in many countries, and different states and jurisdiction have different rules on this.

Although the Indian Supreme Court has time and time again blasted the concept of plea bargaining, the Government has introduced the concept in the Code of Criminal Procedure. The legislature has introduced Plea Bargaining under law so as to benefit to such accused persons who repent upon their criminal act and are prepared to suffer some punishment for the act⁶. The purposes of plea bargaining in Court may include⁷:

- a. Quick remedy to the aggrieved person in small-claim criminal cases.
- b. Easy remedy for those accused of small claim criminal charges.

1. Justice Md. Zakir Hossain, High Court Division, Bangladesh Supreme Court.

2. David J. Hines, Restoring Juvenile Justice, <http://www.americanbar.org/newsletter/publications/gp_solo_magazine_home/gp_solo_magazine_index/restoringjuvenilejustice.html>

3. Michael McManus and Brianna Silverstein, Brief History of Alternative Dispute Resolution in the United States <<http://www.cadmusjournal.org/node/98>>

4. 397 US 742 (1970).

5. 404 US 257 (1971).

6. In its 154th report the law commission 2006 reiterated the need for remedial legislative measures to reduce the delays in the disposal of criminal trials appeals also to alternative the suffering of under trial prisoners. The 177th report of the law commission 2001 also sought to incorporate the concept of plea bargaining.

7. Jamila A. Chowdhury, ADR Theories and Practices (1st edn, London College of Legal Studies (South) , February 2013) 203.

- c. Reduced case load for prosecution
- d. Beneficial to the wider community
- e. Quick resolution of small cases leaving more time for resolution of complicated cases.

Concept of Plea Bargaining in Bangladesh

There is no direct provision in our criminal jurisprudence on plea bargaining and it is an emerging concept in Bangladesh. But there is a beacon of hope that is becoming brighter from the ruling of the higher Courts on this concept. The Appellate Division, Supreme Court of Bangladesh in the case of ***Md. Joynal and others v. Mohammed Rustum Ali Miah***⁸ and others considering the nature of section 345 observed that our criminal administration of justice encourages compromise of certain disputes and some of the cases can be compounded as provided under section 345 of Cr. P.C. It says that the law encourages settlement of disputes either by Panchayet or by Arbitration or by way of compromise. However, it is good to say that section 345(6) says that the composition of an offence under this section shall have the effect of an acquittal of the accused with whom the offence has been compounded and section 345(7) provides that no offence shall be compounded except as provided by this section.

Evolution of Plea Bargaining in India

The 154th report of the Law Commission recommended that plea bargaining should be included as a separate chapter in the Indian criminal jurisprudence. In the 12th Law Commission Report the conception of idea behind incorporating the idea of plea bargaining was mentioned wherein it was stated that there needs to be some remedial legislative measures to reduce the delays in the disposal of criminal trials and appeals and also to alleviate the sufferings of under trial prisoners awaiting the commencement of trials. The NDA government formed a committee, headed by the former Chief Justice of the Karnataka and Kerala High Courts, where Justice V.S. Malimath came up with some suggestions to tackle the ever-growing number of criminal cases. In its report, the Mali Math Committee recommended that a system of plea bargaining be introduced in the Indian Criminal Justice System to facilitate the earlier disposal of criminal cases and to reduce the burden of the courts. Accordingly, the draft Criminal Law (Amendment) Bill, 2003 was introduced in the parliament. The statement of objects and reasons, inter alia, mentions that, the disposal of criminal trials in the courts takes considerable time and that in many cases trial do not commence for as long as 3 to 5 years after the accused was remitted to judicial custody. Though it could not be recognized by the criminal jurisprudence, it is seen as an alternative method to deal with the huge arrears of criminal cases. The bill attracted enormous public debate. Critics say that it should not be recognized as it would go against the public policy under our criminal justice system.

Plea Bargaining was introduced in India by the Criminal Law (Amendment) Act, 2005 by the Parliament in the winter session of 2005, which amended the Code of Criminal Procedure and introduced a new chapter XXIA in the Code containing sections 265A to 265L which came into effect from July 5, 2006. It was due to the inspiration that has been gained from America which made Indian to experiment the concept of plea bargaining in the country.

Plea Bargaining in the UK

'Plea Bargaining' is allowed only to the extent that the prosecutors and defense can agree that the defendant will plead to some charges and the prosecutor shall drop the remainder⁹.

Plea-bargaining is originally an Anglo-American system of bypassing juries to reduce workload of the courts although; today it is probably most actively used in the USA. A fair number of other common law jurisdictions have also incorporated plea-bargaining. Courts in the UK have insisted on being the primary actor in the determination of the punishment. It was formally introduced in England by the Criminal Procedure and Investigations Act, 1996. The

8. 36 DLR (AD) 240, 245: 4 BCR (AD) 29.

9. Loukas Mistelis, ADR in England and Wales, <https://www.academia.edu/262766/ADR_In_England_and_Wales_12_Am>

Criminal Justice Act 2003¹⁰ has laid down the powers of the judge as regards sentence reduction in case of guilty pleas, expressly set out in section 144 of the said Act.

Plea Bargaining in the USA

Plea bargaining in the United States is very common; the vast majority of criminal cases in the United States is settled by plea bargains rather than by a trial. They have also been increasing in frequency, they raised from 84% of federal cases in 1984 to 94% by 2001.¹¹ Plea bargains are subject to the approval of the Court, and different States and jurisdictions have different rules.¹²

The constitutionality of plea bargaining was established by *Brady v. United States* in 1970,¹³ although the Supreme Court warned that plea incentives which were sufficiently large or coercive as to over-rule defendants' abilities to act freely, or used in a manner giving rise to a significant number of innocent people pleading guilty, might be prohibited or lead to concerns over constitutionality.¹⁴ *Santobello v. New York* added that when plea bargains are broken, legal remedies exist.¹⁵

Several features of the American justice system tend to promote plea bargaining. The adversarial nature of the system puts judges in a passive role, in which they are completely dependent upon the parties to develop the factual record and cannot independently discover information with which to assess the strength of the case against the defendant. The parties thus can control the outcome of the case by exercising their rights or bargaining them away. The lack of compulsory prosecution also gives prosecutors greater discretion. And the inability of crime victims mount a private prosecution and their limited ability to influence plea agreements also tends to encourage plea bargaining.¹⁶

Plea Bargaining in Canada

In Canada, it appears that about 90% of criminal cases are resolved through the acceptance of guilty pleas: many of these pleas are the direct outcome of successful plea negotiations between Crown and defense counsel. Where a plea bargain has been implemented, the Crown and the accused effectively determine the nature of the charge(s) that will be laid. Since the nature and quantum of sentences are primarily based on the charge(s) brought against the accused, it is clear that the parties to a successful plea negotiation enjoy the de facto power to exercise a considerable degree of influence over the sentence that is ultimately imposed by the trial judge¹⁷.

Advantages of Plea Bargaining

Benefit of plea bargaining cannot be ignored. When we look into the conceptual aspect of plea bargaining, the notion that comes in our mind is that, well now the back logging in Courts will be reduced and justice can be delivered quickly and efficiently. But when we check the reason as to why the criminals go for plea bargaining, then it comes to the fact that because they are able to reduce their punishment, which if they would not do quickly will make them stay in arrest for more time through litigation. Moreover, it is presumed that when an accused pleads guilty, the

10. 2003 c.44.

11. George Fisher, *Plea Bargaining's Triumph: A History of Plea Bargaining in America* (1stedn, Stanford University Press. ISBN 0804744599, 2003) 203.

12. Baker S Mezzetti, C. "Prosecutorial resources, plea bargaining, and the decision to go to trial". *The Journal of Law, Economics, and Organization*, Oxford Journals>>LawSocial Sciences>>Jnl. of >>Law, Economics, and Organization, Volume 17 Issue 1, Pg-149-167<<http://jleo.oxfordjournals.org/content/17/1/149>>

13. 397 U.S. 742 (1970).

14. Dervan, Lucian E., "Bargained Justice: Plea Bargaining's Innocence Problem and the Brady Safety-Valve"(Utah Law Review 2012 (1): 51–97. SSRN 1664620), 2012.

15. Westin Peter; Westin David, "A Constitutional Law of Remedies for Broken Plea Bargains" (Cal. L. Rev. 66 (3): 471–539. JSTOR 3480098), 1978.

16. Ross, J. E. "The Entrenched Position of Plea Bargaining in United States Legal Practice", *American Journal of Comparative Law* 54: 717–732. JSTOR 20454559 , 2006.

17. ADR Institute of Canada < <http://www.adrcanada.ca/about/faq.cfm>>

punishment of the accused gets reduced. Also the benefit which the guilty gets by plea bargaining is the reduction of the costs and time consuming trial of his case. It is also presumed that the accused gains responsibility in his favor to enter the correctional system in a frame of mind that may afford hope for rehabilitation over a shorter period of time.

Disadvantages of Plea-Bargaining

The disadvantageous part of the story is that sometimes the prosecutor forces the accused to admit his guilt with unconscionable pressures. Even the accused may go escape with less punishment by pleading his guilt and thereby diverting a little favorable decision in his favor. But most of the times it happens that the accused do not have the required amount of resources available at their disposal to minutely investigate each and every case. There are following points which talk against it viz:

- i. The system will be too soft for the accused and allow them unfair means of escape in a dishonesty ridden society in Bangladesh. It is an alternative way of legalization of crime to some extent and hence not a fair deal. It creates a feeling that Justice is no longer blind, but has one eye open to the right offer. Prosecutors and police, foreseeing a bargaining process, will overcharge the defendant, much as a trade union might ask for an impossibly high salary.
- ii. This process might result in phenomenal increase in number of innocent convicts in prison. Innocent accused may be paid by the actual perpetrators of crime in return to their guilty plea with assured reduction in penalty. Thus illegal plea bargaining between real culprits and apparent accused might get legalized with rich criminals corrupting police officials ending up in mockery of the system of justice. When plea bargaining is certainly not resulting in acquittal or limited to penalties or payment of damages, accused may not find it as useful and plea bargaining may not operate as incentive at all.

Recommendations

- i. A new chapter like Chapter XXA or XXIIIA may be incorporated in the Code of Criminal Procedure, 1898 (Act V of 1898) which will exclusively deal with Plea Bargaining in respect of offences relating to Penal Code & other special penal laws like, the Women and Child Repression Act, 2000, the Special Powers Act, 1974 etc.
- ii. The offences listed out under section 345 of Criminal Procedure Code and schedule 11 column 6 (Compoundable with the Consent of the Court & compoundable without the consent of the Court) must be brought under the aforesaid Chapter for Plea Bargaining. There must be provision for fact bargaining, Charge Bargaining and Sentence bargaining.
- iii. The "Plea Bargaining" may be applicable in respect of those offences of Penal and other special penal laws for which punishment of imprisonment is up to a period of 7 years.
- iv. The "Plea Bargaining" may be applicable in respect of all offences where child is accused except the offences for which the highest punishment is life imprisonment or death sentence. On behalf of Child the legal guardian will take part in negotiation.
- v. The application for Plea Bargaining shall be made in the Court while the offence is pending for trial. The plea Bargaining is to be initiated after the accused makes an application to the Court or Court may suo motu make an offer for plea Bargaining and may fix a certain period for Plea Bargaining.
- vi. The Court shall play the dominant role in Plea Bargaining process. The Court may hold a preliminary examination in camera to be sure as to whether the accused filed the application voluntarily. If it is found the Plea Bargaining involuntary the Court may reject the petition for Plea Bargaining. And if the Plea Bargaining is rejected the proceedings cannot be used as evidence.
- vii. There may be provision that the accused may be released on probation and to the effect Probation of Offenders Ordinance, 1960 (Ordinance No. XIV of 1960) may be amended.

- viii. If a minimum sentence is provided for the offence committed, the accused may be sentenced to half of such punishment. The accused may also avail of the benefit of section 35A of Cr.P.C for setting off the period of detention undergone by the accused against the sentence of imprisonment on the basis of Plea-Bargained settlement. The Court must deliver the judgment in open Court according to the terms of the mutually agreed disposition and the formula prescribed for sentencing including victim compensation.
- ix. The judgment delivered in Plea Bargain cases is final and no appeal or revision lies against such judgment.
- x. Plea Bargaining may be applicable in respect of anti-corruption cases. In this respect the accused may apply to the Anticorruption Commission accepting his guilt and offers to return the proceeds of corruption as determined by commissions. After endorsement by the commission the request shall be presented before the Court of Special Judge which will decide whether it should be accepted or not. It will be the absolute domain of the Court whether it would accept the Plea Bargain or not. In the case the request for plea bargain is accepted by the Court, the accused stands convicted.
- xi. Plea Bargaining may be made at any stage of the case, Pre-trial, Trial or Post Trial stage.
- xii. Plea bargaining should not be applicable in respect of habitual offenders.
- xiii. Consequential amendment has to be made in different legislations relating to offence where there is scope for plea bargaining.

Speedy trial is the essence of criminal justice and there is no doubt that delays in trial itself constitutes denial of justice. But the criminal Courts are too overburdened to allow each and every case to go on trial. It is true that plea bargaining speeds up caseload disposition, but it does that in an unconstitutional manner. But perhaps there is no other choice but to adopt this technique. Only time will tell if the introduction of this new concept is justified or not.



Confessional statement: Legal requirements for recording, its use, and evidentiary value

Justice Md. Akhtaruzzaman

High Court Division
Supreme Court of Bangladesh

1. Introduction

Confession is a species of admission. The term “Confession” has not been expressly defined in any statute: this term finds mention in the Code of Criminal Procedure and the Evidence Act. According to the dictionary meaning confession is “an acknowledgement of offence”. As defined, in a very wider sense, by Stephen in his ‘Digest of the Law of Evidence’, confession is an admission made at any time by a person charged with a crime stating or suggesting the inference that he committed a crime.

The confessional statement, not being a mere statement of the occurrence, is the direct and specific admission of the guilt or admission, in substance, of all the facts constituting the offence, made by the confessing accused voluntarily giving a true statement of the occurrence implicating himself, sometimes other co-accused, as being involved in the commission of the offence. A self-exculpatory statement or, a statement in which the maker denies his guilt is no confession.

A confessional statement alone can form the basis of conviction against its maker and, in appropriate cases; it lends assurance to the other substantive evidence as against other co-accused tried jointly for the same offence. It is, therefore, of great importance that the recording Magistrate should be well acquainted with the procedure and principles governing the recording of confessional statement and, on the other hand, the trying Magistrates and the Judges, whenever they deal with the confessional statement, must apply their judicial mind with analytical insight and it is their duty to evaluate the confessional statement in accordance with the established norms of appreciation of the confessional statement, both judicial and extrajudicial, to base upon it in a particular case.

2. Definition of the term ‘Confession’

Confession is a statement that is a direct acknowledgement of guilt and does not include merely inculpatory admission which falls short of being an admission of guilt. The term has been at first defined by Lord Atkin who explained that *a confession must either admit in terms of the offence, or at any rate substantially all the facts which constitute the offence.*¹ Justice M H Rahman in the case of **State v. Lalu Miah and another** also endorsed the same thing while defining the term ‘Confession’.²

3. Types of Confessional Statements

Confessional statements are of two kinds-

- (a) Judicial Confession; and
- (b) Extra-Judicial Confession.

For the purpose of evaluation, confessions are termed as-

- a) Inculpatory Confession,
- b) Exculpatory Confession,
- c) Voluntary/ Involuntary Confession,

1. Pakala Narayana Swami v. Emperor, AIR 1939 (PC) 47, 52

2. 39 DLR (AD) 117

- d) Confession containing True/Partly True, Partly False Statement,
- e) Voluntary but not true confession.
- f) Retracted Confession (meaning thereby submitting the petition for retraction or challenging its voluntary character during examination under section 342, Cr.P.C. or at any stage of the trial.)

A judicial confession is made to and recorded by a competent Magistrate in accordance with the provisions of sections 164 and 364 of the Code of Criminal Procedure. The extra-judicial confession may be of two categories- one is made to any person or group of persons other than the Magistrate or police and another is made to the police in the form of information leading to the recovery of some weapon or article of offence etc.³

4. Laws and principles governing recording of confessional statement

Sections 164⁴ and 364⁵ of the Code of Criminal Procedure provide how the confession should be recorded and signed. Sections 24 to 30⁶ of the Evidence Act deal with admissibility and inadmissibility of confessional statement. Also in a plethora of judicial pronouncements the principles have been laid down for governing the recording of

3. Section 27 of the Evidence Act provides: How much of information received from accused may be proved-Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a police officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.

4. 164. Power to record statements and confessions: (1)[Any Metropolitan Magistrate, any Magistrate of the first class] and any Magistrate of the second class specially empowered in this behalf by the Government may, if he is not a police-officer record any statement or confession made to him in the course of an investigation under this Chapter or at any time afterwards before the commencement of the inquiry or trial.

(2) Such statements shall be recorded in such of the manners hereinafter prescribed for recording evidence as is, in his opinion best fitted for the circumstances of the case. Such confessions shall be recorded and signed in the manner provided in section 364, and such statements or confessions shall then be forwarded to the Magistrate by whom the case is to be inquired into or tried.

(3) A Magistrate shall, before recording any such confession, explain to the person making it that he is not bound to make a confession and that if he does so it may be used as evidence against him and no Magistrate shall record any such confession unless, upon questioning the person making it, he has reason to believe that it was made voluntarily; and, when he records any confession, he shall make a memorandum at the foot of such record to the following effect:-

"I have explained to (name) that he is not bound to make a confession and that, if he does so, any confession he may make may be used as evidence against him and I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

(Signed) A.B.

Magistrate."

Explanation-It is not necessary that the Magistrate receiving and recording a confession or statement should be a Magistrate having jurisdiction in the case.

5. 364.Examination of accused how recorded: (1) Whenever the accused is examined by any Magistrate, or by any Court other than High Court Division the whole of such examination, including every question put to him and every answer given by him, shall be recorded in full, in the language in which he is examined, or, if that is not practicable, in the language of the Court or in English: and such record shall be shown or read to him, or, if he does not understand the language in which it is written, shall be interpreted to him in a language which he understands, and he shall be at liberty to explain or add to his answers.

(2) When the whole is made conformable to what he declares is the truth, the record shall be signed by the accused and the Magistrate or Judge of such Court, and such Magistrate or Judge shall certify under his own hand that the examination was taken in his presence and hearing and that the record contains a full and true account of the statement made by the accused.

(3) In cases in which the examination of the accused is not recorded by the Magistrate or Judge himself, he shall be bound, as the examination proceeds, to make a memorandum thereof in the language of the Court, or in English, if he is sufficiently acquainted with the latter language; and such memorandum shall be written and signed by the Magistrate or Judge with his own hand, and shall be annexed to the record. If the Magistrate or Judge is unable to make a memorandum as above required, he shall record the reason of such inability.

(4) Nothing in this section shall be deemed to apply to the examination of an accused person under section 263.

6. **24. Confession caused by inducement, threat or promise, when irrelevant in criminal proceeding:** A confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the Court to have been caused by any inducement, threat or promise having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

confessional statement, its admissibility and use as evidence and the norms of appreciation as to its reliability and forming the basis of conviction.

5. Who can record?

Any Metropolitan Magistrate, any Magistrate of the first class, and any Magistrate of the second class specially empowered in this behalf by the Government may record the confessional statement (Judicial Confession). The Magistrate need not have jurisdiction to try or handle the relevant case.

Extra-Judicial Confession may be recorded by any person capable of recording. Even it may be oral statement.

6. Who can make?

Any accused may make confessional statements. Also juvenile offender (the term 'accused' should not be used in case of 'juvenile offender') may make the confessional statement. But special precaution is required in case of juvenile offender. In case of child offender, the Magistrate must take all requisite precautions for satisfying himself that the confession is voluntary and free from any undue influence or inducement or from the influence of police. The Magistrate should afford the offender an opportunity to see his parents and his counsel or at least should have taken greater care than the case of an adult accused in seeing that the child has not been either seduced or coerced in making the confession.

Even a deaf and dumb person may make confessional statement by signs. But special care is required in recording the statement of such person. It is unsafe to record such statement except with the aid of a person capable of understanding the exact meaning of signs of such person.

7. Where to record?

Confessional statements should not be recorded in the jail and should ordinarily be recorded in the court during

25. Confession to police-officer not to be proved: No confession made to a police-officer shall be proved as against a person accused of any offence.

26. Confession by accused while in custody of police not to be proved against him: No confession made by any person whilst he is in the custody of a police-officer, unless it be made in the immediate presence of a Magistrate, shall be proved as against such person.

Explanation.— In this section "Magistrate" does not include the head of a village discharging magisterial functions unless such headman is a Magistrate exercising the powers of a Magistrate under the Code of Criminal Procedure, 12[1898].

27. How much of information received from accused may be proved: Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a police officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.

28. Confession made after removal of impression caused by inducement, threat or promise, relevant: If such a confession as is referred to in section 24 is made after the impression caused by any such inducement, threat or promise has, in the opinion of the Court, been fully removed, it is relevant.

29. Confession otherwise relevant not to become irrelevant because of promise of secrecy, etc. If such a confession is otherwise relevant, it does not become irrelevant merely because it was made under a promise of secrecy, or in consequence of a deception practised on the accused person for the purpose of obtaining it, or when he was drunk, or because it was made in answer to questions which he need not have answered, whatever may have been the form of those questions, or because he was not warned that he was not bound to make such confession, and that evidence of it might be given against him.

30. Consideration of proved confession affecting person making it and others jointly under trial for same offence: When more persons than one are being tried jointly for the same offence, and a confession made by one of such persons affecting himself and some other of such persons is proved, the Court may take into consideration such confession as against such other persons as well as against the person who makes such confession.

Explanation.—"Offence", as used in this section, includes the abatement of, or attempt to commit, the offence.

Illustrations

(a) A and B are jointly tried for the murder of C. It is proved that A said—"B and I murdered C." The Court may consider the effect of this confession as against B.

(b) A is on his trial for the murder of C. There is evidence to show that C was murdered by A and B, and that B said—"A and I murdered C". This statement may not be taken into consideration by the Court against A, as B is not being jointly tried.

Court hours. Even it may be recorded in the chamber or residence⁷ of the Magistrate.

8. Wherein to record?

Confessional statements should be recorded in the prescribed Form **(M-45)** but for dearth of Form, plain paper may be used. Also plain paper may be annexed in case of lengthy statement.

9. Magistrate is not bound to record

The language “*may record his statement or confession*” as used in section 164 of the Code of Criminal Procedure, indicates that a Magistrate is not bound to record the confession. Whether he does so or not is a matter of duty and discretion and not of obligation. It means that the Magistrate should record the confessional statement only when he believes that the maker is **willing** to make the confessional statement voluntarily to give a true statement of the occurrence confessing his involvement therein. But when it appears to the Magistrate that the accused has been compelled to make the confession by torture or threat or influence or by any other manner, the magistrate should not proceed to record the confessional statement.

10. Legal requirements for recording the confessional statement

Recording of confessional statement is a matter not only of form but also of substance. The recording Magistrate should make his real endeavour for ascertaining that the accused is making the statement voluntarily and should record the confessional statement by strictly following the provisions of sections 164 and 364, Cr.P.C.

Section 164(2) of the Code provides- “*Such statement shall be recorded in such of the manners hereinafter prescribed for recording evidence as is, in his opinion best fitted for the circumstances of the case. Such confessions shall be recorded and signed in the manner provided in section 364.*”

Sub-section (3) of the same section provides- “*A Magistrate shall, before recording any such confession, explain to the person making it that he is not bound to make a confession and that if he does so it may be used as evidence against him and no Magistrate shall record such confession unless, upon questioning the person making it, he has reason to believe that it was made voluntarily; and, when he records any confession, he shall make a memorandum at the foot of such record*”.

The requirements of section 364 of the Code of Criminal Procedure, amongst others, are-

7. Rule 79 of the Criminal Rules and Orders (Vol. I)-Procedure of recording confessional statement of an accused: Rule 79. (1) Confessional are to be recorded during the court house in the Magistrate's Court or other room in a building ordinarily used as a Court house unless, the Magistrate, for reasons to be recorded by him in writing, certifies that compliance with these conditions is impracticable or that he is satisfied that the ends of justice would be liable to be defeated thereby.

(2) If the confession is recorded in a room which is ordinarily open to the public, the Magistrate may, if he thinks fit, order that the public generally or any particular person shall not have access to, or remain in the room, used for the purpose.

Note: The recording of a confession in a Magistrate's residence or at any place other than the Magistrate's Court shall be the exception and not the rule and on weekly or gazetted holidays, when it is necessary to record a confession, the Magistrate shall proceed to his Court for the purpose after making all arrangements for the production of the accused before him in that Court.

(3) When the accused is produced, the Magistrate should ascertain when and where the alleged offence was committed and by questioning the accused, should further ascertain when and where the accused was first placed under Police observation, control or arrest.

(7) (a) The Magistrate should not proceed to record the statement of the accused unless and until he has reason, upon questioning him and observing his demeanour, to believe that the accused is ready to make a statement voluntarily.

(b) If any complaint of ill-treatment by the Police is made, the Magistrate should take cognizance of the same and any indication of the use of improper or undue pressure should be investigated at once.

(c) The questioning of an accused person in order to discover if the making of a confession is voluntary should not be taken as a mere formality and the Magistrate should apply his mind judicially and endeavour to base his finding upon definite premises and grounds.

(8) While carefully avoiding anything in the nature of cross-examination, the Magistrate should endeavour to record the statement of an accused person in the fullest detail, and as far as possible, in the language of the accused; and properly put such questions, not being leading question, as may be necessary to enable the accused to state all that he desires to state and to enable the Magistrate clearly to understand the meaning of his statement.

Note: A statement of a witness, if necessary, to be recorded under section 164 of the Code Criminal Procedure, 1898, the Magistrate should record it in the manner prescribed for recording evidence of a witness.

- (a) The whole of the examination of an accused, including every question put to him and every answer given by him, shall be recorded in full, in the language in which he is examined, or, if that is not practicable, in the language of the court or in English;
- (b) Such record shall be shown or read over to the confessing accused, or, if he does not understand the language in which it is written, shall be interpreted to him in a language which he understands;
- (c) The accused shall be at liberty to explain or add to his answers;
- (d) When the whole is made conformable to what he declares is the truth, the record shall be signed by the accused and the Magistrate;
- (e) In cases in which the examination of the accused is not recorded by the Magistrate himself, he shall be bound, as the examination proceeds, to make a memorandum thereof in the language of the Court, or in English, if he is sufficiently acquainted with the latter language; and such memorandum shall be written and signed by the Magistrate or Judge with his own hand, and shall be annexed to the record. If the Magistrate or Judge is unable to make a memorandum as above required, he shall record the reason for such inability.

According to the letters and spirit of sections 164 and 364 of the Code of Criminal Procedure, section 24 of the Evidence Act, and according to a number of judicial pronouncements in the leading cases the following, amongst others, may be identified as the duties of the recording Magistrate:

- (a) The recording Magistrate should disclose his identity before examining the accused brought before him. He must disclose that he is a Magistrate and not Police Officer.
- (b) The Magistrate should make real endeavour to place the accused person at ease, dispel all the fear, inducement and hope from the accused's mind enabling him to make the confession of his own volition, absolutely free and voluntary according to the best dictates of his own inner conscience. The Magistrate should assure that the accused would not be remanded to the police custody. When the accused is produced from the police custody, it is the duty of the Magistrate to remove the fear of police torture from the mind of the accused. When the accused was produced from police custody and again he was sent back to the police custody after recording the confessional statement, conviction basing upon such confession was held to have suffered from legal infirmity.⁸ There is no legal requirement to inform the accused that he would not be remanded to police custody even if he does not make any confession. But of course, if the Magistrate has any reason to believe that the accused is under apprehension of police, he may assure him so. Therefore, for mere omission in informing the accused that he would not be remanded to police, the confessional statement will not take away the voluntary character of the statement.⁹
- (c) A Magistrate shall, before recording any such confession, explain to the person making it that he is not bound to make a confession and that if he does so, it may be used as evidence against him.
- (d) The Magistrate should record the questions put to and answers obtained from the accused person. The following (phraseology of questions may be different) may be some of the relevant questions-
 - (i) Have you understood that you are not bound to make confessional statement?
 - (ii) Have you understood that if you make the confession it can be used, against you as incriminating evidence?
 - (iii) Why are you making the confession?
 - (iv) Has anybody threatened or induced you or given you any hope or compelled you in any manner for making the confessional statement?
 - (v) Are you willing to make the confessional statement voluntarily?
 - (vi) If you are willing to confess, will you make the true statement?

8. State v. Abul Hashem, 3 MLR(HCD) 30

9. Dipok Kumar Sarkar v. State, 8 BLD(AD) 109

The phraseology of questions is not material. Important is whether by those questions, the accused person understands the consequence of his confessional statement and he is made conscious of the fact that he is not bound to make confession and if he makes such confession it can be used as evidence against him. The object of putting questions and obtaining answers is to be satisfied that the confession is not a result of inducement, threat, hope, promise or torture.

The above questions and answers recorded in the prescribed Forms may be one of the important considerations for the Courts in arriving at the conclusion as to the voluntary nature or otherwise of the confession.

- (e) The Magistrate should record the particulars as to when and wherefrom the accused was arrested and wherefrom the accused was placed before him.
- (f) The Magistrate should ask the accused persons whether he has been mentally or physically tortured while in police custody and record the answer. The Magistrate should make a note of whether or not any mark of physical torture is found on any part of the body of the accused.
- (g) After making examination as above the accused should be given a reasonable time for reflection to ponder over the matter and during that time the accused should be placed under the care of a person who is under the control of the Magistrate. At that place, no police should be allowed to stay. (Reasonable time is at least 3 hours).
- (h) After the time given for reflection is over, the Magistrate should again ask the accused whether he is willing to make the confession voluntarily and if the answer is yes, the accused should be warned again that his confessional statement may be used against him as incriminating evidence.
- (i) Inside the room or within sight no police officer should be allowed to remain present and all the police officers should be turned out from that room.
- (j) No oath should be administered to the accused before recording the confessional statement.
- (k) Confession should be recorded in the words of the accused, but it is not always correct to say that confession not recorded exactly in the words of the accused is inadmissible.¹⁰
- (l) The recorded statement should be read out and explained to the confessing accused.
- (m) When the accused confirms that the confessional statement has been recorded correctly, it shall be signed by the accused and by the Magistrate,
- (n) The Magistrate must make a memorandum at the foot of the recorded statement to the following effect—
to have explained to (name) that he is not bound to make a confession and that if he does so, any confession he may make may be used as evidence against him and I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him. ¹¹
Making of the above memorandum is mandatory; its non compliance affects voluntary character of the confession.
- (o) Again it is an unavoidable duty of the Magistrate that he shall certify under his own hand that the examination was taken in his presence and hearing and that the record contains a full and true account of the statement made by the accused. ¹²

11. Other General Guidelines

The Form (M-45) used for recording the confessional statement by the Magistrate itself is a small guiding booklet. The left margin of the form contains certain instructions. The Form states, inter alia:

“Magistrates should clearly understand the great importance of giving their closest attention to the procedure to

10. Nausher Ali Sarder and others v. State, 39 DLR(AD) 194

11. Section 164(3), Cr.P.C

12. Section 364(2), Cr.P.C.

be followed, from first to last, in the recording of confessions. This procedure should be followed without haste, with care and deliberation, it being understood that this duty is not a distasteful and minor, appendage or addition to their normal functions, but one which is of consequence to the confessing accused, his co-accused and Court responsible for the administration of criminal justice. A confession which is recorded perfunctorily and hastily is a source of embarrassment to the trial Court, the prosecution and the defence.” Along with the above guidelines, all other guidelines given in the prescribed Form should be carefully gone through by the recording Magistrate and thereafter the following duties are to be performed:

- (a) The Magistrate should fill in all the blanks in the Form;
- (b) He should put his signature at all the places shown in the Form;
- (c) Under paragraph 3 of the Form the name of the Peon and the place where the accused is kept to wait should be specifically mentioned;
- (d) The name, address and particulars of the accused as required under Column 7 of the Form must be specifically written;
- (e) Where and at what time the accused is forwarded should be mentioned under Column 10 of the Form;
- (f) As required under Column 9 of the Form, if during recording of the statement it appears to the Magistrate that the statement made or about to be made is not voluntary, forthwith the Magistrate shall stop recording of confession stating reasons thereof; and
- (g) Under Column 8 of the Form the Magistrate should give reasoning, in brief why he has believed that the statement made before him is voluntary’;
- (h) The Magistrate should specifically note in the Form whether there is any mark of physical torture on any part of the body of the accused. Also the allegation of the accused of mental or physical torture, if any, must be noted in the Form.

When the accused is not given any time for reflection, no question was put to him to ascertain whether he was prepared to make the statement of his own free will, it cannot be said that the Magistrate has made any genuine effort to find out the real character of the confession. If the Magistrate does not fill up the important paragraphs of the Form, the manner of recording the confession is not acceptable. Recording of the confession in such a manner casts serious doubt as to the voluntary character of the confessional statement.¹³

12. It is a mandatory requirement that after recording a confessional statement the recording Magistrate is required to make a memorandum to the confession containing a clause to the effect that he had warned the accused that he was not bound to make a confession

It is a mandatory requirement that after recording a confessional statement the recording Magistrate is required to make a memorandum to the confession containing a clause to the effect that he had warned the accused that he was not bound to make a confession, that if he makes a confession, it would be used against him, that the statement was true and voluntary, that it was recorded as per version of the maker and that it was read over to the maker after his statement was recorded which was the true and correct version and it contained a full and true account of statement made by the maker. Such a record is conclusive, in the absence of anything to the contrary, as to the fact that such warning was given before the confession was recorded.

The act of recording confession is a very solemn act and in discharging his duties, the Magistrate must take care to see that the requirements of sub-section (2) of Section 164 are fully satisfied. It would, of course, be necessary in every case to put question prescribed by the High Court Division circulars. No element of casualness should be allowed to creep in and the Magistrate should be fully satisfied that the confessional statement which the accused wants to make is in fact and in substance voluntary. The provisions of sub section (3) of section 164 are mandatory and therefore he is required to fill up Column 7 of the form for recording confession which is a column for recording a brief statement of the Magistrate's reason for believing that the statement was voluntarily made. The question or questions, whatever the form, must be designed to show whether the accused is making the statement voluntarily. The Magistrate should be fully satisfied that the confessional statement is in fact and in substance voluntary.¹⁴

13. Md. Azad Shaikh v. State, 8 BLD (HCD) 505

14. State v. Babul Miah, 63 DLR (AD) (2011) 10

13. Considerations for ascertaining the voluntary character of the confessional statement

Upon putting questions to and obtaining answers from the accused the Magistrates should form a view and impression about whether the accused person is willing to make his statement voluntarily. The provisions of section 24 of the Evidence Act should be kept in consideration with great importance. This section clearly indicates that a confession cannot be accepted and shall be deemed irrelevant if it is made as a result of inducement, threat or promise having reference to the charge against the accused person; proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him. For example, when an accused is under threat of being sent back to the police remand, he is likely to make a confession out of fear of police torture.

For ascertaining whether the confessional statement is voluntary and true, it is the duty of the Magistrate and trial Court to look into how long the accused was under police custody and whether the accused once refused to make confessional statement and after being taken on remand he has again been produced for recording his confessional statement. In the circumstances, along with other materials, that the accused was in police custody for unexplained two days before producing him for making confessional statement, the confessional statement was not considered to be true and voluntary.¹⁵

Section 29 of the Evidence Act, 1872 sometimes gives rise to grave confusion. When section 24 of the Evidence Act makes it clear that confessions are inadmissible if they are made under threat, inducement or promise by a person in authority with reference to the charge, section 29 of the same Act states that admissions are not inadmissible by the Courts as evidence if made by a person under a promise (secrecy or in consequence of a deception practised on the accused person for the purpose of obtaining it, or when the accused was drunk, or because it was made ; answer to question which he need not have answered, whatever may have been the form of those question, or because he was not warned that he was bound to make such confession, and that the evidence of it might be given against him. This section also gives rise to the question of whether confessions made under such circumstances can be treated to be voluntary. However, the admissibility of a statement made by any (the means or under any circumstances mentioned in section 29 depends on the careful consideration of the entire gamut of the facts and circumstances of a particular case must be borne in mind that admitting into evidence does not necessarily mean that the confession should be based upon for recording a conviction. The whole circumstances under which the confession was made and recorded must be put under the strictest scrutiny along with other evidence on record. Mere reading of section 29 of the Evidence Act without keeping in view the provisions of section 24 of the same Act may result in dangerous consequences.

14. Credibility of Confessional statements

The law on this point is that a confessional statement, whether retracted or not if found to be true and voluntary, can form the basis of conviction of the maker.

15. Extra judicial confession

A confession may be made before a person or group of persons which may be called as extra- judicial confession. All the incidents of confession as stated under section 24 of the Evidence act are applicable in case of such confession. It should be looked into whether an extrajudicial confession was extorted by threat, promise (inducement, torture, etc. and whether there were any police or even Dafader at the place where the confession was made, whether the extrajudicial confession is voluntary and true and whether the person(s) before whom the confession was made was trustworthy. In considering such trustworthiness, this is further requirement that the Court must consider whether there was any enmity between the accused and the person(s) before whom such confession was made: and sue person has or had any reason to falsely implicate the accused person; and the circumstances in which the confession was made and other relevant aspects.

16. Extra judicial confession is covered by privilege

There are certain statements, called privileged statements which are excluded from proof to be given of them

15. State .v Farid Karim, 8 BLT(AD) 87

(Sections 122, 126, 127, Evidence Act). The person (Husband/Wife, Advocate, Clerks, etc.) to whom such confession is made cannot be compelled to give evidence of such confession.

17. How to put into evidence / whether Magistrate should be examined?

The question often raised is whether the Court: can admit into evidence and base upon the confessional statement without calling the recording Magistrate. Under section 80 of the Evidence Act the Court shall presume that the confessional statement and other documents as specified under this section is genuine; that any statement as to the circumstances under which it was taken, purporting to be made by the person signing it, are true, and that such confession was duly taken. But in all cases, presumption under section 80 as to the confessional statement is not available. The confessing accused should not be denied the opportunity of cross-examining the recording Magistrate, When there is no legal evidence against the confessing accused, for ascertaining whether the confessional statement is voluntary, the recording Magistrate should be examined. As a rule of law and prudence, the Magistrate who recorded the statements must be examined before putting the confessional statements into evidence. When there are many reasons for criticising the confession, this presumption is, nevertheless, rebuttable it is injudicious to rely upon confession without calling the Magistrate as witness. The Court is required to see not only that the forms under sections 164 and 364, Cr.P.C. was complied with but the substance underneath the law equally adhered to.¹⁶

18. Recording Magistrate is not required to be examined

Section 80 gives legal sanction to the maxim *Omnia Praesumuntur rite et solemniter esse acta donec probetur in contrarium*, which means all things are presumed to have been done regularly and with due formality until the contrary is proved (Ballentine's Law Dictionary). When a deposition or confession is taken by a public servant, there is a degree of sanctity and solemnity which affords a sufficient guarantee for the presumption that everything was formally, correctly and duly done. The presumption to be raised under this section which deals with depositions or confessions of offenders is considerably wider than those under section 79, which provides presumptions so as to the genuineness of certificates, certified copies and certified by other documents, that is to say, where a person acts in an official capacity, it shall be presumed that he was duly appointed and it has been applied to a great variety of officers. The presumption embraced not only the genuineness of the confession but also that it was duly taken and given under the circumstances recorded therein. It deals not only with relevancy but also with proof, if it was recorded in accordance with law. On the strength of these presumptions, it dispenses with the necessity of formal proof by direct evidence what it would otherwise be necessary to prove.

A confession by an accused in accordance with law is admissible without examining the Magistrate who recorded it in view of the fact that the Magistrate was a public servant who recorded the statement in discharge of his official duty provided that it was recorded in accordance with law. The usual presumption arises under this section that the confession is voluntarily made. The burden is on the accused of showing that his confession is not voluntarily made. The Magistrate's mere admission in the cross-examination that he filled up the form in question and answers required by section 164 of the Code in recording the confession, is sufficient in itself that he has recorded it properly. This section dispenses with the necessity of formal proof of a confession recorded in accordance with law. Genuineness under the section can be presumed only when the confession has been recorded substantially in the form and in the manner provided by law.¹⁷

19. Death, staying abroad of the Magistrate, etc.

It is important to note that for non-examination of the Magistrate, the confessional statements may be treated to be inadmissible when there is a question of prejudice on the part of the accused. There may be circumstances when the Magistrate is not examined, confessional statement was not tendered and admitted into evidence marking as exhibit, identity' of the maker was not established; and there was no proof who forwarded the confessing accused to the Magistrate, the confessional statement was not accepted as sole basis of conviction.¹⁸

There may be cases when the recording Magistrate cannot be examined for reasons of death, staying abroad for

16. Babul @ Abdul Majid Khan v. State, 42 DLR(AD) 186

17. Mufti Abdul Hannan v. State, 69 DLR (AD) (2017) 490, Para-20/21

18. Sayed Ali v. State, 7 BLC (HCD) 180

long period, etc. In appropriate cases, when the question of identity of the confessing accused is met up, there is no likelihood of prejudice on his part, and the confessional statement is recorded in accordance with the provisions of sections 164 and 364 of the Code of Criminal Procedure, it is permissible under the enabling provision of section 80 of the Evidence Act to presume only that the "confession was taken in accordance with law and that it was true and duly taken", without examining the recording Magistrate. Before acting on the basis of section 80 of the Evidence Act, the Judge must take into consideration the whole attendant circumstances, whether there is acceptable reason of non-appearance of the recording Magistrate as witness, the question of prejudice on the accused and the judicial pronouncements relevant and applicable in the particular circumstances of the case.

20. Evidentiary value of confessional statement

A. Against maker

- (i) A confessional statement is substantive evidence against its maker unless its admissibility is excluded. Confession can form the sole basis of conviction against its maker on the conditions that it is true and voluntary; it fits in the circumstances of the particular case which may at least create an impression that it is true and it either admits in terms of the offence or at any rate substantially all the facts which constitute the offence. There is no compulsion that a true and voluntary confession needs to be materially corroborated for using it against its maker. But in the particular circumstances in *State v. Shafique*¹⁹, it was held that there being no corroboration on any material particular of the confessional statement, it was unsafe to maintain conviction of the respondent under section 302/34, Penal Code, though the respondent implicated himself to be an offender.

The confessional statement cannot be used against its maker when it is proved that it was obtained by inducement, threat or promise (Section 24, Evidence Act). But when it is found that threat or promise or inducement was before making the confession, but in the opinion of the Court, the confessional statement was recorded after removal of such threat, promise or inducement- such confession may be admissible (Section 28, Evidence Act).

(ii) Retracted Confession

When an accused alleges that he has not made the confession voluntarily or that he has made the confession as a result of mental or physical torture that amounts to retraction. At paragraph 49 of the judgment in *State v. Lulu Miah and another*²⁰, it was held that retraction of a confession at an earliest opportunity may lend support to the defence plea that the confession was not voluntary one, but from a belated retraction of a confession no inference adverse to the accused can be made. An accused may be convicted even on a retracted confession if it is inculpatory but corroboration is required, but this rule of prudence, however, does not require that each and every circumstance mentioned in the confessional statement must be separately and independently corroborated then the rule will be meaningless, as a piece of an independent evidence itself would afford the sufficient basis of conviction and it would be unnecessary to call the confession in aid. When retracted, it is the duty of the Court, as a rule of caution, to take into consideration the reasons shown in the retraction petition. But for mere reason of filing retraction petition, the confessional statement cannot be readily and mechanically brushed aside. If it is found that the confession, at the time of making it, was voluntary and true, subsequent retraction cannot make any difference from the confession which is not retracted. As against the maker himself, his confessional statement, judicial or extrajudicial, whether retracted or not retracted, can in law, validly form the sole basis of his conviction.²¹ In *Amir Hossain Hawlader v. State*²², it has been held that a retracted confession, like the one which is not retracted, may form the sole basis of conviction of its maker.

19. 43 DLR(AD) 203

20. 39 DLR(AD) 117

21. State v. Minhaj @ Gul Hassan, 16 DLR (SC) 598

22. 4 BLD (AD) 193

(iii) Exculpatory Confession

Exculpatory statement is one wherein the accused making it does not implicate himself without any other direct or circumstantial evidence qualifying the said confession, it is of no avail to the prosecution for sustaining the order of conviction. There may be cases where maker does not implicate himself and, on the other hand, implicate other persons in his confessional statement. It is then a so-called confession which alone cannot be relied upon as against its maker and also against other co-accused.²³

In a case of murder where it was found that there was no common intention, the confessing accused stated nothing incriminating against himself as playing any role in commission of murder except being present in the scene of the occurrence, the conviction awarded by the Sessions Judge was held manifestly wrong, the confessional statement being considered to be exculpatory.²⁴

(iv) Confession containing exculpatory and inculpatory statement

There may be confessional statement containing inculpatory and also exculpatory statement. Question often arises whether reliance can be placed on the inculpatory part of such confession. ¹⁴ In *State v. Lalu Miah and another*²⁵ the view taken was notwithstanding the general principle that a confession should be accepted or rejected as a whole, but in certain facts and circumstances, the inculpatory part may be accepted if the exculpatory part is found to be false or basically improbable, regard being had to reason and human conduct’.

(v) Extrajudicial confession

Extrajudicial confession by its very nature is weak type of evidence. It is unsafe to base conviction of an accused on his extrajudicial confession alone. The value of such confession as evidence depends upon the veracity of witnesses to whom it was made. Extrajudicial confession can well be relied upon, but the Court must bear- in mind two rules of caution- first: whether the evidence regarding confession is reliable and second: whether it finds corroboration. With precaution such confession can be taken into consideration along with other evidence and attending circumstances. If the other evidence and circumstances are found meager lacking independent corroboration, the extra judicial confession, even if found to be true, cannot be the basis of conviction against its maker.²⁶ If extracted upon physical assault or inducement, it has no value. For Instance, if an extrajudicial confession is made before a Dafadar and there is evidence of beating the accused by him. it should be left out of consideration.

(vi) Confession under police custody

Normally confession made before police or under police custody is inadmissible (Sections 25 and 26, Evidence Act). But when some incriminating article is recovered following such confession, it is admissible according to section 27 of the Evidence Act which provides that when any fact is discovered as discovered in consequence of information received from a person accused of any offence, in the custody of a police officer, so much of such information whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved. For example, when an accused confessed before police that he had concealed the dead body of his wife in a latrine-well and the dead body was recovered therefrom by police. Such information can be admissible and can be relied upon for basing the conviction. ²⁷

(vii) Voluntary confession containing untrue statements

Though voluntary, if it is not true, confessional statement cannot form the sole basis of conviction. For example, when confessing accused states in his confessional statement that he dealt a blow on the head of the victim by iron rod but from the evidence it is found that there was no injury caused by iron rod on the

23. Ibrahim Mollah and others v. State, 7 BLD (AD) 248

24. Ashraf Ali @ Sheru Vs. State, 7 BLC (HCD) 616

25. 39 DLR (AD) 117

26. 39 DLR (AD) 117

27. Dipok Kumar Sarker v. State, 8 BCR(AD) 141

victim, the statement is not true and such confession cannot form the sole basis of conviction.²⁸ When the whole prosecution evidence contradicts the confession, the accused is entitled to benefit of doubt. But when the prosecution case is proved by other evidence on record, the confessing accused cannot be acquitted on the plea that his confession is untrue and non-voluntary. When confessional statement is partly true and partly false or in other words does not disclose the full picture of the occurrence, the confessional statement can be used against the maker and there is no legal bar in upholding the conviction on the basis of the confession.²⁹ When it is found from the incriminating confessional statements that the accused made conspiracy with other co-accused and the accused was present standing outside the place of occurrence, the confessing accused can be safely convicted for abetment of murder though not confessed that he has committed murder.³⁰

B. Against other co-accused

The confession of one co-accused does not fall within the definition of evidence under section 3, Evidence Act. It cannot be made on oath. It is not made in presence of other co-accused against whom it was made. Its veracity cannot be tested by other co-accused affected in the confession. This is a weak type of evidence as against other co-accused. It does not amount to proof. Therefore, the confessional statement of one accused cannot be treated to be the substantive evidence as against other co-accused.

Section 30 of the Evidence Act simply makes the confession of a co-accused relevant fact and, therefore, it may be taken into consideration against other co-accused.³¹ In the same case, it was held that it is the established rule of evidence as well as rule of prudence that confessional statement of co-accused shall not be used as the sole basis of conviction in the absence of independent corroborative evidence. In the particular circumstances of the case, confession of one accused can be taken into consideration as the evidence against co-accused when facts and circumstances are supportive of such confession.³² The confession of one co-accused is considered as a weak type of evidence against other co-accused and to base upon such confession for convicting other co-accused, there must be at least some sort of corroboration from other evidence and circumstances. The matter of using confessional statement against co-accused was raised before the Privy Council³³ and it was held that section 30 provides that the Court may take the confession into consideration and thereby make it evidence on which the Court may act. but the section does not say that the confession amounts to proof, clearly there must be other evidence, the confession is only one element in the consideration of all facts proved in the case, it can be put into the scale and weighed with other evidence. Then the question as to how the confession of a co-accused can be weighed out was addressed in **Maqbool Hossain v. State**³⁴ by holding "The language of the section is very guarded and lends no warrant to the inference that such a statement made by a co-accused could be treated as substantive evidence against the other person, sufficient to sustain his conviction. It is well settled that there ought to be other evidence, whether direct or circumstantial, linking a person with the crime, before a confession made by a co-accused could be adverted to, in adjudging the guilt of that person". In what way the confession of a co-accused can be dealt with has been settled in the decision in **Lutfun Nahar Begum v. State**³⁵ wherein it was held that confession of a co-accused cannot be treated to be the substantive evidence against another accused but it can be used only to lend assurance to other evidence. The spirit of the principles laid down in **Babor Ali Molla v. State**³⁶ and **Ustar Ali v. State**³⁷ is that a confession made by a co-accused in a joint trial for the same offence affecting himself and others may be taken into

28. State Abul Basher @ Bashir @ Khaleque and another, 9 BLT(AD) 218

29. State v. Belial Hossain, 20 BLD(HCD) 45

30. Hazrat Ali and others v. State, 44 DLR(AD) 51

31. Amir Hossain Hawlader and others v. State, 37 DLR(AD) 139

32. Nausher Ali Sarder and others v. State, 39 DLR(AD) 194

33. AIR 1949 PC 257

34. 12 DLR (SC) 217

35. 27 DLR (AD) 29

36. 44 DLR(AD) 10

37. 3 BLC(AD) 53

consideration and that such confession may lend assurance to the other evidence. In paragraph 20 of the judgment in **Abdus Salam Mollah v. State**³⁸ the confusion on the evidentiary value of a confessional statement against non-confessing co-accused in the same trial for the same offence was taken into account and it was held that when the confession made by an accused is found voluntary and true, such confession affecting the confessing accused and some others tried in a joint trial for the same offence can be taken into consideration as against the non-confessing accused in finding such non-confessing accused guilty only when there is substantive evidence against the non-confessing accused. It was further clarified that the confession of a co-accused can be taken into consideration along with substantive evidence as an extra weight against the co-accused tried jointly for the same offence.

Therefore, the spirit of section 30 is that this is an enabling provision to take into consideration the confessional statement of a co-accused against other co-accused tried jointly for the same offence but such confession cannot be used as substantive piece of evidence and as the sole basis of conviction as against the co-accused; such confession may lend assurance to other substantive evidence, against such co-accused. Mere abscondance of an accused is not to be treated to be corroborative of a confessional statement of a co-accused and such statement cannot be the basis of conviction of the absconding accused.³⁹

In a recent case⁴⁰ the Appellate Division of the Supreme Court of Bangladesh has reviewed its earlier stand and held that in an appropriate case the confession of a co-accused can be used in punishing a non-confessing accused. In this respect the Court observed:

“ In light of the facts and circumstances of the present case, we are of the view that the confessional statement of a co-accused can be used for the purpose of crime control against other accused persons even if there is a little bit of corroboration of that confessional statement by any sort of evidence either direct or circumstantial.”

In this respect in the case of Noor Mohammad and Ors. v. The State⁴¹ the Appellate Division further observed that:

64. As such, the considerations of the use of a co-accused's confession, where supported by corroborating evidence, in the face of an overwhelming presence of circumstantial evidence, must be made. Corroborative evidence presented by the prosecution shows that there is sufficient reason to suggest that the co-accused's accounts of the events are likely to be true. It is therefore, that this Court is of the opinion that in order to pursue a model of crime control in this regard, this Court is willing to admit, in such rare instances, the confession of a co-accused as incriminating evidence against the other accused. Albeit, such evidence is still circumstantial.

65. The principle of the right against self incrimination is also accompanied by the principle that upon silence on part of those incriminated, adverse inferences may be drawn at any stage of the trial and pre-trial procedures.

21. Bringing confessional statement to the notice of the accused during examination under section 342 of the Code of Criminal Procedure is mandatory

The trial Court must bring to the notice of the confessing accused the confessional statement while examining him under section 342 of the Code of Criminal Procedure for enabling him to explain the circumstances appearing against him. Therefore, for basing upon the confessional statement it is mandatory that the accused person should be given an opportunity to explain about his confessional statement. The failure of the trial Court to mention about the confessional statement at that stage will prejudice the accused and it will amount to infringement of the provision

38. 13 BLC(AD)17

39. Amir Hossain Hawlader and others v. State, 4 BCR(AD) 236

40. Sukur Ali and others v. State, 74 DLR (AD) 11

41. Criminal Appeal No. 4 of 2013, Jail Appeal Nos. 9(a) and 14 of 2021 Decided On: 08.12.2021

of section 342, Cr.P.C. As held in *Abul Kashem and others v. State*⁴², when only evidence of involvement of the accused appellant were from their confessional statements, but during their examination under section 342, Cr.P.C. the confessional statements were not put up before them and they were denied the opportunities of offering any explanation on the same- this has prejudiced the appellant in their defence. But circumstances may be that though the confessional statement is not brought to the notice of the accused, the confessional statement may well be used against him if he is not prejudiced. When it was found that the accused persons were present during recording evidence; in their reply they stated that the confessions were obtained from them by police torture and inducement; they were aware of their confessional statements; none of the confessing accused retracted their confession either by application from the jailor directly by filing application in the Court; it was only suggested to the Magistrate and the Investigating Officer that the confessions were obtained by police torture which was denied; the accused repeated the same during examination under section 342, Cr.P.C.; and there was no material to substantiate the said allegation, it was held that no reliance could be placed on such unsubstantiated allegation at a later stage of the trial and that the accused persons were not prejudiced.⁴³ When the Judge neglected his duty to make a proper examination of the accused under section 342 of the Code of Criminal Procedure; did not draw the attention of the accused to their confessional statements, nor even to the evidence of only eye-witness, but on the other hand, the accused person submitted a joint written statement giving their defence, inter alia, that being asked by police they refused to confess and that at the behest of the police they were again very badly beaten and taken to the Court for recording their confession, the accused persons were aware of their confessional statement, it was held, in the circumstances of that case, that the accused persons were not prejudiced by the scrappy examination.⁴⁴ Noteworthy that in the immediate foregoing two decisions, the observation of the Appellate Division respectively were- “Although the trial Court should draw the attention of the accused to the main incriminating pieces of evidence against him, particularly the confessional statement, while examining him under section 342, Cr.P.C” and “ the trial Judge neglected his duty to make a proper examination.” Therefore, though the Appellate Division has found, in the particular circumstances of those two cases, that the accused persons have not been prejudiced but the quoted observations clearly indicate that the Judge or Magistrate must not neglect his duty to properly examine the accused persons and in doing so the confessional statement must be brought to the notice of the accused persons during examination under section 342 of the Code of Criminal Procedure.

22. Conclusion

It is commonly and generally alleged by the confessing accused persons and their lawyers that the confession has been extracted by police torture. Also in many of the retraction petitions and during examination under section 342, Cr.P.C., the allegation of mental and physical torture is raised. There is no guideline, nor is there any practice to separately dispose of the retraction petition upon any inquiry' into the allegation of torture for compelling an accused to make the confessional statement. The Constitution of the People's Republic of Bangladesh, the supreme law of the land [Article 35(4)], provides “no person accused of any offence shall be compelled to be witness against himself. If, in fact, confessions are obtained by compelling the accused in any manner, it is clearly violative of the constitutional right guaranteed to the accused. Therefore, the recording Magistrate must be careful in ascertaining whether the accused placed before him for making confessional statement was compelled by torture or by any other manner to make a statement against him. On the other hand, the trial Court as well as the appellate Court

42. 49 DLR 573

43. Mezanur Rahman and others v. State, 16 BLD(AD) 293

44. Abu Taher and others v. State, 10 BCR(AD) 290

should make a careful scrutiny of the confessional statement, the entries in the Form for recording such statements, comments of the recording Magistrate and his evidence given in the Court.

Since the confessional statements alone can form the basis of conviction, the Magistrate should not act mechanically in recording the confessional statements; it is the solemn duty of a Magistrate to strictly follow the provisions of sections 164 and 364 of the Code of Criminal Procedure for avoiding the possibilities of causing injustice. There may be cases where only for non-compliance of those provisions a confessional statement may be left out of consideration by the trial Court and appellate Court though confessional statement was made voluntarily, It is important that the procedure and manner followed by the recording Magistrate must be reflected in the prescribed Form so that the trial Court as well as the appellate Court can see whether the recording Magistrate has made real endeavour for ascertaining voluntary nature of the confession.

The recording Magistrate must keep in view that for his omission to follow the procedure and guidance, for his slightest negligence and carelessness, an innocent person may be convicted upon a confession shown to be voluntary but not in fact voluntary and, on the other hand, a real culprit may be acquitted though he has made a true confession.

It is not enough for the recording Magistrate that he himself be satisfied that the confession is true and voluntary; he should also reflect everything as required by law for scrutiny of the Court which is the ultimate forum to arrive at the decision as to whether the confessional statement is true and voluntary.



The TRIPS Agreement and Bangladesh Patents Ain, 2022: A Brief Appraisal

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Abstract

The core aim of this paper is to examine the TRIPS Agreement on patents and how Bangladesh has been able to exploiting benefits during the TRIPS transition period and what would be the next after graduating Bangladesh from LDCs group. Members of WTO require updating national patent law in compliance with the TRIPS Agreement, 1994 which sets out minimum substantive standard of protection of IPRs and also provides the enforcement of those rights including patenting of pharmaceuticals products in Member states. As soon as TRIPS Agreement comes into force in LDCs, unauthorized copies of patented drugs are prohibited and countries which infringe patent regime will face trade sanctions under WTO system. The TRIPS Agreement contains a number of safeguards and flexibilities which LDCs and developing countries can utilize to adopt measures and may enable them to have access to cheap and affordable medicine during transitional period. This paper also focuses after graduation of Bangladesh from LDCs group what benefits and challenges are days ahead for Bangladesh and what “Road Map and Action Plan” Bangladesh should formulate to overcome the possible challenges. This paper also tries to explore to what extent our new patent law met compliance of the TRIPS obligation and strikes balance between protection of patents and interest of the country.

Key Words: TRIPS Agreement, Patents, LDCs, Developing Country, Transitional Period, Graduation from LDCs, Benefits and Challenges, Pharmaceutical Product, Road Map and Action Plan and Bangladesh Patents Ain, 2022.

2. The TRIPS Agreement, 1994 at a Glance.

After prolonged negotiations in 1994 the Uruguay Round Negotiations culminated in the signature of an Agreement called in short the TRIPS Agreement which formed Annex IC of the Agreement constituting World Trade Organizations (WTO). The TRIPS Agreement came into force on 1, January 1995 which establishes a uniform global minimum substantive standard in the field of intellectual Property. For the protection of IPRs installing same size jackets for all members in different stages of development strongly opposed by the LDCs and developing countries during negotiations which results insertion of transitional arrangements for TRIPS application (except national treatment and most favored nation treatment) for LDCs and developing countries.

The TRIPS Agreement has for the first time changed the way the Member Countries strict implementation their obligations under international convention on intellectual property. Under the Paris and Berne Conventions Member Countries were bound by the international obligations to the extend they wished to be bound. Under the TRIPS Agreement, however this “**blank cheque freedom**” was done away with. “**Cherry Picking**” under the Paris and Berne conventions, which the members enjoyed, was replaced by a “packaged deal” under the TRIPS Agreement: **either you take it in its entirety or leave it.** The TRIPS Agreement warrants minimum standards on IPRs which includes: Copyright and Related Rights, including Computer Programs and Databases, Trademarks, Geographical Indications, Industrial Designs, Patents, Integrated Circuits and Undisclosed Information (Trade Secrets).

This Paper aims to focus obligations on patents and other related implications and that is why the author refrains from discussing other IPRs laws.

3. TRIPS Agreement, Patents: Section 5 of Part II of The TRIPS Agreement entitled Patents which contains Articles 27 to 34.

4. Patentable Subject Matter: Article 27.1 of the TRIPS stipulates that subject to certain exceptions or conditions, patent must be available for any inventions, whether products or processes, **in all fields of technology**, provided that they are new, involve inventive step and are capable of industrial application, and patent must be available (and patent rights must be enjoyable) without discrimination as to the place of invention, the field of technology and whether products are imported or locally produced.

Article 27.2 and 27.3 outline which inventions Member States may exclude from patent protection and under which conditions.

There are three permissible exceptions in TRIPS to the basic rule on patentability;

- (1) Inventions contrary to ordre public or morality including to protect human, animal or plant life or health or to avoid serious prejudice to the environment, provided that such exclusion is not made merely because the exploitation is prohibited by their law(Art. 27.2)
- (2) Members may also exclude from patentability diagnostic, therapeutic and surgical methods for the treatment of humans or animals (Article 27.3 (a)).
- (3) Members may exclude plants and animals other than micro-organisms and essentially biological processes for the production of plants or animal other than non-biological and micro-biological processes (Art.27.3 (b)).

The exclusive rights that must be conferred by a product patent are the ones of making, using, offering for sale, selling and importing for these purposes (28.1). Patent owners shall have the right to assign or transfer by succession, the patent and to conclude licensing contracts (Article 28.2). Members shall require that an applicant for patent shall disclose the invention in a manner sufficiently clear and complete for the invention to be carried out by a person skilled in the art and may require the applicant to indicate the best mode for carrying out the invention known to the inventor at the filing date or, where priority is claimed, at the priority date of the application. (Art.29.1).

The TRIPS agreement provides that Members may require an applicant for a patent to provide information concerning the applicant's corresponding foreign applications and grants (Art. 29.2). Member may provide limited exceptions to the exclusive rights conferred by a patent, provided that such exceptions do not unreasonably conflict with a normal exploitation of the patent and do not unreasonably prejudice the legitimate interests of the patent owner, taking account of the legitimate interest of third parties (Article 30). Article 31 is entitled other use without authorization of the right holder. Both TRIPS Agreement (Art.31) and the Paris Convention Art 5A (2)) and (4) contain detailed and relatively long provisions on the possibility of government authorities granting (in the case of TRIPS Agreement, subject to the possibility of judicial review) licenses to use a patented invention without authorization of the owner of the patent. These licenses are called compulsory in the Paris Convention. Since TRIPS Agreement provides that Members must comply with Articles 1 through 12 of the Paris Convention and Article 5A (2) and (4) dealing with compulsory licenses is among them the safest course seems to be to incorporate in the national laws the conditions of both treaties and to follow, in respect of each case of compulsory license, the relevant provisions of both treaties. Article 32 relates to an opportunity for judicial review of any decision to revoke or forfeit a patent shall be available.

The term of protection available shall not end before the expiration of a period of **twenty years** counted from the filing date. (Art.33). Article 34, entitled **“Process Patents: Burden of Proof”** reads with the burden of proof in civil proceedings in respect of the alleged infringement of the patent rights concerning a patent which is alleged for a process for obtaining a product (process patent).

5. Transitional Arrangement, TRIPS (Part VI, Articles 65 to 67):

The TRIPS Agreement provides transitional arrangements for new regime for pharmaceutical and agricultural chemical products. Under the Agreement, the developing countries got a grace period of 10 years (until January, 2005 and LDCs 11 years until January 1, 2006 to update their patent laws relating to pharmaceutical and Agricultural Chemical product in accordance with new obligation under TRIPS. So, applications submitted for drugs after the entry into force of WTO will come under new jurisdiction and production of generic medicine of the new medicine will not be permitted.

The application for patent will not face any examination for the grant or refusal but be kept in a mailbox systems until updated national patent law are enforced. But during this gap period exclusive marketing right be granted for a period of 5 years after obtaining marketing approval in that member or until a product patent is granted or rejected in that member whichever period is shorter.

In November, 2015 GC of TRIPS clarified that LDCs do not have to implement mailbox mechanism for receiving patent application and granting exclusive marketing right until 1 January, 2033.

6. Doha Declaration. (November 9- 14, 2001):

The declaration unambiguously recognizes the gravity of public health problem affecting many developing and LDCs, it almost recognizes the high prices of patented drugs and reaffirms that Members right to protect public health and in particular to promote access to medicines for all.

The declaration recognizes each member has the right to grant compulsory licenses and freedom to determine the grounds upon which such licenses are granted: each member has the right to determine what constitutes a national emergency or other circumstance of extreme emergency. Parallel import on the principle of international exhaustion of right is also recognized.

It recognizes that WTO members with insufficient capacity in pharmaceutical sector could face difficulties in making effective use of compulsory licensing. It reaffirm the **commitment of developed country members to provide incentives to their enterprises and institutions to promote an encourage technology transfer to least developed members pursuant to Article 66.2 and also agree that the LDCs will not be obliged with respect to pharmaceutical products to implement or apply section 5 and 7 part II of TRIPs or to enforce rights provided for under these sections until 1 January 2016**, without prejudice to the right of LDCs to seek other extensions of the transition period as provided for in Article 66.1 of TRIPS.

7. June, 2013 Decision: WTO Members agreed to extend the transition period for LDCs to implement the overall TRIPS Agreement until July 2021 without prejudice on the extension of the LDCs transition period for certain obligations with respect to pharmaceutical products that expires in 2016.

8. TRIPS Council Meeting 29 June 2021: The WTO Members agreed to extend transition period for LDCs as regards implementation of TRIPS obligation for another 13 years extension till 1 July, 2034. Bangladesh had played a leading role in this regard. There are two types of transition periods for LDCs. The general transition period has been extended till 1, July, 2034 and special transition period for pharmaceutical industry till 1 January, 2033. TRIPS Council waived patent protection in specific field of technology till 1 January, 3033 or until graduation from LDCs category whichever is earlier.

9. Development of Pharmaceutical Industries in Bangladesh during Transition: Bangladesh is one of the few LDCs that have been able to enjoy flexibilities of both the TRIPS and more particularly, the Pharmaceutical waiver. During specific transition period, Bangladesh utilizing the patent waiver, has gained self sufficiency in pharmaceutical sector and now supplies almost 97% of medicine for the local market and exports to hundred countries include the USA. Pharmaceutical Sector of the country have devoted mainly on production of generic medicines and export generic versions of patented medicines to any country, where these medicines are off patent.

10. Pharmaceutical Product, TRIPS Agreement: The post TRIPS invention of medicine is patentable. In this regard, we need to know the category of pharmaceutical industry. In particular the pharmaceutical industry can be divided into two categories; (1) Patent Medicines (2) Generic Medicines.

- (i) **Patent Medicine:** Patents Medicines are invented through R&D by the company and enjoys monopoly rights granted by the government for certain period (under TRIPS twenty years) excluding others in producing, using, offering for sale, selling and importing for these purpose in the market. After the period the formulation is sold in the market so that others can proceed into mass production.
- (ii) **Generic Medicines:** The words, Generic Medicines, mean the chemical name and these are the products which are produced in mass scale. Generic from patent point of view is often used to refer to drugs that are not produced under patent. When the patent of brand name medicine expires, a generic version of the drug can be produced and sold. Then product could be generic because the patent has expired.

11. Bangladesh Graduated From LDCs Group: The Committee for Development Policy (CDP) of U.N has confirmed that Bangladesh is eligible to exit from the LDCs group overcoming the threshold of three grounds, e.g. per capita Gross National Income (GNI), Economic and Environmental Vulnerability index, (EVI) and Human Assets index (HAI). In 2021 review Bangladesh stands strongly in all the above three conditions with a per capita GNI (gross national income) of 1827 USD (requirement being USD 1222), EVI of 27 (requirement being 32 or below) and HAI of 75.4 (requirement being 66 or above).

Pursuant to earlier time limit set by CDP of UN Bangladesh was set to leave the LDCs group in 2024. However, in view of COVID-19 pandemic throughout the world the U.N G.A held in November, 2021 Bangladesh is to graduate from LDCs group by 24 November, 2026.

12. Benefits, Challenges and Road Map and Action Plan:

- (1) **Benefits-** There are many benefits after graduation from LDCs group. Graduation from the LDCs group is, in fact recognition from UN for Bangladesh's achievement in economic growth and developments in all major sectors which in term would boost the confidence of global arena. This has been made during present govt. under the dynamic leadership of the Honourable Prime Minister Sheikh Hasina. Image and dignity of Bangladesh are brightened in Global Arena. Countries graduated from LDCs experienced benefits in specific areas.

This graduation will give courage to our entrepreneurs. Developed countries think that LDCs are risky countries. Resultantly, we had to accept higher rates both in securities and interests on commercial loans assessed by the private sector. Experienced shows that countries graduated used to get a higher flow of FDI and it will enhance employment scopes. FDI has connection with overall economic growth. Confidence will increase in the minds of multilateral investors. Public and private investment in higher education, training and healthcare will be increased. Apart from this Bangladesh would also hold a more prominent position during negotiations and in global partnerships owing to potentially better deals and policy initiatives. Moreover, significant impact would surely boost in our mind in both the economy and prospective growth opportunities.

- (2) **Challenges:** After graduation international trade will be competitive. Pharmaceutical industries may stop enjoying patent exemption. Graduated countries from LDCs category duty bound to provide protection for patents to pharmaceutical products and processes. We may no longer enjoy duty free and quota free export and will face duties and reduced benefits of export to E.U. The tariff benefits in some countries may be lifted after 2026, although the E.U. will extend its benefit for Bangladesh up to 2027 and may extend more. If patents waiver is not extended pharmaceutical industries of graduated countries need to pay royalties for the production of patented drugs.

- (3) **Road Map and Action Plan:** Bangladesh needs to undertake structural and policy reforms in some relevant areas. Bangladesh requires looking for free trade agreements, such as the one between Vietnam and the E.U and may chalking out better and efficient use of economic zones and exporting processing zones preferably with the diversification of exports. The government has already taken many mega projects including special economic zones and high-tech parks. The Padma Bridge(completed), construction of terminal at our international airport, Bangabandhu Sheikh Mujibur Rahman tunnel under Kornophuli River, Train Line from Ctg. to Cox's Bazar, Metro Train, enactment of Patents Ain, 2022 and many other infrastructures will also attract foreign investors. The Government has already formed a committee to address the possible challenges that Bangladesh will face as a consequence of its graduation from LDC's group into a developing country. There will be seven sub committees under the Committee. It will draw and prepare strategies, action plan to meet the possible challenges and find out the main responsibilities of associated ministries and agencies assigned for each sector, the committee will take proper steps for commercial expansion through bilateral, regional and international agreements. It will also point out specific suggestions on the formulation of tariff polices consistence with free trade agreements and related matters.

The local pharmaceutical companies need to increase development of products which will create a strong technological base in Bangladesh while promoting innovation. The companies require to build up the facility of active pharmaceutical ingredients (APIs) manufacturing to reduce dependency on imported APIs which is a key ingredients in drug production. By invoking Compulsory License, Parallel Import and Bolar Provision under TRIPS, the Government can address healthcare. The compulsory licensing provision would be meaningless for developing and LDCs which do not have domestic manufacturing capacity. **Bolar provision is not prohibited in TRIPS.** This provision is helpful for pharmaceutical compinies.

LDCs may ask for cooperation and technology transfer under TRIPS Agreement. Due to COVID-19 even after graduations LDCs can pursue by motivated request the cause of further extension of TRIPS compliance to prepare and get technical knowhow, technical assistance and technological base. On 17 June, 2022 MC12 in Geneva declared, "we recognize the role that certain measures in the WTO can play in facilitating the smooth and sustainable transition for these members after graduation from the LDC category." Consequently Bangladesh's opportunity to enjoy the LDC related benefits even after graduation to a developing country in 2026 has brightened but how long that is not specified. It is remarkable that India and South Africa, both (developing countries) developing country members of WTO have also submitted a proposal seeking waiver as regards compliance with TRIPS Agreement in many areas including patent citing adverse impact of COVID-19. Bangladesh is playing vital role in negociation. Motivated request means justified request. **Taking the ground of Outbreak of COVID-19 is justified request for extension of patent waiver which TRIPS Council as a highest decision making body may consider keeping mind with the Universal Declaration of Human Rights.**

In further it is said that, in WTO, countries get not what they merit but what they successfully negotiate. MC13 of TRIPS Council to be held in UAE on 26 February 2024, so that LDCs and graduating LDCs group paper to be designed to impress on the fact the TRIPS should be interpreted in the light of the objectives and principles set forth at Articles 7 and 8 of the Agreement. **Support be sought from Article 31 of the Vienna Convention on the "Law of Treaties" which provides, "a treaty shall be interpreted in good faith and in accordance with ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose."**

The Government may make devise strong policy to draw attention recognized foreign drug companies to invest in Bangladesh joint venture which will not only improve the quality of the medicine, it also disseminate the knowledge to develop the manpower of Bangladesh. The Government emphasizes investment in Bangladesh. ICDDR, Bangladesh has played role towards research on diseases as well as providing treatment to poor and downtrodden people. It is funded by different organizations of developed countries.

13. IP Laws May Be Administered Under One Umbrella: In our country Patents, Industrial Design, Geographical Indications and Trademarks are under the Ministry of Industry, Copyright under Ministry of Cultural Affairs and Plant Varieties under the Ministry of Agriculture. The author of this paper had the occasion to visit WIPO Secretariat, Geneva in June, 2000 as one of the members of Law Commission delegation under the leadership of Mr. Justice Naimuddin Ahamed to exchange views on Copyright, trademarks and Patents with the officials of WIPO. Some IP laws writers opined that IP laws may be brought under one Umbrella for coordination and proper functioning among different branches of IP laws. LDCs may have one umbrella under which experts from different branches of IP laws can make effective discussion for monitoring the possible challenges after graduation and how to overcome those by efficiently interpreting TRIPS provisions and make group discussions among the LDCs and graduating countries to present motivated request to TRIPs Council as mandated in TRIPs Council meetings. LDCs and graduating countries must improve their industrial base having technical assistance and financial support from developed countries which are possible under the TRIPs Provisions.

14. Bangladesh Patents Ain, 2022: For compliance the obligation of TRIPS Agreement Bangladesh enacted Patent Ain, 2022 by replacing Patents and Designs Act, 1911. It came into force on 11 April, 2022. It appears that in addition to the preamble there are as many as 42 sections. On critical examination of this Ain, it appears that it is enacted skillfully in order to comply the TRIPs obligation and made harmonization between obligations and interest of the country and thereby can exploit the beneficial provisions of TRIPs. **Compulsory license and parallel import provisions on international exhaustion of right are safety valve or an escape route to beat monopoly in the market and protect public health.** Our law has provided the grounds for compulsory licenses that limit rights of patentee. The duration of patent is made 20 years. It provides utility model patent, in essence utility model is merely a name given to certain inventions in the mechanical field. For utility model patent duration of protection is ten years. Civil and criminal actions have been provided in case of violation of law. The Ain, carefully provides provision in section 5(2) that as per decision of TRIPS Council medicines, agricultural chemical product shall be beyond patent protection until those continues patent waiver. Section 36 provides conditions of decision took on 30 August, 2003 in the meeting of general assembly of WTO would be applicable in Bangladesh until provisions relating to amendment of agreement of TRIPS Council made effective in Bangladesh.

15. Provisions of New Ain: Section 3 provides the provisions of patentable invention. Section 4 provides the right of the patentee. Section 5 relates to subject matter which are not patentable. Section 6 states application for patent. Section 7 lays down provision of microorganism. Section 8 provides other conditions for application for patent. Section 9 deals with unity of inventions and corrections for application. Section 10 deals division of application. Section 11 states claim of patent in preference. Section 12 provides provision of providing information to the documents for the application of foreign patent.

Section 13 states date of filing of patent application. Section 14 deals with publication of application. Section 15 states application for patent relating to national security. Section 16 provides opposition to application. Section 17 provides examination of patent. Section 18 states grant, rejection and change of patent. Section 19 provides rights conferred on the patentee. Section 20 provides duration of patent, annual fee, redemption of patent etc. Section 21

provides compulsory license. Section 22 states transfer of patent in case of illegal use of genetic resource. Section 23 provides cancellation of patent. Section 24 provides the execution of the rights of patent.

Section 25 provides provision relating to change or appointment of title as regards ownership, license of contract etc. Section 26 provides provision of appeal against administrative orders. Section 27 provides application of Code of Civil Procedure. Section 28 provides compensations. Section 29 runs for appropriate Court, appeal etc.

Section 30 provides correction of error and extension of time. Section 31 provides provision of exercise of power. Section 32 provides utility model patent. Section 33 deals with register book and publication in web site. Section 34 provides representative of patent. Section 35 provides registration book for patent representative. Section 36 provides special provision for compulsory license in health sector. Section 37 provides the provision of parallel importation of patented products. Section 38 provides provision exemption for research.

Section 39 provides application of international agreement for patent. Section 40 deals with rule making power. Section 41 provides provisions of repeal and savings. Section 42 provides Authentic English Text.

Concluding Remarks: In this paper it has been argued that as soon as TRIPS Agreement comes into force in LDCs, unauthorized copies of patented drugs are prohibited and countries which infringe patents regime will face trade sanctions under WTO system. The TRIPS Agreement contains a number of safeguards and flexibilities which LDCs and developing countries can utilize to adopt measures and may enable them to have access to cheap and affordable medicine during transitional period. After graduation of Bangladesh from LDCs group the image of Bangladesh will be brightened but to face possible challenges a Road Map and Action Plan should be formulated. The Government has taken steps. Under Article 67 of the TRIPS Agreement developed country Members oblige to provide on request and mutual terms and conditions extend technical and financial cooperation in favor of developing and LDCs Members in order to facilitate the implementation of the TRIPS Agreement by the latter countries. Article 66.2 of the TRIPS Agreement also obliges developed country Members to “provide incentives to enterprises and institutions in their territories for the purpose of promoting and encouraging technology transfer to least-developed country Members in order to enable them to create a sound and viable technological base”. During transition period Bangladesh enjoys flexibilities of TRIPS Agreement, Pharmaceutical companies met almost demand of medicines in local market, exporting medicines to hundred countries, still needs technical cooperation, finance and other supports to provide affordable medicine to poor after transition period. After graduation of Bangladesh from LDCs we might get more transition period on motivated request if TRIPS Council accepts. We can hope that our new patents law will play significant role in compliance with TRIPS obligation as well as be able to protect our national interest by using compulsory license, parallel import, Bolar provision and other devises. There remains scope for improvement in legislation after coming latest decision of TRIPS Council if any while implementing the obligations imposed by the TRIPS Agreement, developing countries may take advantage of the room left in many areas to design legislation that is compatible with their own level of development and with their economic and technological policies.

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Major Activities of the Supreme Court of Bangladesh in 2022

In 2022 the Supreme Court of Bangladesh undertook a number of new initiatives to strengthen the capacity of the Judges of the subordinate judiciary, reduce the case backlog and improve justice delivery system. Apart from day to day judicial work, the Supreme Court observed and celebrated different national programmes.

1. Distribution of Computers and Laptops among the Judges of the Subordinate Judiciary

The government is committed to building a digital Bangladesh where all services to the people will be delivered digitally as much as possible. In 2022 desktop computers and laptops were distributed to the honourable judges of the High Court Division. The Supreme Court of Bangladesh procured and distributed a number of desktop computers and laptops of high configuration among the Judges of the Subordinate Courts. As a result the performance of subordinate Court judges has increased substantially.

2. Organizing a view exchange program in the International Women's Day 2022

The Supreme Court legal Aid Committee on 8 March 2022 organized a view exchange programme as a part of observing the International Women's Day 2022 at the Supreme Court Conference Room. The Chief Guest of the program was Honourable Chief Justice of Bangladesh, Mr. Justice Hasan Foez Siddique. Honourable Mr. Justice M. Enayetur Rahim, Honourable Judge of the Appellate Division and Mr. A. M. Amin Uddin, Attorney-General for Bangladesh attended the event as special guests. Honourable Mr. Justice Jahangir Hossain, the Chairman of the Legal Aid Committee of the Supreme Court presided over the meeting. The program was organized in collaboration with Manusher Jonno Foundation. Different stakeholders took part in the discussion and recommendations were noted for implementation.



The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique, Mr. Justice M. Enayetur Rahim, Mr. Justice Jahangir Hossain and Attorney-General for Bangladesh Mr. A. M. Amin Uddin attending a view exchange programme organized by the Supreme Court Legal Aid Committee in observance of the International Women's Day 2022

3. Observing the birth anniversary of Father of the Nation Bangabandhu Sheikh Mujibur Rahman and the National Children's Day

The Supreme Court of Bangladesh observed the 102nd birth anniversary of Father of the Nation, Bangabandhu Sheikh Mujibur Rahman. The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique paid homage by placing floral wreaths at his portrait in front of Bangabandhu Memorial at Dhanmondi-32 marking his 102nd birth anniversary and the National Children's Day. The Honourable Chief Justice of Bangladesh along with other Honourable Judges of Supreme Court of Bangladesh planted a number of trees in the Supreme Court Garden.



The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique placing floral wreath at the portrait of Bangabandhu near the Bangabandhu Memorial Museum in Dhanmondi on 17 March, 2022



The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique inaugurating tree plantation programme in observance of birth anniversary of Bangabandhu Sheikh Mujibur Rahman and the National Children's Day on 17 March, 2022

4. Observing Independence Day

On 26 March, 1971, Bangladesh was born as an independent country under the leadership of Bangabandhu Sheikh Mujibur Rahman. The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique on 26 March, 2022 paid tribute to the martyrs of the Liberation War by placing floral wreaths at the National Memorial at Savar.



The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique placing floral wreath at the National Memorial at Savar on 26 March, 2022

5. Inauguration of the 'Bijoy 71' building

Honourable Prime Minister Sheikh Hasina, MP on 31 March, 2022 virtually inaugurated the newly constructed 12-storey modern building, 'Bijoy 71' of Bangladesh Supreme Court from Gonobhaban. The inaugural ceremony was also held on the Supreme Court premises. The Honourable Chief Justice of Bangladesh Mr Justice Hasan Foez Siddique, Honourable Minister for the Law, Justice and Parliamentary Affairs Mr. Anisul Huq MP and Attorney-General for Bangladesh, A.M. Amin Uddin spoke on the occasion. The Honourable Judges of the Appellate Division and the High Court Division participated in the event. Former Honourable Judges of the of the Supreme Courts and eminent lawyers were present on the occasion. A video documentary on the newly constructed building having all modern facilities was screened at the function.



The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique attending the inauguration ceremony of the newly constructed 12-storey modern building, 'Bijoy 71' of Bangladesh Supreme Court as the special guest on 31 March, 2022

6. Observing 'Shaheed Dibosh' and International Mother Language Day

The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique and the Honourable Judges of the Supreme Court of Bangladesh paid lofty tribute to the martyrs of the Language Movement marking 'Amar Ekushey' which is the International Mother Language Day and Shaheed Dibosh. On 21 February, 2022 they paid the tribute by placing a floral wreath at the Central Shaheed Minar.



The Honourable Judges of the Supreme Court led by the Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique took part in "Provat Ferry" on 21 February, 2022



The Honourable Judges of the Supreme Court led by the Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique placing floral wreaths at the Central Shaheed Minar on 21 February, 2022

7. Ifthar Mahfil

On the occasion of the holy month of Ramadan the Supreme Court of Bangladesh on 19 April 2022 organized an iftar mahfil at the Supreme Court premises. During the event, the Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique exchanged pleasantries with guests. A special munajat was offered seeking divine blessings for the continued peace, progress and prosperity of the nation. The Honourable Speaker of the National Parliament Dr. Shirin Sharmin Chaudhury, Cabinet members, the honourable Judges of the Supreme Court attended the iftar mahfil. Amongst other, former Chief Justices, former Judges of Supreme Court of Bangladesh, Attorney-General for Bangladesh, senior lawyers, and high civil officials and officers of the Supreme Court Registry also joined the iftar mahfil.



The Honourable Speaker of the National Parliament, the Honourable Chief Justice of Bangladesh, the Honourable Minister for Ministry of Law, Justice and Parliamentary Affairs, Judges of the Appellate Division of the Supreme Court of Bangladesh and other guests at the “Iftar Mahfil” on 19 April, 2022



The Honourable Speaker of the National Parliament Dr. Shirin Sharmin Chaudhury, the Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique and the Honourable Minister for Ministry of Law, Justice and Parliamentary Affairs Mr. Anisul Huq MP holding Munajat at the “Iftar Mahfil” on 19 April, 2022



Distinguished guests at the “Iftar Mahfil” on 19 April, 2022

8. Inauguration of day care centre

The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique on 29 June, 2022 inaugurated the newly renovated Day Care Centre in ‘Bijoy 71’ building. The children brought by the Supreme Court employees to the workplace are looked after by the caregivers in day care centre during working hours. This day care centre ensures a safe and nurturing environment for children, where they can play, learn, and interact with other children. The children are also given free lunch during their stay in the day care centre.



The Honourable Chief Justice of Bangladesh, Judges of the Appellate Division of the Supreme Court of Bangladesh and officers of the Supreme Court Registry with the children in the inauguration programme of Day Care Centre on 29 June, 2022

9. Inauguration of *Naykunja*

The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique on 11 August, 2022 inaugurated a litigant shed namely *Naykunja* in the Supreme Court Premises. The Honourable Judges of the Appellate Division were present at the event. *Naykunja* is a designated place where litigants can wait and take rest before their hearing. In this place the litigants have basic amenities such as seating, restrooms, and drinking water facilities. The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique has taken initiatives to establish *Naykunja* in Court premises in every district Court in Bangladesh.



The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique, Judges of the Appellate Division of the Supreme Court of Bangladesh and officers of Supreme Court Registry holding Munajat after inauguration of “Naykunja” on 11 August, 2022

10. Training on Computer, Information and Communication Technology:

A number of training programmes on Computer, Information and Communication Technology were organised by the Supreme Court Administration throughout the year. The target groups for the training were the staff of the Supreme Court at various levels. The training aimed to improve the computer skills of the employees of the Supreme Court who work in the Benches and the different Sections of the Supreme Court. The successful completion of the training resulted in enhanced performance of the staff of the Supreme Court.

11. Observing National Mourning Day

The Supreme Court of Bangladesh observed National Mourning Day on 15 August, 2022, marking the 47th anniversary of the martyrdom of the Father of the Nation Bangabandhu Sheikh Mujibur Rahman. The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique paid homage to the Father of the Nation by placing floral wreaths in the morning at the portrait of Bangabandhu Sheikh Mujibur Rahman at the Bangabandhu Memorial Museum at Dhanmondi. A Munajat was offered seeking eternal peace for the departed souls of the 15 August, 1975 carnage. The Supreme Court of Bangladesh organized a blood-donation programme which was facilitated by physicians of BSMMU. The Honourable Judges of the Appellate Division and the High Court Division were present in the blood donation programme and they also participated in a discussion marking the programme.



The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique placing floral wreath at the portrait of Bangabandhu in front of Bangabandhu Memorial at Dhanmondi-32 on 15 August, 2022



The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique, Mr. Justice Obaidul Hassan, Mr. Justice Borhanuddin and Mr. Justice M. Enayetur Rahim, Judges of the Appellate Division of the Supreme Court of Bangladesh attending discussion programme marking National Mourning Day on 15 August, 2022



The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique and Judges of the Appellate Division of the Supreme Court of Bangladesh observing the blood donation programme marking National Mourning Day on 15 August, 2022

12. Distribution of special devices equipped with ultraviolet (UV) light and a magnifying glass:

The Supreme Court introduced a digital system to identify fake stamps and Court fees, a system that involves the use of special devices equipped with ultraviolet (UV) light and a magnifying glass that can help Court officials easily distinguish between genuine and fake stamps and fees. The devices have been distributed to all the Courts in the country and are being used by Court staff to verify the authenticity of stamps and fees used in Court proceedings by detecting the security features embedded in the stamps and Court fees, such as watermarks, holograms, and microprints. This way, the system is intended to prevent fraud and ensure the integrity of Court documents and legal proceedings and improve the integrity of the judicial system and lead to revenue losses for the government.

13. Sending the Judges of the Subordinate Judiciary to the National Judicial Academy of India for Training

The Supreme Court of Bangladesh, in collaboration with Government of Bangladesh and India has signed a Memorandum of Understanding on 06 September 2022 with the National Judicial Academy of India (NJA) situated at Bhopal, Madhya Pradesh to train a number of two thousand Judges of the Subordinate Judiciary of Bangladesh. The training not only pertained to legal skills and principles but also to Court administration and managerial skills, the use of IT and case-management tools. In 2022 two batches of Judicial Officers comprising of total 98 Judges were sent to the NJA, Bhopal. Each batch also received training from another State Judicial Academy of India besides the NJA.



The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique addressing a batch of Judicial Officers selected for the training at National Judicial Academy of India (NJA), Bhopal, Madhya Pradesh

14. Launching of Six Court-Technologies

Six Court-technologies were inaugurated in the Supreme Court of Bangladesh on 15 November, 2022. The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique graced the occasion as Chief Guest and inaugurated the six Court-technologies. The Honourable Judges of the Supreme Court of Bangladesh, Attorney-General for Bangladesh, President of Supreme Court Bar Association and Supreme Court officials were present in the event. The six technologies are the first steps in making the judiciary more technologically reliant to meet the challenges of the 21st century. Each of the softwares, apps and web apps available is developed with unique utility. Tasks that are used to take hours can be done with a few clicks with the aid of these cutting-edge technology.



Launching ceremony of Six Court-Technologies at the Supreme Court Auditorium on 15 November, 2022

15. Observing Martyred Intellectuals Day

The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique on 14 December, 2022 paid homage to the martyred intellectuals of 1971, as the nation observed Martyred Intellectuals Day.

16. Observing National Victory Day

On 16 December, 1971, Bangladesh commemorated the victory over the Pakistani forces at the cost of the supreme sacrifice of three million people and the honour of three lacs women. The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique and the Honourable Judges of the Appellate Division on 16 December, 2022 paid tribute to the martyrs of the Liberation War by placing floral wreaths at the National Memorial at Savar.

17. Observing golden jubilee of coming into force of the Constitution of People's Republic of Bangladesh

The Supreme Court of Bangladesh on 17 December, 2022 observed the golden jubilee of coming into force of the Constitution of People's Republic of Bangladesh at the Bangabandhu International Conference Center. The Honourable President of the Republic Mr. Md. Abdul Hamid graced the occasion as the Chief Guest. Honourable Justice Mr. Md. Nuruzzaman, Judge of the Appellate Division of Supreme Court of Bangladesh and the Chairman of the Committee constituted for observing the golden jubilee delivered welcome speech. Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique, Honourable Chief Justice Jayantha Jayasuriya, PC, Chief Justice of Sri Lanka, Honourable Law Minister Mr. Anisul Huq MP, Former Honourable Chief Justice of Bangladesh Mr. Md. Muzammel Hossain, Attorney General for Bangladesh Mr. A M Amin Uddin and President of the Supreme Court Bar Association Senior Advocate Mr. Md. Momtazuddin Fakir delivered their speeches on the occasion.



Honourable President of the People's Republic of Bangladesh Mr. Md. Abdul Hamid unveiled the cover of the book *"Fifty Years' (1972-2022) Literature & Legacy; Supreme Court of Bangladesh"* at the Golden Jubilee ceremony of coming into force of the Constitution of People's Republic of Bangladesh on 17 December, 2022

18. Observing the golden jubilee of the Supreme Court of Bangladesh

The Supreme Court of Bangladesh on 18 December, 2022 observed the golden jubilee of the Supreme Court of Bangladesh with pomp, ceremony and jubilation. The Honourable Prime Minister Sheikh Hasina graced the occasion as the Chief Guest. Honourable Justice Mr. Obaidul Hassan, Judge of the Appellate Division of Supreme Court of Bangladesh and the Chairman of the Committee constituted for observing the golden jubilee delivered welcome speech. The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique presided over the session. The Honourable Minister of the Ministry of Law, Justice and Parliamentary Affairs, Mr. Anisul Huq MP, Honourable Justice of the Supreme Court of India Mr. Justice Mukeshkumar Rasikbhai Shah and Former Honourable Chief Justice of Bangladesh Mr. Justice A.B.M. Khairul Haque delivered their speeches. The 'Chief Justice Award' was handed over to the selected judges of the subordinate judiciary who achieved judicial excellence by performing best in their respective Courts.



The Honourable Prime Minister of People's Republic of Bangladesh Government Sheikh Hasina, MP, the Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique, the Honourable Minister for Ministry of Law, Justice and Parliamentary Affairs Mr. Anisul Huq MP, Judge of the Appellate Division Mr. Justice Obaidul Hassan, Honourable Justice of the Supreme Court of India Mr. Justice Mukeshkumar Rasikbhai Shah and former Chief Justice Mr. Justice A.B.M. Khairul Haque at the Golden Jubilee ceremony of the Supreme Court of Bangladesh on 18 December, 2022

19. Chief Justice Award

The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique introduced the "Chief Justice Award" (Prodhan Bicharpoti Padak) for the Judges of the subordinate Courts. A six-member judges committee has been formed to conduct policy formulation and selection process for offering the Chief Justice Award. On 18 December, 2022 the Honourable Prime Minister of the People's Republic of Bangladesh Sheikh Hasina, MP handed over the Chief Justice Award to the five judges of each tier and Mymensingh District Judgeship for significant contributions to the administration of justice. In general, recipients of the Chief Justice's Award are recognized for their outstanding service to the judiciary as a whole and accomplishments, such as improving access to justice and promoting case disposal.



The Honourable Prime Minister of People's Republic of Bangladesh Government Sheikh Hasina presenting "Chief Justice Award" to Begam Zebunnesa, Metropolitan Sessions Judge, Chattogram on 18 December, 2022

20. Address by the Honourable Chief Justice to the District Judges and Equivalent Judicial Officers

On 27 December, 2022, Honourable Chief Justice of Bangladesh addressed to the District Judges and equivalent Judicial Officers giving them direction to dispose of the cases pending in the subordinate judiciary as expeditiously as possible so as to strengthen the faith of the litigant people upon the judiciary. The Honourable Chief Justice Mr. Justice Hasan Foez Siddique guided the judges and instructed them to work for people of this country so that time, cost and visit of the litigant people to the Court decreases but quality justice is delivered.



The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique addressing the District Judges and equivalent Judicial Officers on 27 December, 2022

21. Judges' Welfare Foundation

Supreme Court Judges' Welfare Foundation organized and undertook a number of events including cultural program, family day program, sports for the Judges of Supreme Court of Bangladesh in 2022. This kind of activities undergoing all the year long makes the foundation more effective and provides recreations for the judges in their leisure hours.

The Supreme Court's Technology Interventions in Justice Administration

On the eve of the historically significant Golden Jubilee celebration for the Supreme Court of Bangladesh, became a trailblazer in the incorporation of Court technology. Over the year 2022, the country's Apex Court unprecedentedly put into place a number of efforts to streamline its operations and improve access to justice mechanisms. Particularly, what signifies the momentum heralds the six Court-tech solutions that the Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique inaugurated at the Supreme Court auditorium on 15 November, 2022. This manifests an epoch-making incident in the history of Bangladesh.



The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique addressing inauguration ceremony of Six Court-Technologies on 15 November, 2022

No skepticism, excessive delays and unanticipated cost regimes chronically impede the overall case disposal landscape. The colonial legal structure and off-fashioned Court procedures are also creating a standstill in our justice system. Therefore, realizing countless agonizing episodes, and keeping pace with the footsteps of advanced jurisdictions, such as Australia, the European Union, Canada, Germany, Singapore, the United Kingdom, and the United States, the Honourable Chief Justice of Bangladesh has already established a “Court-Tech Committee” for bringing about judicial modernization and transformation in Bangladesh. As a matter of fact, new applications, web-based services, and innovative solutions, this committee already developed and implemented six Court-technologies within just a month of its formation, and necessary circulars and notices have also already been issued to make all of these digital solutions functional and operational meanwhile. This installation of six Court-technologies into the Judiciary vividly evidences a robust move towards ensuring the free-flow of judicial information and building a more advanced, effective, accessible, and affordable justice system. This follows as under:

01. “Supreme Court Mobile Apps”:

No doubt, the Supreme Court’s website is value-laden with much information and variables, which range from Courts’ constitution, jurisdiction, and online cause-lists to the online availability of the Court’s orders and judgments, and varied publications, the translation of judgments and orders into various languages, and the verification of bail orders, etc. Copies of circulars, instructions, and various administrative orders circulated and published from time to time for the subordinate Courts of the country have come at the people’s finger points.

This Android App is made for the pressing need to easily provide various online services and information about the Supreme Court of Bangladesh through mobile phones. It can be used instantly by downloading the App from the Google Play Store. In essence, such a mobile app has revolutionary impacts on augmenting the interaction of the country’s highest Court with lawyers, litigants, and people at large.

02. Monitoring Committee’s Online Reporting Tools:

The Honourable Chief Justice of Bangladesh has nominated eight judges of the High Court Divisions to monitor the business of the sub ordinate Courts across the country’s eight divisions by constituting separate eight Monitoring Committees for Subordinate Courts. Eight judicial officers are also providing secretarial services to these committees. As per the given instructions, all Courts are sending monthly performance reports to this monitoring body on the regular basis via the aforesaid online reporting tool.

This overseeing device is designed to facilitate the process of sending case statistics from the subordinate Courts as per the prescribed form provided by the monitoring committee. This online platform will play an important role in speeding up the monitoring committee’s supervision, improving the case-backlog situation, as well as generating insights by analyzing the data with ease.



The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique inaugurating Six Court-Technologies on 15 November, 2022

03. Online Publication of the Subordinate Courts' Judgment & Orders:

Judgments or orders passed by judges of subordinate Courts throughout the nation are now being published online. In facilitating such a sublime function, the web-based platform “<http://decision.bdcourts.gov.bd>” has been made and necessary circulars and user manual have already been issued by the Supreme Court Administration. All walks of people, no matter where they are, can now easily reach, view and consider Courts' decisions online.

Generally, the judgments of the Apex Court are published in various law reports such as DLR, BLD and MLR, and the like; but not the subordinate courts' judgments being reported as such. This innovative and access-to-justice-friendly move of the Supreme Court can contribute to bridging such a gap, putting the Court records at the disadvantageous and marginal people's doorstep. Hence, they are now able to get easy access to necessary information from the comfort of their home, saving time, money, and other resources, as well as offering varied implications and positive outcomes, such as promoting the values of open justice, transparency, and accountability.

04. The Appellate Division's Digital Copying Section:

This copying section is a name for digital service within the Appellate Division of the Supreme Court of Bangladesh, which is responsible for providing digital copies of Court records and documents to the public. As a part of the ongoing court's digitalization efforts, computer software is made ready for the copying section to make Court records more accessible and convenient for litigants, lawyers, and other stakeholders.

The Digital Copying Section uses modern equipment and technology for scanning and digitizing all the case records, orders, and judgments of the Appellate Division, and storing them in a centralized digital repository, ensuring that the digital copies are accurate and of high quality. The department also maintains a digital archive of all Court records and documents, making it easier for users to access them at any time.



Six Court-Technologies by the Supreme Court of Bangladesh inaugurated on 15 November, 2022

05. The Appellate Division's Digital Entry Pass:

The Appellate Division launched a digital entry pass system for litigants looking forward to improving its safety, security, and resilience. A notification in this regard was also issued by the Supreme Court administration depicting that no litigant can enter the Appellate Division's courtrooms and the precinct adjacent to it without showing the digital entry pass. Anyone can use this access control system via his/her smartphone, tablet, laptop, or desktop computer and obtain his digital pass by scanning the QR code or typing in the entry date, case number, litigant's name and mobile phone number and National ID number without any human intervention at any time. The litigants can thus enter the Appellate Division by showing the printed copy or screenshot or the downloaded copy of this pass. This web-based-easily interactive and user-friendly entrance and departure controlling mechanism sheerly adds up a different dimension to the high edifice of the country's highest Court.

06. The Shishu Adalat's Report Entry Platform:

The Shishu Adalat's Report Entry Platform is another digital platform developed by the Supreme Court of Bangladesh to streamline and digitize the process of reporting and managing child-related cases in the country's juvenile courts, also known as Shishu Adalats. This technology usually facilitates the process of sending the number of children in conflict with the law and measures taken in respect of such children from all over the country to the Supreme Court Special Committee for Child Rights.

Through this, it will be possible to easily analyze Shisu Adalat's case statistics as this platform allows Court officials to enter case information, record proceedings, and generate reports electronically, eliminating the need for manual record-keeping. This helps to improve the efficiency of the court's operations and ensures that cases related to child rights violations are handled in a timely and effective manner by providing access to case information and updates in real-time and enabling to coordinate and collaborate effectively to ensure the best interests of the child are met. As a result, it will be instrumental in bringing greater accuracy, accessibility, transparency, and efficiency and building a child-friendly justice system.

In fact, after assuming the office of the Chief Justice of Bangladesh, Honourable Mr. Justice Hasan Foez Siddique has demonstrated his welcoming maneuver towards adopting court-tech solutions. Not only that, but his lordship also has formed a dedicated "Court-Technology Committee" composed of officials from the Supreme Court's Registry.

Unveiling theme logo for the celebration of Golden Jubilee of the Supreme Court of Bangladesh and the Constitution of the People's Republic of Bangladesh

Honourable Chief Justice of Bangladesh, Mr. Justice Hasan Foez Siddique unveiled a logo on 23 October, 2022 to commemorate the 50th anniversary of the country's Constitution and the establishment of the Supreme Court. The logo portrayed an image of the Bangladesh Supreme Court building along with the number "50" and the slogan "Songbidhan o Supreme Court er Ponchash Bochor." This logo was used throughout the year-long celebrations, which included various events and programmes highlighting the importance of the Constitution and the role of the Supreme Court in upholding justice and the rule of law in Bangladesh. The unveiling of this logo marked an important milestone in Bangladesh's history and served as a reminder of the country's commitment to democracy and the rule of law. The Judges of the Appellate Division of the Supreme Court and all the members of the Supreme Court Judges Committee for Celebration of Golden Jubilee of the Supreme Court and the Constitution of the People's Republic of Bangladesh were present in the august gathering.



The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique addressing the unveiling ceremony of the theme logo for the celebration of Golden Jubilee of the Constitution of the People's Republic of Bangladesh and the Supreme Court of Bangladesh on 23 October, 2022



Judge of the Appellate Division Mr. Justice Md. Nuruzzaman addressing the unveiling ceremony of the theme logo for the celebration of Golden Jubilee of the Constitution of the People's Republic of Bangladesh and the Supreme Court of Bangladesh on 23 October, 2022



Judge of the Appellate Division Mr. Justice Obaidul Hassan addressing the unveiling ceremony of the theme logo for the celebration of Golden Jubilee of the Constitution of the People's Republic of Bangladesh and the Supreme Court of Bangladesh on 23 October, 2022



The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique unveiled the theme logo for the celebration of Golden Jubilee of the Constitution of the People's Republic of Bangladesh and the Supreme Court of Bangladesh on 23 October, 2022



The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique with the members of the Committee for observance of the Golden Jubilee of the Constitution and Supreme Court of Bangladesh

The 50th Anniversary of the adoption of the Constitution of the People's Republic of Bangladesh (4 November, 2022)

The 50th anniversary of the Constitution of the People's Republic of Bangladesh was celebrated with great enthusiasm on 04 November, 2022 by the Supreme Court of Bangladesh. The Speaker of the National Parliament Dr. Shirin Sharmin Chaudhury graced the occasion as the Chief Guest and unveiled the cover of the Replica of the original Constitution of 1972. The Chief Justice of Bangladesh, Mr. Justice Hasan Foez Siddique chaired the occasion. The celebration marked a significant milestone for the country as it recognized the enduring power and resilience of the Constitution over the past 50 years. The Supreme Court of Bangladesh paid tribute to the members of the Draft Constitution Committee of the Constituent Assembly and their family members to recognize their efforts and contributions in creating the country's legal system. Such a tribute formed a special ceremony during which the Supreme Court presented mementos and tokens of appreciation to the signatories and their descendants.



Ceremony of 50th anniversary celebration of the Constitution of the People's Republic of Bangladesh on 4 November, 2022

The event was attended by the Former Chief Justices of Bangladesh, Judges of the Supreme Court, politicians, legal experts and members of civil society who paid tribute to the Constitution's role in establishing democracy, human rights, and the rule of law in Bangladesh. The celebration served as an opportunity to reflect on the constitutional challenges faced by the country and to reaffirm the commitment to upholding the values enshrined in the Constitution.



The Honourable Speaker of the National Parliament Dr. Shirin Sharmin Chaudhury addressing the ceremony of 50th anniversary celebration of the Constitution of the People's Republic of Bangladesh on 4 November, 2022



The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique addressing the ceremony of 50th anniversary celebration of the Constitution of the People's Republic of Bangladesh on 4 November, 2022



The Honourable Minister for the Ministry of Law, Justice and Parliamentary Affairs Mr. Anisul Huq MP addressing the ceremony of 50th anniversary celebration of the Constitution of the People's Republic of Bangladesh on 4 November, 2022



Distinguished guests at ceremony of 50th anniversary celebration of the Constitution of the People's Republic of Bangladesh on 4 November, 2022

Observing the Golden Jubilee of the coming into force of the Constitution of the People's Republic of Bangladesh (17 December, 2022)

The Constitution of Bangladesh, which came into force on 16 December, 1972, is a landmark document that embodies the aspirations of the people of Bangladesh for democracy, freedom and justice. To mark the 50th anniversary of the entry into force of the Constitution, the Supreme Court of Bangladesh organized a grand celebration on 17 December, 2022, in which the Honourable President of the People's Republic of Bangladesh Mr. Md Abdul Hamid graced the occasion as the Chief Guest. The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique has chaired the occasion.

The event was held at the Bangabandhu International Conference centre (BICC) in Dhaka. The Honourable Chief Justice of Sri Lanka, Mr. Justice Jayantha Jayasuriya attended the occasion as the Guest of Honour. Politicians, Former Chief Justices of Bangladesh and retired Judges of the Supreme Court of Bangladesh, legal experts and members of civil society also attended the occasion.

The Constitution of Bangladesh has played a pivotal role in the country's development over the past 50 years. It has provided a framework for the establishment of a democratic and secular state and has enshrined the fundamental rights and freedoms of citizens. The Constitution has also been instrumental in the creation of an independent judiciary, ensuring the separation of powers and upholding the rule of law.

The 50th anniversary celebration of the enforcement of the Constitution of Bangladesh was a momentous occasion that allowed the people of the country to reflect on the achievements of the past 50 years and look forward to the future. The Honourable President's presence as the Chief Guest added significance to the event and reaffirmed the Supreme Court's commitment to upholding the values enshrined in the Constitution.



The Honourable President of the People's Republic of Bangladesh Mr. Md. Abdul Hamid unveiled the cover of the book *"Fifty Years' (1972-2022) Literature & Legacy; Supreme Court of Bangladesh"* at the Golden Jubilee ceremony of coming into force of the Constitution of People's Republic of Bangladesh on 17 December, 2022



The Honourable President of the People's Republic of Bangladesh Mr. Md. Abdul Hamid receiving memento from the Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique at the Golden Jubilee ceremony of coming into force of the Constitution of People's Republic of Bangladesh on 17 December, 2022



The Honourable President of the People's Republic of Bangladesh Mr. Md. Abdul Hamid addressing the Golden Jubilee ceremony of coming into force of the Constitution of People's Republic of Bangladesh on 17 December, 2022



The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique addressing the Golden Jubilee ceremony of coming into force of the Constitution of People's Republic of Bangladesh on 17 December, 2022

Observing the Golden Jubilee of the Supreme Court of Bangladesh (18 December, 2022)

2022 was a monumentous year for the Supreme Court of Bangladesh as it celebrated 50 years of its establishment. The Supreme Court of Bangladesh celebrated its 50th anniversary with much pomp and grandeur. The occasion was graced by her excellency the Prime Minister of the Government of People's Republic of Bangladesh Sheikh Hasina, MP as the Chief Guest, who unveiled two books dedicated to the rich history and legacy of the Bangladesh Supreme Court. The books titled "*Bangladesh Supreme Court Ponchas Bochorer Pothchola*" were compiled to highlight the journey of the Court since its inception. On the occasion of the golden jubilee celebration of the Bangladesh Supreme Court, the Prime Minister Sheikh Hasina, MP unveiled a special commemorative note worth 50 Taka and a postage stamp as a tribute to the significant milestone achieved by the Court. The commemorative note and stamp serve as a symbol of honor and recognition of the valuable contribution made by the Supreme Court of Bangladesh in upholding justice and the rule of law in the country. The Prime Minister's act of unveiling the commemorative note and stamp highlights the importance of the judiciary in promoting a fair and equitable society and upholding the fundamental principles of democracy.

On this occasion, the Prime Minister of Bangladesh, Sheikh Hasina, MP delivered a speech paying tribute to the country's judiciary and emphasizing the importance of an independent judiciary in upholding the rule of law.



The Honourable Prime Minister of People's Republic of Bangladesh Government Sheikh Hasina, MP unveiled the cover of the book "*Bangladesh Supreme Court Pothcholar ponchas Bochor*" at the Golden Jubilee ceremony of the Supreme Court of Bangladesh on 18 December, 2022

In her speech, Sheikh Hasina praised the judiciary for its role in upholding justice and protecting the fundamental rights of citizens. She also reiterated her government's commitment to ensuring the independence of the judiciary, stating that the judiciary must be free from any external influences to perform its duties effectively.



The Honourable Prime Minister of People's Republic of Bangladesh Government Sheikh Hasina, MP unveiled the cover of a commemorative replica of the original Constitution at the Golden Jubilee ceremony of the Supreme Court of Bangladesh on 18 December, 2022



The Honourable Prime Minister of People's Republic of Bangladesh Government Sheikh Hasina, MP receiving memento from the Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique at the Golden Jubilee ceremony of the Supreme Court of Bangladesh on 18 December, 2022



The Honourable Prime Minister of People's Republic of Bangladesh Government Sheikh Hasina, MP unveiled a special commemorative note worth 50 Taka at the Golden Jubilee ceremony of the Supreme Court of Bangladesh on 18 December, 2022



The Honourable Prime Minister of People's Republic of Bangladesh Government Sheikh Hasina, MP unveiled the cover of a commemorative publication at the Golden Jubilee ceremony of the Supreme Court of Bangladesh on 18 December, 2022



The Honourable Prime Minister of People's Republic of Bangladesh Government Sheikh Hasina, MP addressing the Golden Jubilee ceremony of the Supreme Court of Bangladesh on 18 December, 2022



The Honourable Prime Minister of People's Republic of Bangladesh Government Sheikh Hasina, MP addressing the Golden Jubilee ceremony of the Supreme Court of Bangladesh on 18 December, 2022



Distinguished guests at the Golden Jubilee ceremony of the Supreme Court of Bangladesh on 18 December, 2022



Distinguished guests at the Golden Jubilee ceremony of the Supreme Court of Bangladesh on 18 December, 2022



Judges of the Supreme Court of Bangladesh at the cultural evening on the occasion of Golden Jubilee of the Constitution of People's Republic of Bangladesh and Supreme Court of Bangladesh on 18 December, 2022



The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique inaugurated the construction of Bangabandhu obelisk in the Supreme Court Inner Courtyard on 18 December, 2022

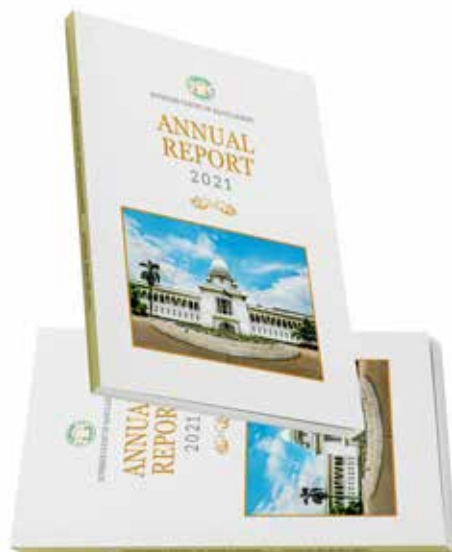
The celebration marked a significant milestone for the judiciary of Bangladesh and served as an opportunity to reflect on the contributions of the Court towards upholding justice, human rights, and the rule of law in the country. The event was presided by the Chief Justice of Bangladesh, Mr. Justice Hasan Foez Siddique and Mr. Justice Mukeshkumar Rasikbhai Shah, Honourable Judge of the Indian Supreme Court who graced the occasion as the Guest of Honour. The gathering was attended by judges, lawyers, and other dignitaries who paid tribute to the Court's achievements over the past 50 years.

Publications of Supreme Court of Bangladesh in 2022

The Supreme Court of Bangladesh published a number of notable and commemorative publications in 2022 that have had a significant impact on the legal landscape of Bangladesh. These includes:

Annual Report 2021

The Annual Report is a regular publication of the Supreme Court of Bangladesh. Like in previous years, the Supreme Court of Bangladesh published its Annual Report for the year 2021.

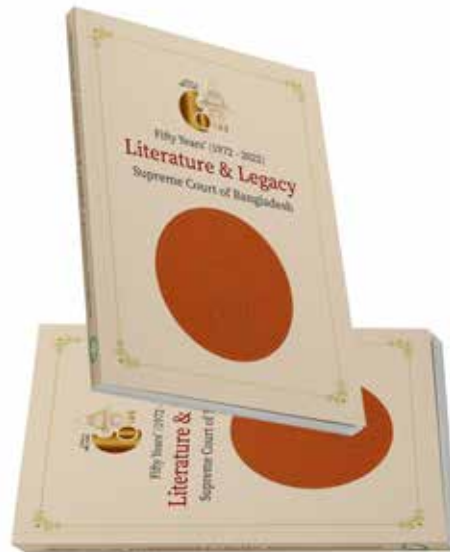


Commemorative publications

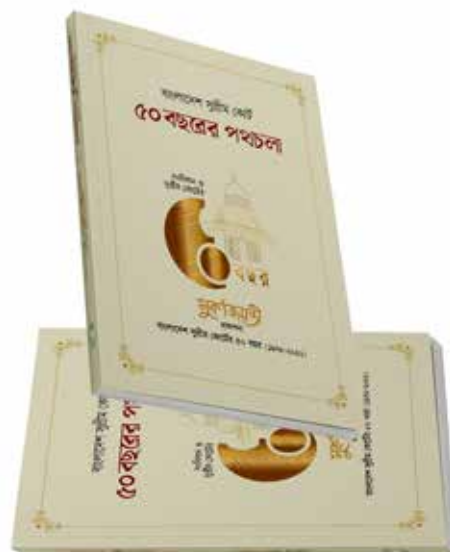
In 2022, the Supreme Court of Bangladesh celebrated the 50th anniversary of the adoption and implementation of the Constitution of the People's Republic of Bangladesh. At the same time, the Supreme Court of Bangladesh has also come to its Golden Jubilee celebrations. The Supreme Court of Bangladesh has published ‘***Commemorative Replica of the Original 1972 Constitution***’ in Bangla on 4 November, 2022 and in English on 18 December, 2022.



The Supreme Court of Bangladesh has come up with a commendable commemorative book titled ***"Fifty Years' (1972-2022) Literature & Legacy; Supreme Court of Bangladesh"*** on 17 December 2022. In this collection, quotes from judgements delivered by this Court from 1972 to 2022 have been included chronologically highlighting its literary and philosophical beauty.



The Supreme Court of Bangladesh on 18 December 2022 published another commemorative book titled ***"Bangladesh Supreme Court Ponchash Bochorer Pothchola"***. This book provides a comprehensive overview of the history of the Supreme Court of Bangladesh, from its establishment to the present day.



International Relations

The Supreme Court continues to attract international interest from judges and officials of many countries of the world. The honourable Judges of the Supreme Court of Bangladesh travel to many countries to attend international conferences, symposiums and discussion programmes. These International visits provide opportunities for judges to meet with their counterparts in other countries, as well as government officials, legal professionals, and academics. Like previous years, judges, legal scholars and legal luminaries of foreign countries also visited the Supreme Court of Bangladesh. These relationships help facilitate and foster future cooperation and collaboration on legal and a host of other related issues.

Cited hereinbelow are the more notable of such international interactions:

Mr. Justice Hasan Foez Siddique, the Honourable Chief Justice of Bangladesh, on 24-28 April, 2022 visited Turkey to attend the ceremony marking the 60th anniversary of the Constitutional Court of the Republic of Turkey. He also attended the symposium on “Interpretation of the Constitution in the Protection of Fundamental Rights and Freedoms” and delivered a speech on that topic. He also spoke on “The Importance of International Cooperation in Constitutional Jurisdiction”. His Lordship met Mr. Recep Tayyip Erdoğan, the Honourable President of the Republic of Turkey and Prof. Dr. Zühtü Arslan, Honourable President of the Constitutional Court of the Republic of Turkey.



Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique with Mr. Recep Tayyip Erdoğan, Honourable President of the Republic of Turkey in Ankara, Turkey



Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique delivering speech at the symposium on “Interpretation of the Constitution in the Protection of Fundamental Rights and Freedoms” in Ankara, Turkey



Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique with Prof. Dr. Zühtü Arslan, Honourable President of the Constitutional Court of the Republic of Turkey in Istanbul, Turkey

Honourable Chief Justice of Bangladesh visited Kolkata, India on 27-30 October, 2022 to attend the 14th Convocation of the West Bengal National University of Juridical Sciences, Kolkata, India as the Guest of Honour. He delivered a speech at the Convocation. He met Mr. Justice Uday Umesh Lalit, the Honourable Chief Justice of India and Shrimati Mamata Banerjee, Honourable Chief Minister of West Bengal during his visit.



Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique with Shrimati Mamata Banerjee, Honourable Chief Minister of West Bengal in Kolkata, India while attending the 14th Convocation of the West Bengal national University of Juridical Sciences on 27 October, 2022



Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique with Mr. Justice Uday Umesh Lalit, Honourable Chief Justice of India in Kolkata, India while attending the 14th Convocation of the West Bengal National University of Juridical Sciences on 27 October, 2022



Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique delivering speech as the Guest of Honour at the 14th Convocation of the West Bengal National University of Juridical Sciences on 27 October, 2022

Mr. Justice Borhanuddin, Honourable Judge of the Appellate Division, Supreme Court of Bangladesh attended the 23rd International Conference of Chief Justices of the World as Guest of Honour on Article 51 of the Constitution of India, which was held from 16-22 November, 2022 at Lucknow, India. His Lordship delivered a speech at the event.



Mr. Justice Borhanuddin, Honourable Judge of the Appellate Division, Supreme Court of Bangladesh attending the 23rd International Conference of Chief Justices of the World at Lucknow, India



Mr. Justice Borhanuddin, Honourable Judge of the Appellate Division, Supreme Court of Bangladesh delivering speech at the 23rd International Conference of Chief Justices of the World at Lucknow, India

Mr. Justice Syed Refaat Ahmed, Honourable Judge of the High Court Division, Supreme Court of Bangladesh on 10 October, 2022 attended 10th World Intellectual Property Forum (WIPIF) at Bangkok, Thailand. His Lordship delivered a speech at the event.



Mr. Justice Syed Refaat Ahmed at the 10th World Intellectual Property Forum (WIPIF) at Bangkok, Thailand (© WIPIF)

Madam Justice Naima Haider, Honourable Judge of the High Court Division, Supreme Court of Bangladesh virtually attended the 5th Congress of the Association of Asian Constitutional Courts (AACC), which was held from 18-21 August, 2022 at Ulaanbaatar, Mongolia. She also attended the National Association of Women Judges Conference on 19-22 October, 2022 which was held in Detroit, Michigan.



Justice Naima Haider delivering speech at the National Association of Women Judges Conference in Detroit, Michigan

The Supreme Court continues to attract international interest from judges and officials of the many countries of the world. These include following:

- **Honourable Chief Justice Jayantha Jayasuriya**, Chief Justice of Sri Lanka visited Bangladesh in 16-18 December, 2022. He delivered speech in the event of celebration golden jubilee of coming into force of the Constitution of People's Republic of Bangladesh which was held on 17 December, 2022. He also met the Honourable Chief Justice of Bangladesh.



Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique with Mr. Justice Jayantha Jayasuriya, Honourable Chief Justice of Sri Lanka

- **Honourable Justice Mukeshkumar Rasikbhai Shah**, Judge of the Supreme Court of India visited Bangladesh in 16-18 December, 2022. He delivered speech in the event of celebration golden jubilee of the Supreme Court of Bangladesh on 18 December, 2022. He also met the Honourable Chief Justice of Bangladesh.



Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique with Honourable Mr. Justice Mukeshkumar Rasikbhai Shah, Judge of the Supreme Court of India

The Chief Justice Award

The Supreme Court of Bangladesh has introduced Chief Justice Award in 2022. In this regard, a Judges' Committee consisting of judges from both divisions of the Supreme Court of Bangladesh was formed, in particular, to conduct the selection process and to formulate a comprehensive policy regarding various aspects of Chief Justice Award.

Honourable Mr. Justice Borhanuddin of Appellate Division was appointed as the President of the Judges Committee. The other members of the committee are –

- Madam Justice Farah Mahbub of High Court Division,
- Mr. Justice Md. Akram Hossain Chowdhury of High Court Division,
- Mr. Justice S M Kuddus Zaman of High Court Division,
- Mr. Justice Sardar Md. Rashed Jahangir of High Court Division, and
- Mr. Justice Md. Akhtaruzzaman of High Court Division.



Judges Committee of the Chief Justice Award, 2022 of the Supreme Court of Bangladesh (From Left) Mr. Justice Sardar Md. Rashed Jahangir, Mr. Justice Md. Akram Hossain Chowdhury, Mr. Justice Borhanuddin, Mr. Justice Hasan Foez Siddique (Honourable Chief Justice of Bangladesh), Madam Justice Farah Mahbub, Mr. Justice S M Kuddus Zaman, Mr. Justice Md. Akhtaruzzaman.

A circular was issued by the Supreme Court Registry on 10.08.2022 mentioning that 06 (Six) 'Chief Justice Awards' will be awarded every year in two categories, i.e. individual and team, for significant contribution in providing judicial services by directly engaging in judicial work. However, the 6 (Six) Awards are categorized in the following way:

1. 01 (One) Award for the District Judge or other Judges equivalent to the post of District Judge.
2. 01 (One) Award for the Additional District Judge or other Judges equivalent to the post of Additional District Judge.
3. 01 (One) Award for the Joint District Judge or other Judges equivalent to the post of Joint District Judge.
4. 01 (One) Award for the Senior Assistant Judge or other Judges equivalent to the post of Senior Assistant Judge.
5. 01 (One) Award for the Assistant Judge or other Judges equivalent to the post of Assistant Judge.
6. Out of all the districts One District Judgeship or out of all the Metropolitan Sessions Judgeship one Metropolitan Sessions Judgeship.

The circular also contains the detailed outline of various aspects of the Chief Justice Award together with the 'Chief Justice Award Policy, 2022'. It elucidated in the Policy that 01 (one) gold medal (21 carat quality weighing 16 grams) and a Certificate of Honor with the Monogram of the Supreme Court of Bangladesh will be given as the Award. Besides, it is decided that BDT. 2,00,000 (two lakh taka) for individual application and BDT. 5,00,000 (five lakh taka) for team application will be given as Award. However, in case of team application, the Judges serving in a District Judgeship or Metropolitan Sessions Judgeship together with the District Legal Aid Officer is considered as the members of the team. In case of Chief Justice Award under the category of team application, 01 (one) gold medal will be awarded to the team, but each member of the team will be awarded individual certificate. Besides, the prize money BDT. 5, 00,000 (five lakh taka) will be equally distributed among the members. It is mentioned in the Policy that the information regarding the receipt of the 'Chief Justice Award' and a certificate thereto shall be preserved in the dossier of the Judges who has received the award.

However, the Policy provides that the number of the Award can be increased or decreased with the approval of the Honourable Chief Justice on the recommendation of the Supreme Court Judges Committee. It is specified in the policy that the Chief Justice Award will be applicable only to the Judges appointed permanently in the service of the Judicial Service. Judges serving in subordinate Courts and tribunals can apply for the Award either individually or collectively as District Judgeship or Metropolitan Sessions Judgeship. It is mentioned that in the case of Award under team category, each member should be engaged in judicial work in the District Judgeship or Metropolitan Sessions Judgeship for a minimum period of 10 (ten) months to be included in the team. Overall, the Chief Justice Award will be given based on performance in judicial work, Court administration and case management.

Objectives of the Chief Justice Award:

The 'Chief Justice Award Policy, 2022' specifies the objectives of introducing the Award which includes among others:

1. To develop a modern judicial system by increasing the efficiency, enthusiasm and innovative thinking, and enhancing the capacity of judges working in subordinate courts and tribunals and to encourage them to provide better judicial services to the litigant people.
2. To evaluate the ability of judges working in subordinate courts and tribunals to apply their professionalism, creativity and leadership qualities for better Court management and to assess their capacity to participate in the process of modernization of the judiciary to ensure justice to all.
3. To make the Courts as a trusted institution of the common people through implementing modern reformation initiatives, applying the latest developments in information technology and bringing positive changes in the justice delivery system.
4. Ensuring dedicated supervision of the judicial works of the Courts and tribunals under the High Court Division of the Supreme Court of Bangladesh and scrutinizing the efficiency of the judges.
5. Capacity building in the administration of justice and ensuring rule of law by safeguarding fundamental rights, political, economic and social equality, freedom and justice by keeping judicial institutions functioning continuously and playing notable roles in achieving the United Nations Sustainable Development Goals (SDGs).
6. Formal recognition of the innovative thinking and individual efforts of judges working in the subordinate courts and tribunals to resolve the backlog of cases.

Formation of Selection Committee:

To select the eligible applications for the Award selection committees are formed throughout the country following the provisions of the Policy. The Selection Committee in the District and Metropolitan areas are designed to be formed in the following manner:

District Selection Committee: Each district will have 03 (three) member selection committee for accepting application and recommendation applications except the application of District Judge or equivalent post. The members of the committee are-

President: District and Sessions Judge

Member: Judge, Nari O Shishu Nirjatan Daman Tribunal (Senior Judge of Nari O Shishu Nirjatan Daman Tribunals if there are more than one Nari O Shishu Nirjatan Daman Tribunals)

Member: The senior-most Judge holding the post of District Judge serving in the district (the senior-most Judge among the Additional District and Sessions Judges, if no other Judge of the post of District Judge is serving in that district).

Metropolitan Selection Committee: Each Metropolitan Judgeship will have 03 (three) member selection committee for accepting application and recommendation applications except the application of Metropolitan Sessions Judge or District Judge or equivalent post. The members of the committee are-

President: Metropolitan Sessions Judge

Member: Judge, Nari O Shishu Nirjatan Daman Tribunal (Senior Judge of Nari O Shishu Nirjatan Daman Tribunals if there are more than one Nari O Shishu Nirjatan Daman Tribunals)

Member: The senior-most Judge holding the post of District Judge serving in the district (the senior-most Judge among the Additional Metropolitan Sessions Judges if no other Judge of the post of District Judge is serving in the district concerned)

The Policy specifies that the District and Sessions Judge of the concerned district or the Metropolitan Sessions Judge is under obligation to inform the Supreme Court Judges Committee through the Secretarial Support Officer regarding the formation or reconstitution of the District or Metropolitan Selection Committee.

Considerations for Recommendations for individual application: The Policy determines the considering factors for assessing the applications for the Awards. As per the terms of the policy the District/Metropolitan Selection Committee has to consider the following factors while evaluating and recommending the application for individual application from Assistant Judge to Additional District Judge.

Judicial work:

1. Numbers of filing and disposal of cases in the concerned Court.
2. Ratio of disposal of cases through ADR in respect of civil/family/Artha Rin cases.
3. Quality of Judgment (considering the fact analysis and arrangement in the judgment, extracting evidence, brevity of judgment, avoidance of repetition, referring precedents, reflection of the submissions provided by learned counsel during the hearing of the case).
4. Case management and Court administration skills.
5. Application of the Code of Civil Procedure, 1908 in respect of adjournment of hearing.
6. Control of the judge in the conduct of judicial proceedings in his own Court.
7. Evidence recording skill (taking evidence in a plain language and in a concise form without interruption and ambiguity).
8. Prompt disposal of interim petitions in open Court.
9. Order issued immediately after ex parte hearing.
10. Prompt disposal of all applications in criminal cases including bail, remand etc.
11. Proper recording of statements of witness and accused under the section 164 of the Code of Criminal Procedure, 1989 and the statements of victims under the section 22 of the Nari O Shishu Nirjatan Daman Ain, 2000.
12. Number of disposal of old civil cases.

13. Number of disposal of Family Cases.
14. Number of disposal of Succession/Probate Cases.
15. Number of disposal of Artha Rin cases.
16. Number of disposal of Civil/Family/ Artha Rin execution cases.
17. Number of disposal of Amount of settlement of Civil Miscellaneous Cases.
18. Number of disposal of Appeal Cases.
19. Number of disposal of Revision/Review Cases.
20. Number of disposal of Criminal Cases.
21. Number of disposal of Murder Cases.
22. Adherence to the rules contained in Civil Rules and Orders and Criminal Rules and Orders regarding taking up and leaving the Chair in the Ejlash.
23. Use of information technology in judicial proceedings.

Administrative work:

1. Ability to control and motivate the subordinate staff.
2. Inspection and updating the Court-affiliated registers.
3. Satisfactory performance of other administrative duties as assigned like-Nejarat, copying department, record room, library, accounts department, forms and stationery department, malkhana, Court hajat etc.
4. Maintaining etiquette in a judicial manner in and outside the Court.
5. Maintaining professional relations with colleagues, subordinates and learned lawyers.
6. Prison inspection.
7. Police Station inspection.
8. Preparing annual inspection reports.
9. Use of information technology in administrative work.

Considerations for recommendations for a team application: The policy specifies that the Supreme Court Judges Committee has to consider the following factors while evaluating and recommending the application for team application for a Judgeship or Metropolitan Sessions Judgeship.

Judicial work:

1. Rate of disposal of cases against the filing of cases.
2. Number of disposal of old cases.
3. Number of disposal of Civil/Family/ Artha Rin execution cases.
4. Number of disposal of murder cases and other sensational cases.
5. Number of disposal of cases through ADR.
6. Success of legal aid programmes of the concerned district.
7. Compliance of the rules prescribed in the Code of Civil Procedure, 1908 regarding the service of summons.
8. Ratio of personal service of summons against serving them by hanging on property.
9. The role of magistrates in supervising the investigation of cases.
10. Use of information technology in judicial proceedings.

Administrative work:

1. Working environment of the concerned judgeship (maintaining hygiene and proper sanitation, tree plantation and greenery beautification, availability of breast feeding corner etc.).
2. Relationship between the Bar and the Bench.
3. Improved infrastructure facilities.
4. Improved access to justice and other facilities for ensuring better judicial service.
5. Maintaining professional relations with District Administration, Police Administration, Civil Surgeon and Jail Authorities.
6. Compliance of the provisions of Civil Rules and Orders and Criminal Rules and Orders in providing certified copies.
7. Organizing trainings for the supporting staff of the Judgeship.
8. Organizing Judicial Conferences as per the rules of Civil Rules and Orders and organizing Police-Magistracy Conferences as per the rules of Criminal Rules and Orders.
9. Taking initiatives to innovate effective mechanism for providing better judicial service to the litigants.
10. Use of information technology in administrative work.

Role of the Supreme Court Judges Committee:

The Supreme Court Judges Committee is entrusted with the responsibility to scrutinize and review the applications received for the 'Chief Justice Award' for the District Judge or equivalent posts and also the team applications. It also makes recommendations for individual applications below the post of District Judge or equivalent posts reviewing the recommendations of the district/metropolitan selection committees to the Honourable Chief Justice of Bangladesh for the Chief Justice Awards.



Chief Justice Awardees, 2022 with the Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique at the Supreme Court of Bangladesh. (From Left) Mst. Reshma Khatun, Senior Assistant Judge, Saud Hassan, Additional District and Sessions Judge, Md Helal Uddin, District and Sessions Judge, on behalf of Mymensingh District and Sessions Judge Court in the Category of District Judgeship, Mr. Justice Hasan Foez Siddique (Honourable Chief Justice of Bangladesh), Dr. Begam Zebunnesa, District and Sessions Judge, Md. Khorshed Alam, Joint District and Sessions Judge, Md. Hasinur Rahman Milon, Assistant Judge.

“Naykunjo” (Litigants' Shed) at the Supreme Court of Bangladesh

The Supreme Court of Bangladesh is the apex Court in Bangladesh. It is the protector and defender of the Constitution. Everyday a large number of litigants of all ages come to the Supreme Court. Earlier they had no sitting arrangement outside the courtroom and had to spend hours under the open sky, trees, by the roadside and in the balcony of the Court. The litigants, specially the women, children and sick people, suffered much and felt helpless as they had to wait for the hearing of their cases. As part of the Court development plan, the Supreme Court of Bangladesh has set up a litigants' shed namely ‘Naykunjo’ to lessen the sufferings of the litigants.



The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique inaugurating the “Naykunjo” along with the Honourable Judges of the Appellate Division on 11 August, 2022

The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique inaugurated the litigant shed ‘Naykunjo’ on the premises of the Supreme Court on 11 August, 2022. The Honourable judges of the Appellate Division as well as the High Court Division attended the event.



The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique cutting the ribbon as a part of the inauguration of the “Naykunjo” along with the Honourable Judges of the Appellate Division

The '*Naykunjo*' has sufficient seating arrangement. Almost 50-60 people can take rest there. The public have easy and direct access to waiting area. Moreover, there is arrangement for pure drinking water with sufficient water purifiers. Toilet facilities have been made available at the front building and canteen facilities are also available nearby.



A portion of "Naykunjo" at the Supreme Court of Bangladesh

The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique has also directed to build litigants' shed namely '*Naykunjo*' at every District and Sessions Judge Court where besides taking rest, toilet and drinking water facilities, breast-feeding corner, canteen will be available for the litigants.

Inauguration of the "Bijoy 71" Building

A Strong and independent judiciary is key to ensure justice for all. The Honourable Chief Justice of Bangladesh, Mr. Justice Hasan Foez Siddique has to that end taken various initiatives to strengthen the judiciary and to reduce the backlog of the pending cases. Ensuring adequate judicial infrastructure is one of them. As a part of the dynamism, the “Bijoy 71” Building has been constructed at the Supreme Court premises to provide adequate Court rooms and chambers for Judges.



The Honourable Prime Minister of the People's Republic of Bangladesh, Sheikh Hasina, MP addressing at the inauguration of the “Bijoy 71” Building of the Supreme Court of Bangladesh through video conference from Ganabhaban

The building has modern facilities including 56 chambers for Judges, 32 Court rooms (Ejlash), 56 office rooms for Bench Officers, Assistant Bench Officers, Personal Officers, 4 separate elevators, generators, a two-storey electric sub-station, a day care center, deep tube well, two store rooms and prayer space.



The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique addressing at the inaugural ceremony of the “Bijoy 71” Building on 31 March, 2022

Honourable Prime Minister of the People's Republic of Bangladesh, Sheikh Hasina, MP inaugurated the newly constructed 12-storey modern building named "Bijoy 71" of Supreme Court of Bangladesh. The inaugural ceremony was held on 31 March, 2022 at the Supreme Court Judges Sports Complex.



The Honourable Prime Minister of People's Republic of Bangladesh Government Sheikh Hasina, MP virtually inaugurating the "Bijoy 71" Building on 31 March, 2022



The Honourable Prime Minister of the People's Republic of Bangladesh, Sheikh Hasina, MP inaugurating the "Bijoy 71" Building virtually on 31 March, 2022

The Honourable Chief Justice of Bangladesh, Mr. Justice Hasan Foez Siddique graced the occasion as the Special Guest. Honourable Minister of the Ministry of Law, Justice and Parliamentary Affairs, Mr. Anisul Huq, MP presided over the programme. Mr. A.M. Amin Uddin, Attorney General for Bangladesh also delivered a speech at the occasion while Md. Golam Sarwar, Secretary, Law and Justice Division, Ministry of Law, Justice and Parliamentary Affairs gave his welcome speech. The Honourable Judges of the Appellate Division as well as the High Court Division graced the occasion with their kind presence.



The Honourable Prime Minister of People's Republic of Bangladesh, Sheikh Hasina, MP virtually inaugurated the "Bijoy 71" Building on 31 March, 2022

Inauguration of the Supreme Court Day Care Center at the "Bijoy 71" Building

From time immemorial women have been assigned the responsibility for doing household chores and child upbringing. But at this age of rapid urbanization, for socio-economic needs, both men and women work outside for a better future, and thus, child care has become a real challenge. From this perspective, Day Care plays an important role. It helps to reduce the anxiety of the working parents and to perform their official duties fully. It assists in the career development of the parents. Day Care Center helps children to develop their social and communication skills and creativity. It can play a vital role to their future development. In an organized Day Care Center the children can learn smoothly and grow up in a joyful environment.



The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique inaugurating the “Supreme Court Day Care Center” along with the Honourable Judges of the Appellate Division on 20 June, 2022



The Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique cutting the ribbon as a part of the inauguration of the “Supreme Court Day Care Center” along with the Honourable Judges of the Appellate Division

Keeping in view all the aforesaid things on 20 June, 2022, “Bangladesh Supreme Court Day Care Center” was inaugurated by the Honourable Chief Justice of Bangladesh Mr. Justice Hasan Foez Siddique. The Honourable Judges of the Appellate Division Mr. Justice Borhanuddin, Mr. Justice M. Enayetur Rahim and Madam Justice Krishna Debnath graced the occasion with their cordial presence. The center is situated at the first floor of the newly established the “Bijoy 71” Building.



A portion of the “Supreme Court Day Care Center”

The center makes arrangements for fifty children. The children of the officials of the Supreme Court can stay at the Day Care Center during the working hours. At present, thirty children are staying there. There are three trained staff to take care of the children. The room is well furnished with different kinds of toys and tools like refrigerator, oven, television, air conditioner, baby cot etc. The walls are painted with the picture of different animals, trees, words, attractive cartoons. Besides playing and watching television, the children can read, write and draw there. There is also a separate shelf for keeping books and table for study. Moreover, from 20 November, 2022, with the direction of the Honourable Chief Justice of Bangladesh, healthy and nutritious lunch is being served every working day among the children of the Day Care Center. All this has been planned for the development of the physical and mental health of the future of the nation. It suffices to note that both children and the working parents are being benefitted from the “Supreme Court Day Care Center”.

Inspection of the subordinate Courts and Tribunals

The Honourable Chief Justice of Bangladesh embarked on a series of visits to various Courts including Dhaka District and Metropolitan Judgeship, Chittagong District and Metropolitan Judgeship, Cox's Bazar District Judgeship, Kushtia District Judgeship, Khulna District Judgeship, Bagerhat District Judgeship, Rajshahi District Judgeship in 2022. During his visits, the Honourable Chief Justice of Bangladesh interacted with judges, lawyers, and Court staff, and assessed the infrastructure and facilities of the Courts. He discussed issues related to the backlog of cases, efficiency of Court processes, and implementation of judicial reforms to ensure fair and timely justice for the people of Bangladesh.

Article 109 of the Constitution of the People's Republic of Bangladesh provides that the High Court Division shall have superintendence and control over all Courts and Tribunals subordinate to it. This provision gives the High Court Division of the Supreme Court of Bangladesh the authority to supervise and control the functioning of all courts and tribunals under its jurisdiction. The High Court Division inspects subordinate Courts and Tribunals regularly to ensure that they are functioning efficiently and effectively.

As part of its supervisory power over the subordinate judiciary during the summer vacations of the Supreme Court (which started on 20.03.2022 and ended on 31.03.2022) five Honourable Judges of the High Court Division, appointed by the Honourable Chief Justice of Bangladesh inspected all Courts and Tribunals in 3 District Judgeships and 2 Metropolitan Sessions Judgeships.

The table below shows the names of the districts in which District and Sessions Judge Courts (including Chief Judicial Magistrate Courts), Metropolitan Sessions Judge Courts (including Chief Metropolitan Magistrate Courts) and various Tribunals were inspected by the Honourable Judges of the High Court Division in summer vacations.

SI	Name of the Honorable Judges	Name of Districts
1.	Justice Sheikh Hassan Arif	Dhaka
2.	Justice Md. Ruhul Quddus	Chattogram
3.	Justice Md. Mozibur Rahman Miah	Narayanganj
4.	Justice Shahidul Karim	Dhaka Metropolitan Sessions Judgeship Court
5.	Justice Bhishmadev Chakraborty	Chattogram Metropolitan Sessions Judgeship

During the long vacation of the Supreme Court (which started on 04.09.2022 and ended on 13.10.2022) Sixteen Honourable Judges of the High Court Division, appointed by the Honourable Chief Justice of Bangladesh inspected all Courts and Tribunals in 43 Districts.

The table below shows the names of the districts in which District and Sessions Judge Courts (including Chief Judicial Magistrate Courts)/Metropolitan Sessions Judge Courts (including Chief Metropolitan Magistrate Courts) and various tribunals inspected by the Honourable Judges of the High Court Division in long vacation.

SI	Name of the Honorable Judges	Name of Districts
1.	Justice Md. Rais Uddin	Bogura, Sirajgonj & Pabna
2.	Justice Syed Md. Ziaul Karim	Natore & Chapainawabganj
3.	Justice Md. Rezaul Hasan	Munshiganj, Noakhali & Faridpur
4.	Justice A.N.M. Bashirullah	Barishal, Pirojpur & Jhalakathi
5.	Justice Jahangir Hossain	Chandpur, Feni & Lakhsmipur
6.	Justice Md. Habibul Gani	Coxbazar, Rangamati & Bandarban

SI	Name of the Honorable Judges	Name of Districts
7.	Justice Md. Ruhul Quddus	Naogoan & Rajshahi
8.	Justice Mustafa Zaman Islam	Netrokona, Kishoreganj & Jamalpur
9.	Justice Md. Akram Hossain Chowdhury	Jashore, Magura & Narail
10.	Justice Md. Jahangir Hossain	Manikganj & Mymensingh
11.	Justice Md. Badruzzaman	Sherpur & Tangail
12.	Justice Khizir Ahmed Choudhury	Shylet, Moulovibazar & Sunamganj
13.	Justice Md. Iqbal Kabir	Lalmonirhat, Gaibandha & Kurigram
14.	Justice Bhishmadev Chakraborty	Patuakhali, Madaripur & Shariatpur
15.	Justice Fatema Najib	Narsingdi & Gazipur
16.	Justice Md. Mostafizur Rahman	Kushtia, Chuadanga & Meherpur

These inspection of different courts across the country are important for maintaining the independence and integrity of the judiciary, as well as for fostering transparency and accountability in our legal system. The High Court Division of the Supreme Court of Bangladesh through the inspection to assess the state of the judiciary, identify challenges, and provide guidance to improve the administration of justice in Bangladesh.

Landmark Decisions of the Supreme Court of Bangladesh in the Year of 2022

1. Bangladesh and ors Vs. Radiant Pharmaceuticals Ltd, 16 SCOB (AD) 1 [Constitution of Bangladesh, article 128 and Income Tax Ordinance, 1984 section 120 and 163 (3)]

Whether audit report has any bearing upon the subjective opinion of assessing officer.

The Audit Department has been invested with the authority to inspect the accounts of Revenue Department. The Comptroller and Auditor General is authorized to direct any of his officers to conduct audit of tax receipts or refunds under section 163 (3)(g) of the Income Tax Ordinance. The High Court Division has opined that the CAG has got no jurisdiction to check the merit or demerit of subjective opinions of the assessing officers with regard to allowing or disallowing a particular claim of the concerned assessee. This view of the High Court Division is erroneous inasmuch as if the audit report does not have any bearing in the subjective opinion of the assessing officer, the very purpose of auditing pursuant to article 128 of the constitution is to be frustrated. If no action can be taken against any irregularities detected through auditing of accounts, auditing itself becomes unnecessary. In the instant case, for example, concerned DCT has allowed financial expenses of an amount of Tk. 575,49,249/- as demanded by the assessee which was not supported by annual report etc. and the audit report has detected this irregularity. If this irregularity as detected by the audit report does not trigger any proceeding under section 120 of the Income Tax Ordinance, 1984, the power conferred to the CAG under section 163(3)(g) of the same Ordinance becomes fruitless.

2. Bangladesh and another Vs. Sayed Mahabubul Karim, 16 SCOB (AD) 46 [Rule 34, 1st Part of the Bangladesh Service Rules]

It is unambiguous from the phraseology of the rule 34 of the BSR that when continuous absence from work exceeds five years, be the absence with or without leave; the service of a Government servant will come to an end. Yet, the Government and only the Government may make a diverse conclusion upon taking into consideration any special state of affairs. Consequently, this mechanical ceasing of the service is subject to the ability of the Government to take a different decision in the light of out of the ordinary situation.

3. Abdur Rashid being dead his heirs Md Hossain & ors. Vs. Nurul Amin & ors, 16 SCOB (AD) 77 [Section 96 of the State Acquisition and Tenancy Act, 1950, Section 115 of the Evidence Act, 1872]

We have no hesitation to hold that even after subsequent transfer by the stranger pre-emptee to another cosharer of the holding, the pre-emptory right of a co-sharer pre-emptor will not be defeated as because the subsequent transfer is subject to the right available against the original transfer and the subsequent transferee would be impleaded as party in the pre-emption proceeding and he would be entitled to get the consideration and compensation money as deposited by the pre-emptor.

4. Commissioner, Customs, Excise and VAT Com. & ors. Vs. Perfect Tobacco Co. Ltd, 16 SCOB (AD) 84 [Section 42(1) (Ka), 42(2) (Ka) of the VAT Act read with article 102 of the Constitution]

Any person aggrieved by the decision or order passed by the Commissioner, Additional Commissioner or any VAT Official lower in the rank of the Commissioner or Additional Commissioner can prefer appeal to the forum prescribed in the section. In the instant case the writ-petitioner impugned adjudication order dated 15.08.2007 passed by the writ-respondent no.2 Assistant Commissioner, Customs, Excise and VAT Division, Kushtia which is an appealable order under section 42(1)(Ka) of the VAT Act and section 42(2)(Ka) mandates that 10% of the demanded VAT is to be deposited at the time of filing of the appeal. When there is a statutory provision to avail the forum of appeal against an adjudication order passed by the concern VAT Official then the judicial review under Article 102(2) of the constitution bypassing the appellate forum created under the law is not maintainable.

5. Minaz Ahmed and another Vs. Arif Motahar and others, 16 SCOB (AD) 89 [Money Laundering Protirodh Ain, 2012; Anti-Corruption Commission Act, 2004; Money Laundering Protirodh Bidhimala, 2019; Section 497, 498 of the Code of Criminal Procedure, 1898]

Jurisdiction of Special Judge in cases initiated by any agency other than the Anti-corruption Commission under the Money Laundering Protirodh Ain:

The Special Judge appointed under the provision of Act of 1958 has no jurisdiction to deal with a case initiated under Money Laundering Protirodh Ain by any other investigation agency other than the case initiated by the Commission before taking cognizance. Jurisdiction of the Magistrate in cases initiated by any agency other than the Anti-corruption Commission under the Money Laundering Protirodh Ain.

Thus, before submitting report as per provision of section 173 of the Code of Criminal Procedure and taking cognizance of the offence by a Special Judge appointed under the Act of 1958 i.e. at the pre-trial stage an accused has every right to move all kinds of applications including the application for bail before the Magistrate concerned where the case is pending and record lies. And as per provision of section 497 of the Code of Criminal Procedure the Magistrate concerned has got the jurisdiction to deal with the matter in accordance with law. Section 497 and 498 of the Code of Criminal Procedure: In the absence of any express or implied prohibition in any other special Law or Rule, the Magistrate concerned may entertain, deal with and dispose of any application for bail of an accused under section 497 of the Code of Criminal Procedure. In case of rejection of his application for bail he may move before the Court of Sessions by filing a Criminal Miscellaneous Case under section 498 and thereafter in case of failure before the Court of Sessions, he can move under section 498 of the aforesaid Code for bail before the High Court Division.

6. DG, Health Directorate & ors Vs. Dr. Md. Tajul Islam & ors, 16 SCOB (AD) 100 [Legitimate Expectation; Recruitment; Government policy; vested right]

Mere participation in the written and viva voce examination, ipso facto, does not create any vested right in favour of the writ petitioners respondents to be appointed. The writ petitioners-respondents did not have acquired any legal right to be appointed in HPSP project and now they cannot claim to be appointed in new project i.e. Alternative Medical Care (AMC) Operational Plan (OP) as of right without participating in recruitment process. The writ petitioners-respondents participated in the examination for appointment under HPSP project in the year 2003 and having regard to the fact that the said appointment process was postponed and cancelled and on the plea of their participation in the earlier written and viva examination, no legal and vested right has been created in favour of the writ petitioners-respondents to be appointed to the posts as allegedly vacant in the new project. Mere participation in the written and viva voce examination, ipso facto, does not create any vested right in favour of the writ petitioners-respondents to be appointed automatically in the newly created posts in subsequent project.

7. Eriko Nakano Vs. Bangladesh and others, 16 SCOB (AD) 107 [Custody of minor children; Article 7, 12, 20 and 21 of the Convention on the Rights of Child; Guardians and Wards Act, 1890; best interest of the child; enforceability of provisions of international instruments]

The Court must look for the best interests of the minors: The Court must look for the best interests of the minors and the petitioner in the present case being the mother of these two minor daughters left each and every effort for their best interest. It was decided in the case Abu Bakar Siddique vs SMA Bakar reported in 38 DLR(AD)106 that “welfare of the child would be best served if his custody is given to a person who is entitled to such custody.” It is the Family Court who has the jurisdiction to settle the question of custody of a minor: Considering the aforesaid facts and circumstances we are of the view that removal of the detainees from the custody of their mother petitioner is without lawful authority and they are being held in the custody of respondent No.5 in an unlawful manner and the High Court Division passed the judgment beyond the scope of law which required to be interfered. In this case only Family Court has the jurisdiction to settle the question of custody of a minor. The Family Court will look into the cases referred by the parties and come to a finding in whose custody the welfare of the detainees will be better protected.

8. Secretary, Posts and Tele-communications Division, Ministry of posts & another –Vs- Shudangshu Shekhar Bhadra & others, 74 DLR (AD) 222 [Article 111 of the Constitution of Bangladesh, 1972]

Binding effect of Supreme Court Judgment- If any judgment pronounced by the Appellate Division, the High Court Division is not competent to say the judgment is per incuriam. Primarily the High Court Division must follow the judgment in toto, however, in such a situation the High Court Division may draw attention of the Honourable Chief Justice regarding the matter. Even if any judgment pronounced by the High Court Division, the subordinate Courts have no jurisdiction to raise any question regarding the legality of the judgment on the point of per incuriam.

.....(Para 23)

Per incuriam- A decision can be said generally to be given per incuriam when the Court had acted in ignorance of a previous decision of its own or when the High Court Division had acted in ignorance of a decision of the Appellate Division. Nothing could be shown that the Appellate Division in deciding the said case had overlooked any of its earlier decision on the point. So, it was not open to the High Court Division to describe it as one given “per incuriam”. Even if it were so, it could not have been ignored by the High Court Division in view of Article 111 of the Constitution which embodies, as a rule of law, the doctrine of precedent.

.....(Para 20)

9. State –Vs- Badal Kumar Paul, 74 DLR (AD) 199 [Section 19(1) of the Narcotics Control Act, 1990]

Since the existence of codeine phosphate makes phensedyl a narcotic combination, the possession of or carrying of phensedyl is thus a punishable offence under section 19(1) Serial 3 of the Act.

10. Gaisuddin Bhuiyan & others –Vs- Secretary, Security Services Division, Ministry of Home Affairs, Bangladesh Secretariat, Dhaka, 74 DLR (AD) 231 [Article 102 (2) of the Constitution of Bangladesh, 1972]

It is settled that though the appointing authority has right to amend/alter the Service Rules to suit the need of time but not to the detriment to the rights or privileges that existed at the relevant time when an employee of such appointing authority entered into it's service.

.....(Para 19)

11. Secretary, Bangladesh Bar Council, Dhaka –Vs- Maksuda Parvin & others, 74 DLR (AD) 207 [Articles 102 and 103 of the Constitution of Bangladesh, 1972]

It is a test case by the Prime University to cover their wrong done and legalize other more than 1,300 law students who completed LL.B (pass) course from the University in violation of the undertaking by the university. This cannot be allowed.

.....(Para 16)

12. Dr. Zubaida Rahman, wife of Tarique Rahman vs State & another, 74 DLR (AD) 185 [Part VI & Article 7 of the Constitution of Bangladesh, 1972, Section 561A of the Code of Criminal Procedure, 1898]

The judiciary must stand tall and unbend at all circumstances, even in adverse situation. The judiciary should not create a precedent which cannot be applicable for all. Each and all of the citizens are entitled to get equal treatment from the Court of justice. There is no high or low before the Court of law.

.....(Para 23)

Before issuance of the Rule it was incumbent upon the High Court Division to look into the matter that the proceedings which is challenged is not initiated yet because no cognizance of offence has been taken by the appropriate Court against the petitioner and even the charge-sheet was not produced before the concerned Court.

.....(Para 19)

13. Rajdhani Unnayan Kartipakkha (RAJUK) & another –Vs- Dr. Fofail Hoque & another, 27 BLC (AD) 91 [Article 102(2)(a)(i) of the Constitution of Bangladesh, 1972]

Writ of mandamus- When the legal and vested right has not been created in favour of a person, the question of legitimate expectation of such person cannot be raised and no mandamus can be issued.

RAJUK cancelled the plot of the writ-petitioner on the ground of irregularities and illegalities as found in the allotment process. The RAJUK did not enter into any agreement with him as well as did not receive any installment money in connection with the alleged allotted plot and, as such, no legal and vested right has been created in favour of the writ-petitioner.

..... (Para 20, 21)

14. Government of the People's Republic of Bangladesh, represented by the Secretary, Ministry of Finance, Internal Resources Division & others –Vs- Moazzam Hossain, Proprietor of M/s. Abdullah Traders, 27 BLC (AD) 105 [Section 83A(2) of Customs Act (IV of 1969)]

Section 83A(2) of the Act provides that if the demand has the effect of imposing a fresh liability or enhancing an existing liability, a demand notice in writing shall be given by the officer of customs to the person liable for the payment of additional duty and section 83A(3) mandates that unless otherwise specified in the Act, the due date for payment against the demand notice shall be 30 (thirty) working days from the date of issuance of such a demand notice by the officer of customs.

.....(Para 19)

15. Chairman, Court of Settlement & another –Vs- Moulavi Syed Karim 27 BLC (AD) 122 [Article 103 of the Constitution of Bangladesh, 1972]

The issue is being raised, for the first time, at the time of hearing of the case before us which, according to us, cannot be permitted to be raised for the first time for the simple reason that the issue that is being urged now is not only a question of law but is a mixed question of law and facts. The facts were required to be urged evidentially before the courts below. Unless such a factual foundation is available it is not possible to decide such a mixed question of law and facts. Therefore, such a mixed question of law and facts should not be allowed to be raised at the time of final hearing of appeal before this Division.

..... (Para 16)

16. Government of Bangladesh represented by the Secretary, Ministry of Finance & others –Vs- Ocean Containers Limited represented by its Managing Director, 27 BLC (AD) 142 [Section 46(2)(f) of Income Tax Ordinance (xxxvi of 1984)]

‘Container terminal’ in question was not within the purview of physical infrastructure facility when the petitioner company filed application seeking tax exemption and the NBR justly and legally rejected the application for exemption and also correctly rejected the review application seeking review of earlier order since there left no scope to review of that application by the NBR.

.....(Para 19)

It is cardinal principle of construction that every statute is prima facie prospective unless it is expressly or necessary implication made to have a retrospective operation.

..... (Para 17)

17 Mohammad Ali @ Sakil –Vs- State, 27 BLC (AD) 184 [Sections 35A, 374 and 376 of the Code of Criminal Procedure (v of 1898)]

Justice would be made if the sentence of death is commuted into imprisonment for life as the appellant is in pang of death since pronouncement of the trial Court and subsequent affirmation by the High Court Division and, as such, the sentence of death is commuted into imprisonment for life. The appellant will get the benefit of section 35A of the Code in calculation of his sentence.

18. Anti-Corruption Commission, represented by its Chairman –Vs- Dr. Khandaker Mosharraf Hossain & another, 74 DLR (AD) 141 [Section 540 of the Code of Criminal Procedure, 1898]

Section 540 of the Code can apply only to examine or recall and re-examine any such person if his evidence appears to be essential to the just decision of the case.

.....(Para 21)

Selected Circulars issued by the Supreme Court of Bangladesh in 2022

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বিজ্ঞপ্তি নং-০২/২০২২

জে,

তারিখ: ০৮ মাঘ, ১৪২৮ বঙ্গাব্দ
২২ জানুয়ারি, ২০২২ খ্রিস্টাব্দ

বিষয়: দেশের সকল অধস্তন দেওয়ানী ও ফৌজদারী আদালত এবং ট্রাইব্যুনালে শারীরিক ও ভার্চুয়াল উপস্থিতিতে বিচার কার্যক্রম পরিচালনা প্রসঙ্গে।

উপর্যুক্ত বিষয়ে নির্দেশিত হয়ে জানানো যাচ্ছে যে, করোনা সংক্রমণজনিত উদ্ভূত পরিস্থিতিতে দেশের সকল অধস্তন দেওয়ানী ও ফৌজদারী আদালত এবং ট্রাইব্যুনালের বিচারক দেওয়ানী ও ফৌজদারী মোকদ্দমা/মামলায় প্রযোজ্য ক্ষেত্রে শারীরিক উপস্থিতিতে অথবা “আদালত কর্তৃক তথ্য-প্রযুক্তি ব্যবহার আইন, ২০২০” এবং এই কোর্ট কর্তৃক জারীকৃত এতদসংক্রান্ত বিজ্ঞপ্তি অনুসরণপূর্বক তথ্য-প্রযুক্তি ব্যবহার করে ভার্চুয়াল উপস্থিতির মাধ্যমে সকল প্রকার বিচার কার্যক্রম পরিচালনা করবেন।

- ০২। প্রয়োজনীয় সুরক্ষামূলক ব্যবস্থা গ্রহণপূর্বক শারীরিক উপস্থিতিতে অধস্তন দেওয়ানী ও ফৌজদারী আদালত এবং ট্রাইব্যুনালসমূহে সকল প্রকার মামলা দায়ের করা যাবে। বিচারক শারীরিক উপস্থিতিতে সাক্ষ্যগ্রহণ কার্যক্রম সম্পন্ন করবেন। ফৌজদারী মামলায় অভিযুক্ত ব্যক্তি/ব্যক্তিগণ অধস্তন ফৌজদারী আদালত এবং ট্রাইব্যুনালসমূহে শারীরিক উপস্থিতিতে আত্মসমর্পণ আবেদন দাখিল করতে পারবেন।
- ০৩। স্বাস্থ্যবিধি প্রতিপালনপূর্বক সামাজিক ও শারীরিক দূরত্ব বজায় নিশ্চিতকরণ এবং সুরক্ষামূলক ব্যবস্থা গ্রহণের নিমিত্ত জেলা ও দায়রা জজ/মহানগর দায়রা জজ এবং চীফ জুডিসিয়াল ম্যাজিস্ট্রেট/চীফ মেট্রোপলিটন ম্যাজিস্ট্রেট সংশ্লিষ্ট জেলা আইনজীবী সমিতির সভাপতি ও সাধারণ সম্পাদকের সঙ্গে আলোচনাক্রমে প্রয়োজনীয় পদক্ষেপ গ্রহণ করবেন।
- ০৪। ভার্চুয়াল পদ্ধতিতে বিচার কার্যক্রম পরিচালনার ক্ষেত্রে গাউন পরিধানের বাধ্যবাধকতা নেই।
- ০৫। এই আদেশ প্রতিপালনে কোনরূপ সমস্যা দেখা দিলে প্রয়োজনে বাংলাদেশ সুপ্রীম কোর্টের নির্দেশনা চাওয়া যাবে।
- ০৬। এই আদেশ অবিলম্বে কার্যকর হবে এবং পরবর্তী নির্দেশ না দেয়া পর্যন্ত বলবৎ থাকবে।

বাংলাদেশের প্রধান বিচারপতির আদেশক্রমে

স্বাক্ষরিত

(মোঃ আলী আকবর)

রেজিস্ট্রার জেনারেল

বাংলাদেশ সুপ্রীম কোর্ট

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বিজ্ঞপ্তি নং-০৫/২০২২

জে,

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২৭ জানুয়ারি ২০২২ খ্রিস্টাব্দ

বিষয়: The Supreme Court of Bangladesh (High Court Division Rules), 1973 অনুযায়ী Monitoring Committee for Subordinate Courts গঠন সংক্রান্ত।

উপর্যুক্ত বিষয়ে নির্দেশিত হয়ে জানানো যাচ্ছে যে, বাংলাদেশের মাননীয় প্রধান বিচারপতি মহোদয় দেশের ৮টি বিভাগের প্রত্যেক বিভাগের জন্য হাইকোর্ট বিভাগের একজন মাননীয় বিচারপতি মহোদয়কে মনোনয়ন প্রদান করতঃ নিম্নোক্তভাবে বর্ণিত পৃথক পৃথক ৮ (আট) টি Monitoring Committee for Subordinate Courts গঠন করেছেন:

ক্রমিক নং	মাননীয় বিচারপতি মহোদয়ের নাম	দায়িত্বপ্রাপ্ত বিভাগের নাম
১.	মাননীয় বিচারপতি জনাব মোস্তফা জামান ইসলাম	ঢাকা বিভাগ
২.	মাননীয় বিচারপতি জনাব মোঃ জাহাঙ্গীর হোসেন	খুলনা বিভাগ
৩.	মাননীয় বিচারপতি জনাব জাফর আহমেদ	বরিশাল বিভাগ
৪.	মাননীয় বিচারপতি জনাব মোঃ কামরুল হোসেন মোল্লা	চট্টগ্রাম বিভাগ
৫.	মাননীয় বিচারপতি জনাব এস এম কুদ্দুস জামান	সিলেট বিভাগ
৬.	মাননীয় বিচারপতি জনাব শাহেদ নূরউদ্দিন	রংপুর বিভাগ
৭.	মাননীয় বিচারপতি জনাব মোঃ জাকির হোসেন	ময়মনসিংহ বিভাগ
৮.	মাননীয় বিচারপতি জনাব মোঃ আখতারুজ্জামান	রাজশাহী বিভাগ

বর্ণিত প্রত্যেক Monitoring Committee for Subordinate Courts এর মাননীয় বিচারপতি মহোদয়কে সাচিবিক সহায়তা প্রদানের নিমিত্ত বাংলাদেশ সুপ্রীম কোর্টে কর্মরত নিম্নবর্ণিত বিচার বিভাগীয় কর্মকর্তাগণকে দায়িত্ব প্রদান করা হয়েছে:

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ক্রমিক নং	কর্মকর্তার নাম ও পদবি	বিভাগের নাম	ই-মেইল
৬	জনাব জীবরুল হাসান রেজিস্ট্রার জেনারেল-এর একান্ত সচিব	রংপুর বিভাগ	scmerandiv@gmail.com
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৮.	জনাব মোঃ ওমর হায়দার সহকারী রেজিস্ট্রার	রাজশাহী বিভাগ	semrajdiv@gmail.com

এমতাবস্থায়, Monitoring Committee for Subordinate Courts গঠনের বিষয়টি সংশ্লিষ্ট সকলের অবগতির জন্য প্রেরণ করা হলো।

স্বাক্ষরিত

(মোঃ গোলাম রব্বানী)

রেজিস্ট্রার, হাইকোর্ট বিভাগ

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তারিখ: ২১ ফাল্গুন ১৪২৮ বঙ্গাব্দ
০৬ মার্চ ২০২২ খ্রিস্টাব্দ

বিষয়: দ্রুত মামলা নিষ্পত্তির লক্ষ্যে সরকার কর্তৃক ঘোষিত বিশেষ জেলা জজ আদালত (Court of Special District Judge) এবং বিশেষ দায়রা আদালত (Special Court of Session)-গুলোতে পর্যাপ্ত সংখ্যক মামলা প্রেরণ প্রসঙ্গে।

উপর্যুক্ত বিষয়ে নির্দেশিত হয়ে জানানো যাচ্ছে যে, ‘বিশেষ আদালত (অতিরিক্ত দায়িত্ব) আইন, ২০০৩’ এর ৪ ধারায় প্রদত্ত ক্ষমতাবলে সরকার নারী ও শিশু নির্যাতন দমন ট্রাইব্যুনাল, জননিরাপত্তা বিঘ্নকারী অপরাধ দমন ট্রাইব্যুনাল, পরিবেশ আপীল আদালত এবং স্পেশাল জজ আদালতসমূহকে দেওয়ানী মামলা বিচারের নিমিত্ত বিশেষ জেলা জজ আদালত (Court of Special District Judge) হিসাবে এবং ফৌজদারী মামলা বিচারের নিমিত্ত বিশেষ দায়রা আদালত (Special Court of Session) হিসাবে ঘোষণা করে প্রজ্ঞাপন জারী করেছিল। পরর্তীতে ‘বিশেষ আদালত (অতিরিক্ত দায়িত্ব) আইন, ২০০৩’ (২০০৩ সালের ৩৫নং আইন) এর ধারা ৪(খ) এ প্রদত্ত ক্ষমতাবলে সরকার ঢাকায় অবস্থিত দ্রুত বিচার ট্রাইব্যুনাল নং ১, ২, ৩ ও ৪ কে The Code of Criminal Procedure, 1898 (Act V of 1898) এর উদ্দেশ্য পূরণকল্পে বিশেষ দায়রা আদালত (Court of Session) হিসাবে ঘোষণা করে এবং উক্ত আদালতসমূহ বিশেষ দায়রা আদালত (Special Court of Session) হিসাবে অভিহিত হবে মর্মে প্রজ্ঞাপন জারী করেছিল।

০২। সম্প্রতি লক্ষ্য করা যাচ্ছে যে, কোন কোন জেলার জেলা ও দায়রা জজ/মহানগর দায়রা জজগণ ‘বিশেষ আদালত (অতিরিক্ত দায়িত্ব) আইন, ২০০৩’ এর ৪ ধারায় প্রদত্ত ক্ষমতাবলে ঘোষিত বিশেষ জেলা জজ আদালত (Court of Special District Judge) এবং বিশেষ দায়রা আদালত (Special Court of Session)-এ পর্যাপ্ত সংখ্যক মামলা প্রেরণ করছেন না। ফলে বর্ণিত আইনের ক্ষমতাবলে ঘোষিত বিশেষ জেলা জজ আদালত (Court of Special District Judge) এবং বিশেষ দায়রা আদালত (Special Court of Session)-গুলোর মধ্যে অনেক আদালতে বিচারের জন্য পর্যাপ্ত সংখ্যক মামলা না থাকায় উক্ত আদালতসমূহের বিচারকগণ পর্যাপ্ত সংখ্যক মামলা নিষ্পত্তি করতে পারছেন না। এতে দ্রুত মামলা নিষ্পত্তির লক্ষ্যে প্রণীত উল্লিখিত আইনটির উদ্দেশ্য ব্যাহত হচ্ছে।

০৩। এমতাবস্থায়, দ্রুত মামলা নিষ্পত্তি ও মামলা জট নিরসনের লক্ষ্যে ‘বিশেষ আদালত (অতিরিক্ত দায়িত্ব) আইন, ২০০৩’ (২০০৩ সনের ৩৫নং আইন)-এর বিধানাবলী আবশ্যিকভাবে পালন করতঃ সরকার কর্তৃক ঘোষিত বিশেষ জেলা জজ আদালত (Court of Special District Judge) এবং বিশেষ দায়রা আদালত (Special Court of Session)-গুলোতে পর্যাপ্ত সংখ্যক মামলা জরুরী ভিত্তিতে প্রেরণ করার জন্য দেশের সকল জেলার জেলা ও দায়রা জজ/মহানগর দায়রা জজগণ-কে নির্দেশ প্রদান করা হলো।

বাংলাদেশের প্রধান বিচারপতির আদেশক্রমে

স্বাক্ষরিত

(মোঃ বজলুর রহমান)

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জে,

তারিখ: ২১ ফাল্গুন ১৪২৮ বঙ্গাব্দ
০৬ মার্চ ২০২২ খ্রিস্টাব্দ

বিষয়: অধস্তন দেওয়ানী ও ফৌজদারী আদালত এবং ট্রাইব্যুনালসমূহে শুধুমাত্র শারীরিক উপস্থিতিতে স্বাভাবিক বিচার কার্যক্রম পরিচালনাকরণ প্রসঙ্গে।

উপর্যুক্ত বিষয়ে নির্দেশিত হয়ে জানানো যাচ্ছে যে, বাংলাদেশের মাননীয় প্রধান বিচারপতি বাংলাদেশ সুপ্রীম কোর্টের জ্যেষ্ঠ বিচারপতিগণের সাথে আলোচনাক্রমে এই মর্মে সিদ্ধান্ত গ্রহণ করেন যে, অধস্তন দেওয়ানী ও ফৌজদারী আদালত এবং ট্রাইব্যুনালসমূহে আগামী ০৭.০৩.২০২২ খ্রি. তারিখ, রোজ সোমবার হতে শুধুমাত্র শারীরিক উপস্থিতিতে স্বাভাবিক কার্যক্রম পরিচালিত হবে।

০২। অধস্তন দেওয়ানী ও ফৌজদারী আদালত এবং ট্রাইব্যুনালসমূহে স্বাভাবিক কার্যক্রম পরিচালনার ক্ষেত্রে সকলকে বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিভাগের ৩০.০৭.২০২০ তারিখের ১৩ জে, নং বিজ্ঞপ্তিতে বর্ণিত আদালত প্রাপ্ত এবং এজলাস কক্ষে সুরক্ষামূলক ব্যবস্থা গ্রহণ সংক্রান্ত নির্দেশনা প্রতিপালনের জন্য নির্দেশ প্রদান করা হলো।

বাংলাদেশের প্রধান বিচারপতির আদেশক্রমে

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১৪ মার্চ ২০২২ খ্রিস্টাব্দ

বিষয়: Monitoring Committee for Subordinate Courts এর সিদ্ধান্ত অনুযায়ী বিচারাধীন মামলার আধিক্য হ্রাস ও মামলা নিষ্পত্তিতে দীর্ঘসূত্রতা পরিহারের লক্ষ্যে অধস্তন আদালতসমূহের জন্য কতিপয় নির্দেশনা প্রদান প্রসঙ্গে।

উপর্যুক্ত বিষয়ে নির্দেশিত হয়ে জানানো যাচ্ছে যে, গণপ্রজাতন্ত্রী বাংলাদেশের সংবিধানের ১০৯ অনুচ্ছেদ অনুযায়ী দেশের সকল অধস্তন আদালত এর তত্ত্বাবধান ও নিয়ন্ত্রণ বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিভাগের ওপর ন্যস্ত রয়েছে। উক্ত সাংবিধানিক নির্দেশনার আলোকে বাংলাদেশের মাননীয় প্রধান বিচারপতি মহোদয় The Supreme Court of Bangladesh (High Court Division) Rules, 1973 এর Chapter-IA, Rule - 7C অনুযায়ী অত্র কোর্টের গত ২৭.০১.২০২২ তারিখের ০৫/২০২২ নং বিজ্ঞপ্তিমূলে দেশের ৮টি বিভাগের প্রত্যেক বিভাগের জন্য হাইকোর্ট বিভাগের একজন মাননীয় বিচারপতি মহোদয়কে মনোনয়ন প্রদান করতঃ পৃথক ৮(আট) টি Monitoring Committee for Subordinate Courts গঠন করেছেন। পরবর্তীতে বাংলাদেশের মাননীয় প্রধান বিচারপতি মহোদয়ের সভাপতিত্বে বর্ণিত ৮ টি বিভাগের দায়িত্বপ্রাপ্ত হাইকোর্ট বিভাগের মাননীয় বিচারপতি মহোদয়গণের সাথে বিগত ০১ মার্চ, ২০২২ খ্রিস্টাব্দ তারিখে একটি বিশেষ সভা অনুষ্ঠিত হয়। উক্ত সভায় অধস্তন আদালতসমূহে বিচারাধীন মামলার আধিক্য হ্রাস ও মামলা নিষ্পত্তিতে দীর্ঘসূত্রতা পরিহার তথা দ্রুত বিচার নিশ্চিতকরণের লক্ষ্যে সংশ্লিষ্ট সকলকে নিম্নবর্ণিত নির্দেশনাসমূহ প্রদান করা হয়:

- (১) সকল অধস্তন আদালত/ট্রাইব্যুনালে কর্মরত বিচারকগণকে নির্দিষ্ট সময়ে এজলাসে উঠা, নির্দিষ্ট সময়ের পূর্বে এজলাস ত্যাগ না করা এবং এজলাস সময়ের সর্বোচ্চ ব্যবহার নিশ্চিত করার জন্য সচেতন থাকতে হবে;
- (২) পারিবারিক মোকদ্দমাসমূহ দ্রুত ও সুষ্ঠুভাবে নিষ্পত্তির স্বার্থে জেলার সকল সহকারী জজ/সিনিয়র সহকারী জজ আদালতে বিচারাধীন পারিবারিক মোকদ্দমার সংখ্যা ৩০০ বা তদুর্ধ্ব হলে এবং উক্ত জেলায় অতিরিক্ত সহকারী জজ কর্মরত থাকলে উক্ত অতিরিক্ত সহকারী জজ আদালতে সকল আদালতের বিচারাধীন পারিবারিক মোকদ্দমা বদলী করতঃ উক্ত অতিরিক্ত সহকারী জজ আদালতকে কেবলমাত্র পারিবারিক আদালত রূপে কার্যকর করার জন্য সংশ্লিষ্ট জেলা জজ প্রয়োজনীয় ব্যবস্থা গ্রহণ করবেন। তবে শর্ত থাকে যে, কোন জেলায় সহকারী জজ অতিরিক্ত আদালত না থাকলে ঐ জেলার সহকারী জজ আদালতসমূহের মধ্যে যে আদালতে মোকদ্দমার সংখ্যা তুলনামূলকভাবে কম অনুরূপ আদালতে অন্যান্য আদালতের পারিবারিক মোকদ্দমাসমূহ স্থানান্তর করার জন্য সংশ্লিষ্ট জেলা জজ প্রয়োজনীয় ব্যবস্থা গ্রহণ করবেন। এছাড়া, জেলায় কর্মরত লিগ্যাল এইড অফিসার উক্ত পারিবারিক আদালত কর্তৃক প্রেরিত বিচারাধীন মোকদ্দমাসমূহ মধ্যস্থতার মাধ্যমে নিষ্পত্তির জন্য নিবিড়ভাবে কার্যক্রম পরিচালনা করবেন;
- (৩) সারাদেশে বিভিন্ন দেওয়ানী আদালতে ডিক্রিজারি মোকদ্দমাসমূহ নিষ্পত্তিতে দীর্ঘ সময় অতিবাহিত হচ্ছে। এমতাবস্থায়, দেওয়ানী আদালতসমূহের বিচারকগণ যথাযথ আইনী প্রক্রিয়া অনুসরণ করে যতদ্রুত সম্ভব ডিক্রিজারি মোকদ্দমাসমূহ নিষ্পত্তি করবেন;
- (৪) সারাদেশে বিভিন্ন দেওয়ানী আদালতে একতরফা মোকদ্দমাসমূহ নিষ্পত্তির জন্য দীর্ঘদিন ধরে বিচারাধীন রয়েছে, উক্ত মোকদ্দমাসমূহে যথাযথভাবে সমন জারিসহ অন্যান্য আইনগত প্রক্রিয়া সম্পন্ন হলে দ্রুত নিষ্পত্তির জন্য পদক্ষেপ গ্রহণ করবেন;
- (৫) ১০ বছরের অধিক পুরাতন দেওয়ানী ও ফৌজদারী মোকদ্দমা/মামলাসমূহ, আপীল ও রিভিশনসমূহ অগ্রাধিকার ভিত্তিতে দ্রুত নিষ্পত্তি করবেন;

(৬) দায়রা জজ/ মহানগর দায়রা জজ এর বিচারিক আদালতের মামলাসমূহ দ্রুত ও সুষ্ঠুভাবে নিষ্পত্তির স্বার্থে কোন দায়রা জজ/ মহানগর দায়রা জজ আদালতে দৈনিক ৪০ এর অধিক সংখ্যক জামিন সংক্রান্ত ফৌজদারী বিবিধ মামলা দায়ের করা হলে উক্ত ৪০ এর অধিক সংখ্যক ফৌজদারী বিবিধ মামলাসমূহ নিষ্পত্তির জন্য অতিরিক্ত দায়রা আদালত/ অতিরিক্ত মহানগর দায়রা আদালতে বদলি করবেন;

(৭) দেশের সকল জেলা জজ/ দায়রা জজ বিদ্যমান আইন ও বিধি বিধান সাপেক্ষে তাঁর প্রশাসনিক এখতিয়ারাধীন সকল আদালত/ ট্রাইব্যুনালে মামলা, আপীল বা অন্য যে কোন আইনগত কার্যধারা বদলি (transfer) করে সকল আদালত/ ট্রাইব্যুনালে বিচারাধীন মামলার সংখ্যা যুক্তিসম্মত (rationalise) করবেন।

০২। এমতাবস্থায়, বর্ণিত নির্দেশনাসমূহ আবশ্যিকভাবে প্রতিপালন করার জন্য সংশ্লিষ্ট সকলকে নির্দেশ প্রদান করা হলো।

০৩। এ সার্কুলার ইতোপূর্বে অত্র কোর্ট হতে জারীকৃত সার্কুলারসমূহের পরিপূরক হিসেবে গণ্য হবে। তবে পূর্বে জারীকৃত সার্কুলারের কোনো বিষয়ের সাথে এ সার্কুলারের কোনো নির্দেশনাবলী অসামঞ্জস্যপূর্ণ হলে এ সার্কুলারের বিধানাবলী প্রযোজ্য হবে।

বাংলাদেশের প্রধান বিচারপতির আদেশক্রমে

স্বাক্ষরিত

(মোঃ বজলুর রহমান)

রেজিস্ট্রার জেনারেল

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তারিখ: ২৬ শ্রাবণ ১৪২৯ বঙ্গাব্দ
১০ আগস্ট ২০২২ খ্রিস্টাব্দ

বিষয়: ‘প্রধান বিচারপতি পদক নীতিমালা, ২০২২’ প্রণয়ন এবং প্রধান বিচারপতি পদকের জন্য আবেদন প্রেরণ প্রসঙ্গে।

উপর্যুক্ত বিষয়ে নির্দেশিত হয়ে জানানো যাচ্ছে যে, বাংলাদেশের বিচার বিভাগে কর্মরত বিচার বিভাগীয় কর্মকর্তাগণের ও বিচার প্রতিষ্ঠানসমূহের বিচারিক ও প্রশাসনিক কার্যক্রমে প্রণোদনা ও উৎসাহ প্রদানের মাধ্যমে ন্যায়বিচার নিশ্চিতকল্পে এবং বিচারিক সেবার উৎকর্ষ অর্জন, কর্মস্পৃহা বৃদ্ধি, শুদ্ধাচার, সক্ষমতা, দক্ষতার উন্নয়ন ও বিকাশে এবং বিদ্যমান মামলা জট নিরসনকল্পে মামলা-মোকদ্দমার নিষ্পত্তিতে অধিকতর গতিশীলতা আনয়নের লক্ষ্যে বাংলাদেশ সুপ্রীম কোর্ট প্রতি বছর ‘প্রধান বিচারপতি পদক’ প্রদানের সিদ্ধান্ত গ্রহণ করেছে। সে লক্ষ্যে মাননীয় প্রধান বিচারপতি মহোদয় ‘প্রধান বিচারপতি পদক নীতিমালা, ২০২২’-এর সদয় অনুমোদন প্রদান করেছেন।

০২। এমতাবস্থায়, ‘প্রধান বিচারপতি পদক নীতিমালা, ২০২২’ এবং প্রধান বিচারপতি পদকের আবেদন ফরম সংশ্লিষ্ট সকলের অবগতি ও প্রয়োজনীয় ব্যবস্থা গ্রহণের জন্য প্রেরণ করা হলো।

০৩। নীতিমালার বিধান ৯ (গ) অনুসারে জেলা ও মহানগর বাছাই কমিটি গঠন সম্পর্কিত বিজ্ঞপ্তি ও কমিটির সদস্যদের নাম ও পদবীসহ তালিকা সরাসরি অথবা ডাকযোগে “রেজিস্ট্রার জেনারেল, বাংলাদেশ সুপ্রীম কোর্ট (দৃষ্টি আকর্ষণ: সাচিবিক সহায়তা প্রদানকারী কর্মকর্তা, প্রধান বিচারপতি পদক নীতিমালা প্রণয়ন ও বাছাই সংক্রান্ত জাজেস কমিটি)” বরাবরে এবং উক্ত বিজ্ঞপ্তির সফট কপি chiefjusticeaward@gmail.com এই ই-মেইল অ্যাড্রেসে প্রেরণ করতে হবে। সফট কপি প্রেরণের ক্ষেত্রে ই-মেইলের সাবজেক্ট অবশ্যই “Committee<ইংরেজিতে জেলার নাম>”-এই ফরম্যাটে থাকতে হবে। প্রধান বিচারপতি পদকের আবেদন ফরম বাংলাদেশ সুপ্রীম কোর্টের ওয়েবসাইট হতে ডাউনলোড করে নিতে হবে।

সংযুক্তি: ১। ‘প্রধান বিচারপতি পদক’ নীতিমালা - ৪ ফর্দ।

২। প্রধান বিচারপতি পদকের আবেদন ফরম- ১১ ফর্দ।

স্বাক্ষরিত

(মোঃ গোলাম রব্বানী)

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তারিখ: ০৯ ভাদ্র, ১৪২৯ বঙ্গাব্দ
২৪ আগস্ট, ২০২২ খ্রিস্টাব্দ

বিষয়: Video-Conference-এর মাধ্যমে নকল স্ট্যাম্প ও কোর্ট ফি সনাক্তকরণের নিমিত্ত ICD UV LED flash light ডিভাইস ব্যবহার শীর্ষক প্রশিক্ষণ কর্মসূচি উদ্বোধন এবং দিক নির্দেশনামূলক অভিভাষণ প্রদান অনুষ্ঠান প্রসঙ্গে।

উপর্যুক্ত বিষয়ে নির্দেশিত হয়ে জানানো যাচ্ছে যে, বাংলাদেশের মাননীয় প্রধান বিচারপতি জনাব বিচারপতি হাসান ফয়েজ সিদ্দিকী মহোদয় আগামী ২৫ আগস্ট ২০২২ খ্রিস্টাব্দ রোজ বৃহস্পতিবার বিকাল ৩:০০ ঘটিকায় Video - Conference-এর মাধ্যমে নকল স্ট্যাম্প ও কোর্ট ফি সনাক্তকরণের নিমিত্ত ICD UV LED flash light ডিভাইস ব্যবহার শীর্ষক প্রশিক্ষণ কর্মসূচি উদ্বোধন করবেন এবং বিচার বিভাগে আরো গতিশীলতা আনয়নের লক্ষ্যে দেশের ৬৪ জেলার জেলা ও দায়রা জজ, নারী ও শিশু নির্যাতন দমন ট্রাইব্যুনাল/বিভাগীয় বিশেষ জজ / জন নিরাপত্তা বিঘ্নকারী অপরাধ দমন ট্রাইব্যুনাল/দ্রুত বিচার ট্রাইব্যুনাল/সাইবার ট্রাইব্যুনাল / সন্ত্রাস বিরোধী বিশেষ ট্রাইব্যুনাল/মানব পাচার অপরাধ দমন ট্রাইব্যুনাল/পরিবেশ আপীল আদালত-এর বিচারক (জেলা জজ), চীফ জুডিসিয়াল ম্যাজিস্ট্রেট এবং মহানগর এলাকার মহানগর দায়রা জজ ও চীফ মেট্রোপলিটন ম্যাজিস্ট্রেটগণের উদ্দেশ্যে দিক নির্দেশনামূলক অভিভাষণ প্রদান করবেন।

০২। এমতাবস্থায়, উক্ত প্রশিক্ষণ কর্মসূচি উদ্বোধন এবং অভিভাষণ প্রদান অনুষ্ঠানে দেশের ৬৪ জেলার জেলা ও দায়রা জজ, নারী ও শিশু নির্যাতন দমন ট্রাইব্যুনাল / বিভাগীয় বিশেষ জজ/জন নিরাপত্তা বিঘ্নকারী অপরাধ দমন ট্রাইব্যুনাল/দ্রুত বিচার ট্রাইব্যুনাল/সাইবার ট্রাইব্যুনাল / সন্ত্রাস বিরোধী বিশেষ ট্রাইব্যুনাল / মানব পাচার অপরাধ দমন ট্রাইব্যুনাল/পরিবেশ আপীল আদালত-এর বিচারক (জেলা জজ), চীফ জুডিসিয়াল ম্যাজিস্ট্রেট এবং মহানগর এলাকার মহানগর দায়রা জজ ও চীফ মেট্রোপলিটন ম্যাজিস্ট্রেটগণ-কে Video Conference-এর মাধ্যমে অংশগ্রহণ করার জন্য নির্দেশ প্রদান করা হলো।

০৩। উল্লেখ্য, উক্ত Video Conference-এর মিটিং আইডি ও পাসওয়ার্ড অত্র কোর্টের Monitoring Committee for Subordinate Courts-এর সংশ্লিষ্ট বিভাগের সাচিবিক সহায়তা প্রদানকারী কর্মকর্তাগণ সরবরাহ করবেন।

স্বাক্ষরিত

(মোঃ গোলাম রব্বানী)

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তারিখ: ২৩ ভাদ্র ১৪২১ বঙ্গাব্দ
০৭ সেপ্টেম্বর ২০২২ খ্রিস্টাব্দ

বিষয়: অধস্তন আদালত হতে প্রেরিত নথিতে সাক্ষীর সাক্ষ্য ও সংশ্লিষ্ট কাগজাদির টাইপকপি প্রেরণ প্রসঙ্গে।

উপর্যুক্ত বিষয়ে নির্দেশিত হয়ে জানানো যাচ্ছে যে, বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিভাগের বিগত ২০/০৭/২০০৩ খ্রি. তারিখের ৭৫ জি নং বিজ্ঞপ্তিমূলে অধস্তন আদালত হতে প্রেরিত নথির সাথে সাক্ষীর সাক্ষ্য (জবানবন্দি ও জেরা) ও অস্পষ্ট হাতের লেখা সম্বলিত সংশ্লিষ্ট কাগজাদির টাইপকপি সত্যায়িত করে প্রেরণ করার জন্য নির্দেশনা প্রদান করা হয়েছিল।

পরবর্তীতে, বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিভাগের বিগত ০১/১২/২০২০ খ্রি. তারিখের ২০ জে, নং বিজ্ঞপ্তিমূলে বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিভাগের বিগত ২০/০৭/২০০৩ খ্রি. তারিখের ৭৫ জি নং বিজ্ঞপ্তিমূলে অধস্তন আদালত হতে প্রেরিত নথির সাথে সাক্ষীর সাক্ষ্য (জবানবন্দি ও জেরা) ও অস্পষ্ট হাতের লেখা সম্বলিত সংশ্লিষ্ট কাগজাদির টাইপকপি সত্যায়িত করে প্রেরণের নির্দেশনা গুরুত্ব সহকারে যথাযথভাবে প্রতিপালন করার জন্য সংশ্লিষ্ট সকলকে পুনরায় নির্দেশ প্রদান করা হয়।

সম্প্রতি লক্ষ্য করা যাচ্ছে যে, বর্ণিত বিজ্ঞপ্তিমূলে প্রদত্ত নির্দেশনা যথাযথভাবে প্রতিপালন করা হচ্ছে না। ফলে, অধস্তন আদালত হতে হাইকোর্ট বিভাগে প্রেরিত নথিতে সাক্ষীর সাক্ষ্য (জবানবন্দি ও জেরা) ও অস্পষ্ট হাতের লেখা সম্বলিত সংশ্লিষ্ট কাগজাদি অনেক সময় পাঠ উদ্ধার করা সম্ভব না হওয়ায় সঠিকভাবে পেপারবুক তৈরিতে বিলম্বসহ মাননীয় আদালতে মামলা শুনানিকালে বিঘ্ন সৃষ্টি হচ্ছে।

এমতাবস্থায়, অত্র কোর্টের বিগত ২০/০৭/২০০৩ খ্রি. তারিখের ৭৫ জি নং বিজ্ঞপ্তি এবং বিগত ০১/১২/২০২০ খ্রি. তারিখের ২০ জে, নং বিজ্ঞপ্তিমূলে অধস্তন আদালত হতে প্রেরিত নথির সাথে সাক্ষীর সাক্ষ্য (জবানবন্দি ও জেরা) ও অস্পষ্ট হাতের লেখা সম্বলিত সংশ্লিষ্ট কাগজাদির টাইপকপি সত্যায়িত করে প্রেরণের নির্দেশনা আবশ্যিকভাবে প্রতিপালন করার জন্য সংশ্লিষ্ট সকলকে পুনরায় নির্দেশ প্রদান করা হলো।

বাংলাদেশের প্রধান বিচারপতির আদেশক্রমে
স্বাক্ষরিত
(মোহাম্মদ সাইফুর রহমান)
রেজিস্ট্রার জেনারেল (ভারপ্রাপ্ত)
ফোন: ০২-২২৩৩৮২৭৮৫
E-mail: rg@supremecourt.gov.bd

বিজ্ঞপ্তি নং- ২১/২০২২

জে,

তারিখ: ৩১ আশ্বিন ১৪২৯ বঙ্গাব্দ
১৬ অক্টোবর ২০২২ খ্রিস্টাব্দ

বিষয়: বাংলাদেশ জুডিসিয়াল সার্ভিসের সদস্যদের খসড়া জ্যেষ্ঠতার তালিকায় সংশ্লিষ্ট কর্মকর্তার ক্রমিক নম্বর, অন্যান্য তথ্য ও পরিচিতি নম্বর (সার্ভিস আইডি) এর বিষয়ে আপত্তি (যদি থাকে) প্রেরণ প্রেসঙ্গে।

০২। এতদ্বারা সংশ্লিষ্ট সকলের অবগতির জন্য জানানো যাচ্ছে যে, ২০১৫ সালের পর হতে অদ্যাবধি বাংলাদেশ জুডিসিয়াল সার্ভিসের সদস্যদের জ্যেষ্ঠতার তালিকা সংশোধন বা পুনঃপ্রণয়ন করা হয়নি। ফলে গণপ্রজাতন্ত্রী বাংলাদেশের সংবিধানে বর্ণিত জুডিসিয়াল সার্ভিসের সদস্যদের উপর অত্র কোর্ট কর্তৃক তত্ত্বাবধানমূলক কার্যক্রম পরিচালনার ক্ষেত্রে নানাবিধ জটিলতার সৃষ্টি হচ্ছে। বিশেষ করে বাছাই কমিটি ও ফুলকোর্ট সভা কর্তৃক বাংলাদেশ জুডিসিয়াল সার্ভিসের সদস্যদের পদোন্নতির প্যানেল প্রণয়ন, জি, এ কমিটি কর্তৃক পদায়নের পরামর্শ প্রদান, বিচার বিভাগীয় কর্মকর্তাদের বিরুদ্ধে আনীত অভিযোগের বিষয়ে তদন্তকারী কর্মকর্তা নিয়োগ ইত্যাদি ক্ষেত্রে জ্যেষ্ঠতার বিষয়টি গুরুত্বপূর্ণ হওয়ায় হালনাগাদ জ্যেষ্ঠতার তালিকার অনুপস্থিতিতে বিভিন্ন ধরনের প্রশাসনিক বিশৃঙ্খলা সৃষ্টি হওয়ার আশঙ্কা তৈরী হচ্ছে।

০৩। বর্তমানে সুপ্রীম কোর্টে বিচার বিভাগীয় কর্মকর্তাগণের সমস্ত প্রশাসনিক কাজে কর্মকর্তাদের সুনির্দিষ্টভাবে চিহ্নিতকরণের জন্য ২০১৫ সালে প্রকাশিত থ্রেডেশন নম্বর ব্যবহার করা হয়। কিন্তু এই থ্রেডেশন নম্বর সময়ের সাথে পরিবর্তনশীল। কারণ প্রতি বছরই কিছু সংখ্যক বিচার বিভাগীয় কর্মকর্তা অবসরে যান আবার বিভিন্ন কারণে অনেক বিচার বিভাগীয় কর্মকর্তার জ্যেষ্ঠতা লংঘিত হতে পারে। এতে বিচার বিভাগীয় কর্মকর্তাদের থ্রেডেশন নম্বর পরিবর্তিত হয়। ফলে কেবল থ্রেডেশন নম্বর এর ওপর ভিত্তি করে বিচার বিভাগীয় কর্মকর্তাগণের পরিচয় নিশ্চিতকরণ সুবিধাজনক নয়। উল্লেখ্য যে, বাংলাদেশের সরকারী কর্ম কমিশনের মাধ্যমে নিয়োগ লাভ করা দেশের অন্যান্য সার্ভিসের সদস্যদের মধ্যে ইতোমধ্যেই “পরিচিতি নম্বর চালু করা হয়েছে। ফলে যে কোনো প্রশাসনিক বিষয়ে সহজে ও দ্রুত সিদ্ধান্ত নেওয়া সম্ভব হচ্ছে। তাই প্রজাতন্ত্রের অন্যান্য সার্ভিসের কর্মকর্তাদের ন্যায় বাংলাদেশের বিচার বিভাগীয় কর্মকর্তাদেরও একটি পরিচিতি নম্বর চালুর প্রয়োজনীয়তা দীর্ঘদিন যাবত অনুভূত হচ্ছে।

০৪। এ সকল বিষয় উপলব্ধি করে বাংলাদেশের মাননীয় প্রধান বিচারপতি মহোদয় জুডিসিয়াল সার্ভিসের সদস্যদের জ্যেষ্ঠতার তালিকার খসড়া প্রণয়নের নির্দেশনা প্রদান করেন। উল্লিখিত নির্দেশনার আলোকে, অত্র কোর্ট কর্তৃক জুডিসিয়াল সার্ভিসের সদস্যদের জ্যেষ্ঠতার তালিকার খসড়া প্রণয়ন করা হয়েছে। উক্ত খসড়া তালিকা বাংলাদেশ সুপ্রীম কোর্টের ওয়েব সাইট (www.supremecourt.gov.bd)-এ প্রকাশ করা হয়েছে।

০৫। উক্ত খসড়াটি চূড়ান্তভাবে প্রকাশের কার্যক্রম গ্রহণের পূর্বে বাংলাদেশ জুডিসিয়াল সার্ভিসের সদস্যদের আপত্তি (যদি থাকে) গ্রহণ ও নিষ্পত্তি করার প্রয়োজনীয়তা রয়েছে।

০৬। উক্ত খসড়ায় বর্ণিত পরিচিতি নম্বর (সার্ভিস আইডি) নির্ধারণের জন্য নিম্নবর্ণিত মডেল অনুসরণ করা হয়েছে:

মডেল: [চাকুরিতে যোগদানের বছর। বিসিএস (বিচার)/বিজেএস কোড ব্যাচ নম্বর। পিএসসি/বিজেএস/সরকার কর্তৃক প্রকাশিত মেধাক্রম] এখানে বিসিএস (বিচার) কোড-১, বিজেএস কোড-২, বিশেষ নিয়োগ কোড-০ হিসেবে গণ্য করা হবে।

বর্ণিত মডেল অনুসরণ করলে পাওয়া যায়, ১৯৯৮ সালে ১৮ বিসিএস এর মাধ্যমে নিয়োগ প্রাপ্ত একজন কর্মকর্তা যার নিয়োগের সময় মেধাক্রম ছিল ১০ তখন তার পরিচিতি নম্বর হয় নিম্নরূপ:

চাকুরিতে যোগদানের বছর	বিসিএস (বিচার)/বিজেএস কোড	ব্যাচ নম্বর	পিএসসি/বিজেএস/সরকার কর্তৃক প্রকাশিত মেধাক্রম	পরিচিতি নম্বর (সার্ভিস আইডি)
১৯৯৮	১	১৮	০১০	১৯৯৮১১৮০১০

আবার ২০০৬ সালে ২য় বিজেএস এর মাধ্যমে (২৪ বিসিএস এর মাধ্যমে) নিয়োগ প্রাপ্ত একজন কর্মকর্তা যার নিয়োগের সময় মেধাক্রম ছিল ১১ তখন তার পরিচিতি নম্বর হয় নিম্নরূপ :

চাকুরিতে যোগদানের বছর	বিসিএস (বিচার)/বিজেএস কোড	ব্যাচ নম্বর	পিএসসি/বিজেএস/সরকার কর্তৃক প্রকাশিত মেধাক্রম	পরিচিতি নম্বর (সার্ভিস আইডি)
২০০৬	২	০২	০১১	২০০৬২০২০১১

(উল্লেখ্য যে, ২২তম ও ২৪ তম বিসিএস পরীক্ষার এর মাধ্যমে যে সকল বিচার বিভাগীয় কর্মকর্তাকে মনোনীত করা হয় তাঁদের নিয়োগের চূড়ান্ত সুপারিশ বাংলাদেশ জুডিসিয়াল সার্ভিস কমিশন হতে করা হয়েছিল বলে উক্ত পরীক্ষার মাধ্যমে নিয়োগপ্রাপ্ত বিচার বিভাগীয় কর্মকর্তাদের যথাক্রমে ১ম ও ২য় বিজেএস এর মাধ্যমে নিয়োগপ্রাপ্ত বিচার বিভাগীয় কর্মকর্তা হিসাবে গণ্য করা হয়)

একইভাবে ২০১০ সালে ৪র্থ বিজেএস এর মাধ্যমে নিয়োগ প্রাপ্ত একজন কর্মকর্তা যার নিয়োগের সময় মেধাক্রম ছিল ১১১ তখন তার পরিচিতি নম্বর হয় নিম্নরূপ :

চাকুরিতে যোগদানের বছর	বিসিএস (বিচার)/বিজেএস কোড	ব্যাচ নম্বর	পিএসসি/বিজেএস/সরকার কর্তৃক প্রকাশিত মেধাক্রম	পরিচিতি নম্বর (সার্ভিস আইডি)
২০১০	২	০৪	১১১	২০১০২০৪১১১

০৭। এমতাবস্থায়, বাংলাদেশ জুডিসিয়াল সার্ভিসের সদস্যদের খসড়া জ্যেষ্ঠতার তালিকায় বর্ণিত তথ্যের বিষয়ে নিজ নিজ আপত্তি (যদি থাকে) সংযুক্ত ফরম্যাটে (সংযুক্তি-১) পূরণ করে আগামী ২৫/১০/২০২২ তারিখের মধ্যে নিজ নিজ নিয়ন্ত্রণকারী কর্মকর্তার (প্রযোজ্য ক্ষেত্রে) মাধ্যমে অত্র কোর্টে ডাকযোগে (জিইপি) এবং ই-মেইল এর মাধ্যমে tofayel.addrf@supremecourt.gov.bd ই-মেইল ঠিকানায় প্রেরণ করার জন্য নির্দেশক্রমে অনুরোধ করা হলো।

সংযুক্তি: ১। আপত্তি ফরম- ১ ফর্ম।

স্বাক্ষরিত

(মোঃ গোলাম রব্বানী)

রেজিস্ট্রার জেনারেল

ফোন: ২২৩৩৮১৯৫২

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বিজ্ঞপ্তি নং- ২৫/২০২২

জে,

তারিখ: ০২ অগ্রহায়ণ ১৪২৯ বঙ্গাব্দ
১৭ নভেম্বর ২০২২ খ্রিস্টাব্দ

বিষয়: অধস্তন আদালতের বিচারকগণের মাসিক কর্মসম্পাদন বিবরণী সফটওয়্যার-এ আবশ্যিকভাবে পূরণ প্রসঙ্গে।

উপর্যুক্ত বিষয়ে নির্দেশিত হয়ে জানানো যাচ্ছে যে, অত্র কোর্টের গত ২৭.০১.২০২২ তারিখের ০৫/২০২২নং বিজ্ঞপ্তিমূলে বাংলাদেশের মাননীয় প্রধান বিচারপতি মহোদয় কর্তৃক দেশের ৮টি বিভাগের প্রত্যেক বিভাগের জন্য হাইকোর্ট বিভাগের একজন মাননীয় বিচারপতি মহোদয়কে মনোনয়ন প্রদান করতঃ পৃথক ৮ (আট) টি Monitoring Committee for Subordinate Courts গঠন করা হয়েছে এবং প্রত্যেক Monitoring Committee for Subordinate Courts এর মাননীয় বিচারপতি মহোদয়কে সাচিবিক সহায়তা প্রদানের নিমিত্ত বাংলাদেশ সুপ্রীম কোর্টে কর্মরত বিচার বিভাগীয় কর্মকর্তাগণকে দায়িত্ব প্রদান করা হয়েছে।

০২। Monitoring Committee for Subordinate Courts-এর মাননীয় বিচারপতি মহোদয়গণের Monitoring এর সুবিধার্থে জেলা ও দায়রা জজ/মহানগর দায়রা জজ/অতিরিক্ত জেলা ও দায়রা জজ/অতিরিক্ত মহানগর দায়রা জজ, যুগ্ম জেলা ও দায়রা জজ/যুগ্ম মহানগর দায়রা জজ, সহকারী জজ/সিনিয়র সহকারী জজ, জুডিসিয়াল ম্যাজিস্ট্রেট/সিনিয়র জুডিসিয়াল ম্যাজিস্ট্রেট /মেট্রোপলিটন ম্যাজিস্ট্রেট / বিদ্যুৎ কোর্ট / স্পেশাল ম্যাজিস্ট্রেট / অতিরিক্ত চীফ জুডিসিয়াল ম্যাজিস্ট্রেট/অতিরিক্ত চীফ মেট্রোপলিটন ম্যাজিস্ট্রেট / চীফ জুডিসিয়াল ম্যাজিস্ট্রেট/চীফ মেট্রোপলিটন ম্যাজিস্ট্রেট, বিচারক, নারী ও শিশু নির্যাতন দমন ট্রাইব্যুনাল, বিভাগীয় বিশেষ জজ, বিশেষ জজ, দ্রুত বিচার ট্রাইব্যুনাল, জননিরাপত্তা বিঘ্নকারী অপরাধ দমন ট্রাইব্যুনাল, সন্ত্রাস বিরোধী বিশেষ ট্রাইব্যুনাল, মানব পাচার অপরাধ দমন ট্রাইব্যুনাল, সাইবার ট্রাইব্যুনাল, পরিবেশ আদালত / পরিবেশ আপীল আদালত, শ্রম আদালত, প্রশাসনিক ট্রাইব্যুনাল, স্পেশাল ট্রাইব্যুনাল, বাংলাদেশ সিকিউরিটিজ অ্যান্ড এক্সচেঞ্জ কমিশন, ল্যান্ড সার্ভে ট্রাইব্যুনাল এবং অর্থক্ষণ আদালত এর মাসিক কর্মসম্পাদন বিবরণী প্রেরণের জন্য একটি সফটওয়্যার প্রস্তুত করা হয়েছে। দেশের অধস্তন আদালতে কর্মরত বিচার বিভাগীয় কর্মকর্তাগণের কর্মসম্পাদন বিবরণী তথ্য প্রযুক্তির সহায়তায় বিশ্লেষণের জন্য উল্লিখিত সফটওয়্যার-এ তথ্য প্রদান করা আবশ্যিক।

০৩। এমতাবস্থায়, বাংলাদেশ সুপ্রীম কোর্টের ওয়েব সাইট এর mcsc (<http://mcsc.supremecourt.gov.bd>) ব্যবহার করে প্রতি মাসের ৭ (সাত) তারিখের মধ্যে অধস্তন আদালতের বিচারকগণের মাসিক কর্মসম্পাদন বিবরণী সফটওয়্যার এ আবশ্যিকভাবে পূরণ করার জন্য সংশ্লিষ্ট সকলকে নির্দেশ প্রদান করা হলো। এ সংক্রান্তে সংযুক্ত গাইডলাইন/নির্দেশিকা অনুসরণ করা যেতে পারে।

০৪। উল্লেখ্য, অধস্তন দেওয়ানী ও ফৌজদারী আদালত এবং ট্রাইব্যুনালসমূহের মাসিক, ত্রৈমাসিক ও বাৎসরিক মামলা নিষ্পত্তির বিবরণ ইতোপূর্বে প্রেরণের ধারাবাহিকতা বজায় থাকবে।

০৫। এতদ্বারা অত্র কোর্টের গত ৭ মার্চ, ২০২২ খ্রি: তারিখের বিজ্ঞপ্তি নং ৯/২০২২ এর দফা ৩ এ বর্ণিত অধস্তন আদালতের বিচারকগণের মাসিক কর্মসম্পাদন বিবরণীর হার্ডকপি ও সফটকপি উক্ত কমিটির সাচিবিক সহায়তা প্রদানকারী কর্মকর্তা বরাবরে প্রেরণের আবশ্যিকতা বাতিল করা হলো।

সংযুক্তি: গাইডলাইন/নির্দেশিকা-০২ ফর্দ।

বাংলাদেশের প্রধান বিচারপতির আদেশক্রমে

স্বাক্ষরিত

(মোঃ গোলাম রব্বানী)

রেজিস্ট্রার জেনারেল (ভারঃ)

বাংলাদেশ সুপ্রীম কোর্ট

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বিজ্ঞপ্তি নং- ২৬/২০২২

জে,

তারিখ: ০২ অগ্রহায়ণ ১৪২৯ বঙ্গাব্দ
১৭ নভেম্বর ২০২২ খ্রিস্টাব্দ

বিষয়: অধস্তন আদালতের রায় ও আদেশের অনুলিপি অনলাইনে প্রকাশ সংক্রান্ত নির্দেশনা।

উপর্যুক্ত বিষয়ে নির্দেশিত হয়ে জানানো যাচ্ছে যে, বাংলাদেশের মাননীয় প্রধান বিচারপতির সানুগ্রহ অনুমোদনক্রমে দ্রুততম সময়ে, সহজে ও স্বল্প খরচে বিচার সেবা প্রদানের লক্ষ্যে অবাধ (বিচার সংক্রান্ত) তথ্য প্রবাহ ও বিচার-প্রক্রিয়ায় সহজ অভিজ্ঞতা নিশ্চিতকরণসহ “টেকসই বিচার প্রতিষ্ঠার অভিপ্রায়ে একটি ওয়েবসাইট (<http://decision.bdcourts.gov.bd>) প্রস্তুত করা হয়েছে। বাংলাদেশ সুপ্রীম কোর্টের ওয়েব-ভিত্তিক এই উদ্ভাবন-এর মাধ্যমে অধস্তন আদালতের রায় ও আদেশের অনুলিপি অনলাইনে প্রকাশ করার ব্যবস্থা রয়েছে।

০২। অধস্তন আদালতের আদেশ ও রায়ের অনুলিপি অনলাইনে প্রকাশিত হলে বিচারকার্যে ও বিচার সংশ্লিষ্ট সকলের স্বচ্ছতা, জবাবদিহিতা ও দায়বদ্ধতা নিশ্চিতকরণের সাথে সাথে আদালতের রায় ও আদেশের আইনানুগ যৌক্তিকতা ও গ্রহণযোগ্যতা ক্রমান্বয়ে বৃদ্ধি পাবে। বিশেষ করে, এই উদ্যোগ বিচার সেবা প্রাপ্তিতে ব্যয় ও দূর্ভোগ হ্রাস করে দেশের প্রান্তিক মানুষের দোরগোড়ায় ন্যায়বিচারের সুফল দ্রুত পৌঁছে দিতে এবং আইনের শাসন প্রতিষ্ঠার মাধ্যমে দেশের টেকসই উন্নয়নে বিশেষ ভূমিকা রাখতে সক্ষম হবে।

০৩। এমতাবস্থায়, দেশের সকল অধস্তন আদালতের রায় ও আদেশের অনুলিপি নিম্নলিখিত নির্দেশনা ও ব্যবহার বিধি অনুসরণপূর্বক বর্ণিত ওয়েবসাইটে প্রকাশ করার জন্য সংশ্লিষ্ট সকলকে নির্দেশনা প্রদান করা হলো।

(ক) ব্যবহার বিধিতে উল্লিখিত ওয়েবসাইটে আদালতের আদেশ ও রায় প্রকাশের ক্ষেত্রে মামলার সকল পক্ষ অথবা মামলার কোনো ভিকটিম / ভুক্তভোগীর (নারী, শিশু বা অপরাধের শিকার ব্যক্তি) ব্যক্তিগত সুরক্ষা ও গোপনীয়তা রক্ষার্থে দেশের প্রচলিত আইন অনুযায়ী সতর্কতা অবলম্বন করতে হবে;

(খ) অধিকন্তু, বাংলাদেশ সুপ্রীম কোর্ট কর্তৃক জারিকৃত ‘সামাজিক যোগাযোগ মাধ্যম ব্যবহারের অনুসরণীয় নির্দেশনা’ (সার্কুলার নং-০৪, তারিখ: ২২/০৯/২০১৯ খ্রি.) অনুসরণ করতে হবে।

০৪। উল্লেখ্য, বর্ণিত ওয়েবসাইটে প্রকাশিত অধস্তন আদালতের রায় বা আদেশের অনুলিপি সইমোহরী/জাবেদানকলের (certified copy) বিকল্প হিসাবে ব্যবহার করা যাবে না।

সংযুক্তি: এতদসংক্রান্ত ব্যবহার বিধি-০২ ফর্দ।

বাংলাদেশের প্রধান বিচারপতির আদেশক্রমে

স্বাক্ষরিত

(মোঃ গোলাম রব্বানী)

রেজিস্ট্রার জেনারেল

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Former Chief Justices of Bangladesh

SL. No.	Name	Duration
1.	Mr. Justice Abu Sadat Mohammad Sayem*	16.12.1972 – 05.11.1975
2.	Mr. Justice Syed A.B. Mahmud Husain*	18.11.1975 – 31.01.1978
3.	Mr. Justice Kemaluddin Hossain*	01.02.1978 – 11.04.1982
4.	Mr. Justice F.K.M. Munim*	12.04.1982 – 30.11.1989
5.	Mr. Justice Badrul Haider Chowdhury*	01.12.1989 – 01.01.1990
6.	Mr. Justice Shahabuddin Ahmed*	14.01.1990 – 31.01.1995
7.	Mr. Justice M.H. Rahman*	01.02.1995 – 30.04.1995
8.	Mr. Justice A.T.M Afzal	01.05.1995 – 31.05.1999
9.	Mr. Justice Mustafa Kamal*	01.06.1999 – 31.12.1999
10.	Mr. Justice Latifur Rahman*	01.01.2000 – 28.02.2001
11.	Mr. Justice Mahmudul Amin Choudhury*	01.03.2001 – 17.06.2002
12.	Mr. Justice Mainur Reza Choudhury*	18.06.2002 – 22.06.2003
13.	Mr. Justice K.M. Hasan	23.06.2003 – 26.01.2004
14.	Mr. Justice Syed J.R. Mudassir Husain	27.01.2004 – 28.02.2007
15.	Mr. Justice Md. Ruhul Amin	01.03.2007 – 31.05.2008
16.	Mr. Justice M. M. Ruhul Amin*	01.06.2008 – 22.12.2009
17.	Mr. Justice Md. Tafazzul Islam	23.12.2009 – 07.02.2010
18.	Mr. Justice Mohammad Fazlul Karim	08.02.2010 – 29.09.2010
19.	Mr. Justice A.B.M. Khairul Haque	30.09.2010 – 17.05.2011
20.	Mr. Justice Md. Muzammel Hossain	18.05.2011 – 16.01.2015
21.	Mr. Justice Surendra Kumar Sinha	17.01.2015 – 10.11.2017
22.	Mr. Justice Syed Mahmud Hossain	03.02.2018 – 30.12.2021

* 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 Kemaluddin Hussain *	18.01.1972	13.08.1976	11.04.1982
4.	Mr. Justice F. K. M. Abdul Munim *	18.01.1972	13.08.1976	30.11.1989
5.	Mr. Justice Mohammad Abdullah Jabir *	18.01.1972	17.08.1972	30.06.1975
6.	Mr. Justice A. F. M. Ahasanuddin Chowdhury *	18.01.1972	30.01.1974	01.12.1977
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 Shahabuddin Ahmed *	21.01.1972	16.04.1981	31.01.1995
11.	Mr. Justice Badrul Haider Chowdhury *	26.01.1972	22.08.1978	01.01.1990
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 M.H. Rahman *	08.05.1976	26.12.1985	30.04.1995
25.	Mr. Justice Abdul Matin Khan Chowdhury *	08.05.1976		01.12.1989
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		01.11.1979 **
32.	Mr. Justice Latifur Rahman *	21.11.1979	15.01.1990	28.02.2001
33.	Mr. Justice Md. Altaf Hossain *	21.11.1979		23.10.1985
34.	Mr. Justice Anwarul Hoque Chowdhury *	22.04.1980		01.11.1994
35.	Mr. Justice Mohammad Abdur Rouf	29.01.1982	08.06.1995	01.02.1999
36.	Mr. Justice Aminur Rahman Khan *	29.01.1982		02.06.1990
37.	Mr. Justice Md. Abdul Quddus Chowdhury *	18.01.1983		01.09.1991
38.	Mr. Justice Dalil Uddin Ahmed *	15.07.1983		01.02.1990
39.	Mr. Justice Mohammad Abdul Mottalib *	15.07.1983		14.07.1985 ●
40.	Mr. Justice Syed Mohammad Ali *	15.07.1983		01.08.1993
41.	Mr. Justice Mohammad Ismailuddin Sarker *	30.12.1983	08.06.1995	20.01.1996 □□
42.	Mr. Justice Nurul Hoque Bhuiyan *	30.12.1983		01.10.1990
43.	Mr. Justice Syed Misbah Uddin Hossain *	30.12.1983		01.01.1992
44.	Mr. Justice Mohammad Moksudor Rahman *	30.12.1983		26.12.1985 **
45.	Mr. Justice Mohammad Sohrab Ali *	30.12.1983		20.10.1990 □□
46.	Mr. Justice Abdul Bari Sarker *	30.05.1984		01.06.1992

* Deceased. ** Date of resignation. □ Date of termination. □□ Date of Death while in office. ● Performed as Additional Judge.

SL. No	Name	Date of elevation to the HCD	Date of elevation to the AD	Date of retirement
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 A. M. Mahmudur Rahman *	26.12.1985	01.02.1999	14.12.2000
51.	Mr. Justice Syed Fazle Ahmmed *	26.12.1985		01.01.1994
52.	Mr. Justice Mahmudul Amin Chowdhury *	27.01.1987	28.06.1999	17.06.2002
53.	Mr. Justice A. K. M. Sadeque *	27.01.1987		30.01.1995
54.	Mr. Justice D. M. Ansaruddin Ahmed *	27.01.1987		01.07.1995
55.	Mr. Justice Md. Mozammel Haque *	27.01.1987		01.12.2000
56.	Mr. Justice Quazi Shafi Uddin *	27.01.1987		01.11.2001
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 Mainur Reza Chowdhury *	29.01.1990	08.11.2000	22.06.2003
62.	Mr. Justice Kazi Ebadul Hoque*	29.01.1990	19.01.2000	01.01.2001
63.	Mr. Justice Badrul Islam Chowdhury	29.01.1990		01.02.1998
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 K. M. Hasan	13.07.1991	20.01.2002	26.01.2004
67.	Mr. Justice Md. Abdul Karim *	13.07.1991		01.08.1999
68.	Mr. Justice Muhammad Abdul Mannan*	13.07.1991		21.12.1999
69.	Mr. Justice Md. Ruhul Amin	18.02.1992	11.01.2001	31.05.2008
70.	Mr. Justice Syed J. R. Mudassir Husain	18.02.1992	05.03.2002	28.02.2007
71.	Mr. Justice Mohammad Gholam Rabbani*	18.02.1992	11.01.2001	10.01.2002
72.	Mr. Justice Mahfuzur Rahman *	18.02.1992		01.02.2000
73.	Mr. Justice Md. Sirajul Islam *	18.02.1992		03.03.2000
74.	Mr. Justice Mohammad Fazlul Karim	01.11.1992	15.05.2001	29.09.2010
75.	Mr. Justice Abu Sayeed Ahammed	01.11.1992	05.03.2002	23.08.2003
76.	Mr. Justice M. M. Ruhul Amin *	10.02.1994	13.07.2003	22.12.2009
77.	Mr. Justice Md. Tafazzul Islam	10.02.1994	27.08.2003	07.02.2010
78.	Mr. Justice Kazi A. T. Monowaruddin *	10.02.1994	25.06.2002	15.07.2002
79.	Mr. Justice Md. Fazlul Haque	10.02.1994	17.07.2002	30.06.2003
80.	Mr. Justice Hamidul Haque *	10.02.1994	29.06.2003	20.12.2003
81.	Mr. Justice Md. Asaduzzaman *	10.02.1994		09.02.1997 ●
82.	Mr. Justice Md. Nurul Islam *	10.02.1994		01.06.2002
83.	Mr. Justice Md. Bazlur Rahman Talukder *	10.02.1994		10.02.1997 ●
84.	Mr. Justice Syed Amirul Islam*	10.02.1994		13.01.2007
85.	Mr. Justice M. A. Aziz	01.06.1996	07.01.2004	30.09.2006
86.	Mr. Justice Amirul Kabir Chowdhury *	01.06.1996	26.02.2004	30.06.2007
87.	Mr. Justice Md. Joynul Abedin	01.06.1996	24.08.2006	31.12.2009
88.	Mr. Justice Md. Hassan Ameen	01.06.1996	21.03.2007	03.07.2008
89.	Mr. Justice Md. Abdul Matin	01.06.1996	19.09.2007	25.12.2010
90.	Mr. Justice Shah Abu Nayeem Mominur Rahman	01.06.1996	08.03.2009	12.05.2011 **
91.	Mr. Justice Md. Iftekhar Rasool *	01.06.1996		06.06.2000 □□

* Deceased. ** Date of resignation. □ Date of termination. □□ Date of Death while in office. ● Performed as Additional Judge.

SL. No	Name	Date of elevation to the HCD	Date of elevation to the AD	Date of retirement
92.	Mr. Justice A. K. Badrul Huq *	01.06.1996		02.03.2008 **
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 A.B.M. Khairul Haque	27.04.1998	16.07.2009	17.05.2011
98.	Mr. Justice Md. Muzammel Hossain	27.04.1998	16.07.2009	16.01.2015
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 Md. Latifur Rahman	27.04.1998		01.07.2006 **
102.	Mr. Justice Md. Abdul Quddus *	27.04.1998		15.01.2009
103.	Mr. Justice Surendra Kumar Sinha	24.10.1999	16.07.2009	10.11.2017 **
104.	Mr. Justice Md. Abdul Wahhab Miah	24.10.1999	23.02.2011	02.02.2018
105.	Mr. Justice Muhammed Mamtaz Uddin Ahmed	24.10.1999	16.05.2011	31.12.2011
106.	Mr. Justice Md. Abdur Rashid	24.10.1999		26.01.2009
107.	Mr. Justice Khademul Islam Chowdhury	24.10.1999		17.04.2009
108.	Mr. Justice Sikder Maqbul Huq	24.10.1999		18.01.2010
109.	Mr. Justice Md. Abdus Salam *	24.10.1999		11.01.2010
110.	Mr. Justice Md. Arayes Uddin	24.10.1999		31.01.2010
111.	Madam Justice Nazmun Ara Sultana	28.05.2000	23.02.2011	07.07.2017
112.	Mr. Justice N. K. Chakravartty *	28.05.2000		27.05.2002 ●
113.	Mr. Justice A. K. M. Shafiuddin	28.05.2000		27.05.2002 ●
114.	Mr. Justice A. F. M. Mesbahuddin	28.05.2000		27.05.2002 ●
115.	Mr. Justice Munsurul Haque Chowdhury	28.05.2000		27.05.2002 ●
116.	Mr. Justice Syed Mahmud Hossain	22.02.2001	23.02.2011	30.12.2021
117.	Mr. Justice Mohammad Imman Ali	22.02.2001	23.02.2011	31.12.2022
118.	Mr. Justice Md. Shamsul Huda	22.02.2001	16.05.2011	02.11.2012
119.	Mr. Justice Md. Abdul Hye (M.A. Hye) *	22.02.2001		13.12.2011
120.	Mr. Justice Faruque Ahmed *	22.02.2001		30.12.2011
121.	Mr. Justice Mohammad Marzi-ul-Huq *	22.02.2001		23.09.2012
122.	Mr. Justice Altaf Hossain Khan *	22.02.2001		10.07.2002 □□
123.	Mr. Justice Md. Abdur Razzaque *	22.02.2001		01.09.2014
124.	Mr. Justice Mohammad Anwarul Haque	03.07.2001	31.03.2013	09.04.2014
125.	Mr. Justice AHM Shamsuddin Choudhury	03.07.2001	31.03.2013	02.10.2015
126.	Mr. Justice Mirza Hussain Haider	03.07.2001	08.02.2016	28.02.2021
127.	Mr. Justice Md. Nizamul Huq	03.07.2001	08.02.2016	15.03.2017
128.	Mr. Justice Bazlur Rahman *	03.07.2001	08.02.2016	01.01.2017 □□
129.	Mr. Justice Sheikh Rezowan Ali	03.07.2001		31.01.2013
130.	Mr. Justice Nozrul Islam Chowdhury	03.07.2001		13.12.2015
131.	Mr. Justice Syed Muhammad Dastagir Husain	03.07.2001		17.09.2018
132.	Mr. Justice Khondker Musa Khaled	03.07.2001		02.03.2013
133.	Mr. Justice Siddiqur Rahman Miah	29.07.2002	31.03.2013	02.06.2013
134.	Mr. Justice Tariq ul Hakim	29.07.2002	03.09.2020	19.09.2020
135.	Mr. Justice Mir Hashmat Ali	29.07.2002		01.10. 2012
136.	Mr. Justice Mashuque Hosain Ahmed *	29.07.2002		30.11. 2012
137.	Mr. Justice A.K.M. Fazlur Rahman *	29.07.2002		14.01.2013

* Deceased. ** Date of resignation. □ Date of termination. □□ Date of Death while in office. ● Performed as Additional Judge.

SL. No	Name	Date of elevation to the HCD	Date of elevation to the AD	Date of retirement
138.	Mr. Justice Abdul Awal	29.07.2002		19.08.2013
139.	Mr. Justice Sharif Uddin Chakladar	29.07.2002		19.01.2016
140.	Mr. Justice Md. Mizanur Rahman Bhuiyan *	29.07.2002		07.09.2017
141.	Mr. Justice Syed A.B. Mahmudul Huq	29.07.2002		31.12.2017
142.	Mr. Justice Abdus Salam Mamun	29.07.2002		13.02.2005 ●
143.	Madam Justice Zinat Ara	27.04.2003	09.10.2018	14.03.2020
144.	Mr. Justice Afzal Hossain Ahmed	27.04.2003		09.05.2012
145.	Mr. Justice A.F.M. Ali Asgar	27.04.2003		01.01.2015
146.	Mr. Justice Farid Ahmed	27.04.2003		03.01.2017
147.	Mr. Justice Shamim Hasnain	27.04.2003		24.04.2017
148.	Mr. Justice A. F. M Abdur Rahman	27.04.2003		04.07.2018
149.	Mr. Justice Md. Abu Tariq	27.04.2003		10.09.2019
150.	Mr. Justice Syed Shahid-ur -Rahman	27.04.2003		20.04.2004 □
151.	Mr. Justice A.T.M. Fazle Kabir	27.08.2003		01.01.2014
152.	Mr. Justice Md. Miftah Uddin Choudhury	27.08.2003		25.07.2022
153.	Mr. Justice Syed Abu Kowser Md. Dabirush-Shan*	23.08.2004		31.12.2011
154.	Mr. Justice Shahidul Islam	23.08.2004		01.09.2015
155.	Mr. Justice Md. Abdul Hye	23.08.2004		31.01.2016
156.	Mr. Justice Quamrul Islam Siddique *	23.08.2004		30.05.2017
157.	Mr. Justice Md. Fazlur Rahman*	23.08.2004		31.01.2018
158.	Mr. Justice Nirmolendu Dhar *	23.08.2004		22.08.2006 ●
159.	Mr. Justice A. B. M. Hatem Ali *	23.08.2004		22.08.2006 ●
160.	Mr. Justice Faisal Mahmud Faizee	23.08.2004		12.07.2007 **
161.	Mr. Justice Moyeenul Islam Chowdhury	23.08.2004		08.01.2020
162.	Mr. Justice Md. Emdadul Huq	23.08.2004		30.09.2020
163.	Mr. Justice Md. Delwar Hossain	16.11.2008		15.11.2010 ●
164.	Mr. Justice Md. Azizul Haque	16.11.2008		15.11.2010 ●
165.	Mr. Justice Md. Abdus Samad	16.11.2008		15.11.2010 ●
166.	Mr. Justice A.K.M. Abdul Hakim	16.11.2008		18.12.2021
167.	Madam Justice Syeda Afsar Jahan	16.11.2008		15.11.2010 ●
168.	Mr. Justice Abu Bakar Siddiquee	30.06.2009	09.10.2018	28.07.2021
169.	Mr. Justice M. Moazzam Husain	30.06.2009		31.01.2018
170.	Mr. Justice Soumendra Sarker	30.06.2009		31.10.2020
171.	Mr. Justice Md. Faruque (M. Faruque)	18.04.2010		31.12.2019
172.	Mr. Justice Md. Shawkat Hossain	18.04.2010		10.01.2020
173.	Mr. Justice F.R.M. Nazmul Ahsan*	18.04.2010		04.02.2022 □□
174.	Madam Justice Krishna Debnath	18.04.2010	09.01.2022	09.10.2022
175.	Mr. Justice Bhabani Prasad Singha	12.12.2010		08.08.2020
176.	Mr. Justice Anwarul Haque*	12.12.2010		13.07.2017 □□
177.	Mr. Justice S. H. Md. Nurul Huda Jaigirdar	20.10.2011		29.11.2018
178.	Mr. Justice A.K.M. Shahidul Huq	20.10.2011		28.12.2022
179.	Mr. Justice A.B.M. Altaf Hossain	14.06.2012		13.06.2014 ●
180.	Mr. Justice S.M. Mozibur Rahman	12.02.2015		11.07.2022
181.	Mr. Justice Farid Ahmed Shibli	12.02.2015		11.02.2017 ●
182.	Mr. Justice Amir Hossain*	12.02.2015		24.08.2021 □□
183.	Mr. Justice J.N. Deb Choudhury*	12.02.2015		15.12.2016 □□ ●

* Deceased. ** Date of resignation. □ Date of termination. □□ Date of Death while in office. ● Performed as Additional Judge.

The Registrar General of the Supreme Court of Bangladesh 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, the Supreme Court of Bangladesh (Appellate Division) Officer and Staff Appointment Rules, 2000 and the Supreme Court of Bangladesh (High Court Division) 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 function 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 regulated under direct and overall supervision of the Registrar General who renders such duty under the direction of the Chief Justice of Bangladesh.

Organizational setup:

In the area of organizational setup, 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 appointed from Judicial Service (on deputation).
Registrar	1	2	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	2	10	For Appellate Division 1 from Judicial Service (on deputation) and 1 from employees of Supreme Court through promotion; For the High Court Division appointed 5 from Judicial Service (on deputation) 5 from employees of Supreme Court through promotion.
Assistant Registrar	3	15	For Appellate Division appointed from employees of Supreme Court through promotion; For the High Court Division appointed 9 from Judicial Service (on deputation) 6 from employees of Supreme Court through promotion.
Research & Reference Officer	1		Appointed from Judicial Service (on deputation).
Secretary to the Chief Justice	1	1	Appointed from employees of Supreme Court through promotion/appointed from Judicial Service (on deputation).
PS to Registrar General	1		Appointed from Judicial Service (on deputation).
Other employees of different level	140	2099	Employees appointed by the Supreme Court.

Functions:

In rendering administrative service to the Court for carrying out its judicial functions in accordance with the Supreme Court of Bangladesh (Appellate Division) Rules, 1988 and the Supreme Court (High Court Division) Rules, 1973, the Registry also 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 Honourable Chief Justice of Bangladesh.

Names of the Registrars General

SL. No.	Name	Duration
1.	Mr. Syed Aminul Islam	14.06.2015-22.10.2017
2.	Mr. Dr. Md. Zakir Hossain	04.03.2018-20.10.2019
3.	Mr. Md. Ali Akbar	30.10.2019-28.02.2022
4.	Mr. Md. Bazlur Rahman	03.03.2022-31.07.2022
5.	Mr. Md. Golam Rabbani	06.10.2022-(Onwards)

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. Ikhteder Ahmed	08.03.2007-31.07.2008
19.	Mr. Abu Bakar Siddiquee	22.09.2008-29.06.2009
20.	Mr. Md. Shawkat Hossain	09.08.2009-17.04.2010
21.	Mr. Md. Ashraful Islam	19.05.2010-07.06.2011
22.	Mr. A.K.M. Shamsul Islam	07.06.2011-10.09.2014
23.	Mr. S.M. Kuddus Zaman	04.12.2014-02.02.2015
24.	Mr. Farid Ahmed Shibli	02.02.2015-12.02.2015
25.	Mr. Syed Aminul Islam	15.02.2015-14.06.2015
26.	Mr. Abu Syed Diljar Hussain (High Court Division)	16.06.2015-22.10.2017
27.	Mr. Dr. Md. Zakir Hossain (Appellate Division)	16.06.2015-04.03.2018
28.	Mr. Md. Golam Rabbani (High Court Division)	31.10.2017-06.10.2022
29.	Mr. Md. Badrul Alam Bhuiyan (Appellate Division)	11.04.2018-12.05.2022
30.	Mr. Munshi Md. Moshir Rahman (High Court Division)	In office since 13.10.2022
31.	Mr. Mohammad Saifur Rahman (Appellate Division)	In office since 12.05.2022

Supreme Court Legal Aid Office

One of the fundamental principles of Natural Justice is that “nobody should be condemned unheard”. That is, before condemning a person, the Judge must give the party a fair opportunity of defending the case against him/her. Article 27 of the Bangladesh Constitution guarantees that all citizens are equal before law and are entitled to have equal protection of law.

Legal aid means the assistance in the legal matters both inside and outside of the Courts to the poor and indigent litigants. Legal aid is a system of government funding for those who cannot afford to pay for advice, assistance and representation. Legal professionals use the phrase ‘legal aid’ to mean- counseling on any legal issue, giving honorarium to any pleader/ conciliator/ arbitrator, providing monetary aid to bear expenditure of the case, defending a person in a Court of law.

Legal aid is the provision of assistance to people otherwise unable to afford legal representation and access to the Court system. Legal aid is regarded as central in providing access to justice by ensuring equality before the law, the right to counsel and the right to a fair trial.

With a view to providing legal aid to the poor and under privileged litigants the government has enacted the Legal Aid Act in 2000; it was not possible to provide service to the justice seekers due to the absence of required rules on providing legal aid at the highest Court of the land. In 2010, National Legal Aid Service Organization provided legal aid only for Jail Appeal to the people who are socially and financially vulnerable. The Legal Aid Regulation 2015 created the scope of a new beginning on the way of providing legal aid at the highest Court of the land.

Finally, on 8 September, 2015 Honourable Chief Justice of Bangladesh officially inaugurated the Supreme Court Legal Aid Office. USAID’s Justice for All Program and the National Legal Aid Services Organization (NLASO) organized this launching ceremony of the Supreme Court Legal Aid Office.

Supreme Court Legal Aid Office aims to provide legal aid to all the poor and distressed litigants. Any eligible applicant can now access free legal aid by submitting an application to the Supreme Court Legal Aid Office. After reviewing the application, a lawyer is appointed to represent the applicant free of cost. The government will pay the honorarium directly to the advocate. The Supreme Court Legal Aid Office is now providing legal aid for Civil Appeals, Criminal Appeals, Jail Appeals and others.

The Supreme Court Committee was comprised of 14 members and Honourable Madam Justice Naima Haider is the Chairman of the Committee now.

The committee provides the following aid to the persons:

1. F.A (First Appeal) & Civil Revision.
2. Criminal Appeal & Criminal Revision
3. Jail Appeal
4. Writ Petition
5. Leave to Appeal and CP filing of the cases

Supreme Court Legal Aid office is also providing the following Services:

- a. Legal advice
- b. Filling and dealing cases
- c. Expert opinion on the merit of the case
- d. Bearing the actual cost

Panel Advocates: Appellate Division-11

High Court Division-71

Various events:

On 8 March 2022, Supreme Court Legal Aid Committee Organized a meeting with the participation of Women Panel Lawyers to celebrate the occasion of 'International Woman's Day'. Honourable Chief Justice of Bangladesh, Mr. Justice Hasan Foez Siddique was present as the Chief Guest, Honourable Mr. Justice M. Enayetur Rahim and Attorney General for Bangladesh Mr. AM Amin Uddin was present as special guest. Honourable Mr. Justice Jahangir Hossain presided over the meeting.

On 13 April 2022, Supreme Court Legal Aid Committee Organized an awareness program for Bench Officers, Section Superintendents to Improve the quality of Service of Legal Aid in Supreme Court. Honourable Chief Justice of Bangladesh, Mr. Justice Hasan Foez Siddique along with all the Honourable Judges of Appellate Division of the Supreme Court of Bangladesh were present at that event. Honourable Chairman of the Supreme Court Legal Aid Committee Mr. Justice Jahangir Hossain presided over the event.



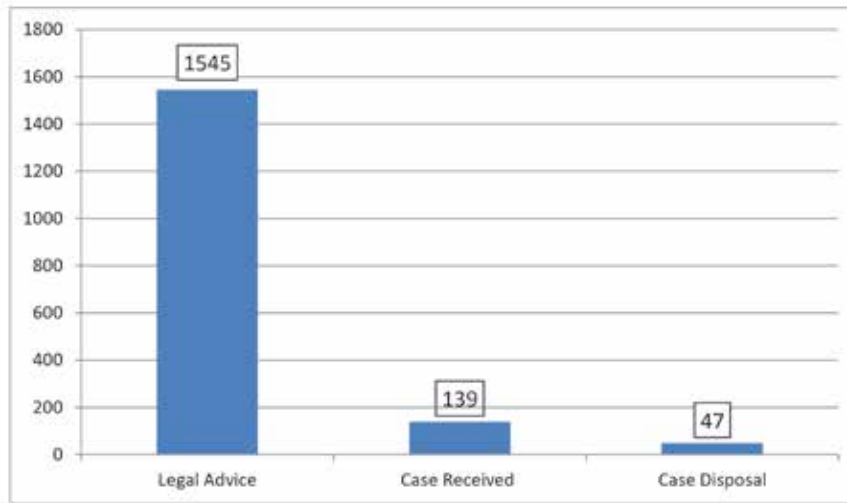
Meeting organized by Supreme Court Legal Aid Committee with the participation of Women Panel Lawyers to celebrate the "International Women's Day". Honourable Justice Mr. Justice Jahangir Hossain, Chairman, Supreme Court Legal Aid Committee presided over the meeting held in the conference room of the main building of the Supreme Court



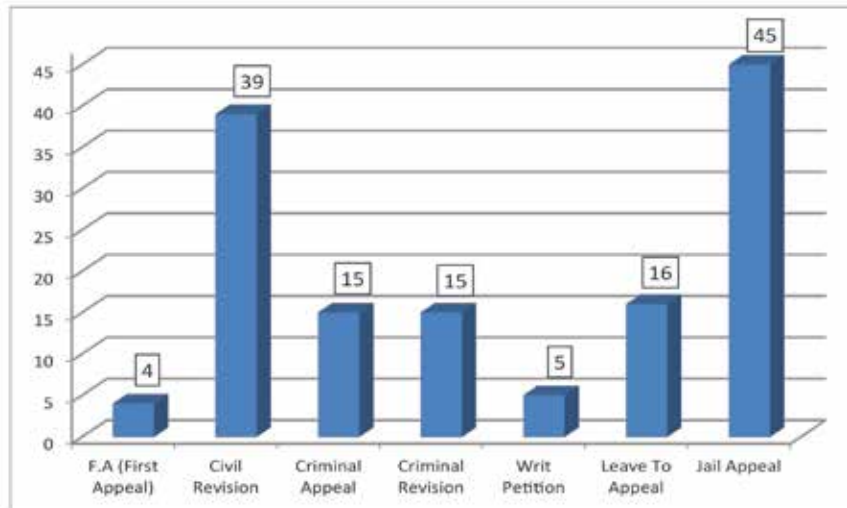
The Honourable Chief Justice of Bangladesh, Mr. Justice Hasan Foez Siddique delivering speech at the awareness programme for Bench Officers, Section Superintendents organized by the Supreme Court Legal Aid Committee on 13th April, 2022

Case Nature	Application Received	Disposal of Cases
F.A (First Appeal)	04	0
Civil Revision	39	08
Criminal Appeal	15	02
Criminal Revision	15	03
Writ Petition	5	03
Leave to Appeal	16	00
Jail Appeal	45	31
Total	139	47

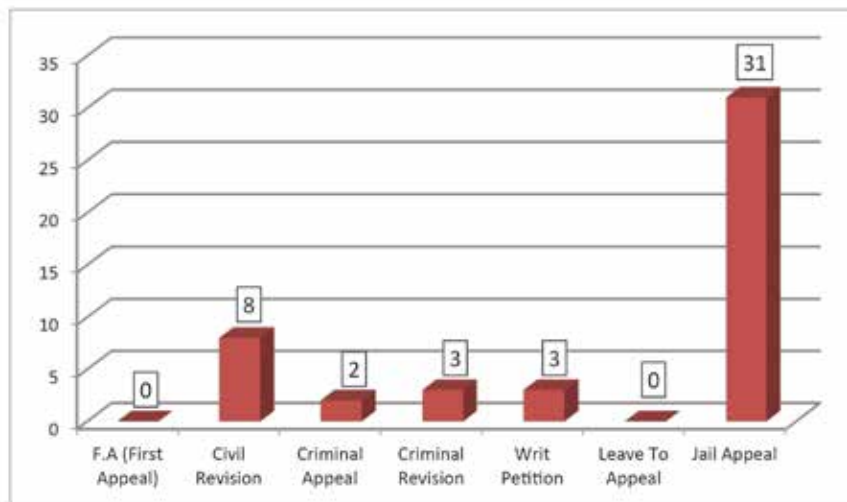
Cases Statistics of Supreme Court Legal Aid Office-2022



Application Received-2022



Disposal of Cases-2022



Budget/Finance of the Supreme Court of Bangladesh

Parliament allocates funds for the Judiciary including the Supreme Court of Bangladesh within 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 the approval of the Government.

Article 88(b)(ii) of the Constitution of the People's Republic of Bangladesh, provides for the remuneration of the Judges of the Supreme Court of Bangladesh and Article 88(c) of the Constitution provides that for the administrative expenses of the Supreme Court, including salary payable to officers and staff of the Supreme Court, shall be charged upon the Consolidated Fund.

The budget allocation (Non-development and Development) for FY 2018-19 to FY 2021-2022 and the allocation (Non-Development and Development) for FY 2021-2022 of the Supreme Court are shown below:

Financial Year		Operating	Development	Total
2018-19	Revised budget	169,59,54,000/-	0	169,59,54,000/-
2019-20	Revised budget	213,94,57,000/-	0	213,94,57,000/-
2020-21	Revised budget	198,71,00,000/-	0	198,71,00,000/-
2021-22	Revised budget	224,53,25,000/-	0	224,53,25,000/-
2022-23	Revised budget	209,06,76,000/-	0	209,06,76,000/-

It is to be noted that the Judiciary, including the Supreme Court of Bangladesh is one of the important sources of the National Budget whose revenue collection marks a notable contribution in the National Budget in each fiscal year.

The Registrar General, being the 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 Honourable Chief Justice. The Registrar General has to ensure the proper use of the allocated funds. 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.

Names of the Attorney-Generals for Bangladesh from 1972 to 2022

SL. No.	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	10-05-1985 to 13-03-1985
5.	Mr. M. 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. M. 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 Hassan Ariff	14-10-2001 to 30-04-2005
12.	Mr. A.J. Mohammad Ali	30-04-2005 to 24-01-2007
13.	Mr. Fida Md. Kamal	05-02-2007 to 16-07-2008
14.	Mr. Salahuddin Ahmed	20-07-2008 to 12-01-2009
15.	Mr. Mahbubey Alam	31-01-2009 to 27-09-2020
16.	Mr. A.M. Amin Uddin	In office since 08-10-2020

The Supreme Court Bar Association

All practicing Advocates of both the Divisions of the Supreme Court of Bangladesh including the Advocates-on-Record are the members of the Supreme Court Bar Association. The Supreme Court Bar Association always plays active and vital role to protect the supremacy, dignity and integrity of the Supreme Court of Bangladesh. The Association is housed in two buildings, one is known as the main building which is 2 (two) storied and the other one is known as the annex building which is 3 (three) storied. The present Association has the legacy of the then Dhaka High Court Bar Association, housed in the old building of the then High Court of Judicature at Dhaka, established after the creation of Pakistan in 1947. In 1967, the then High Court of Judicature at Dhaka was shifted to the present main building; 4 rooms of the main Building on the western side were allowed for use of the learned members of the Association. The present main building of the Association was inaugurated in November, 1975 by the then Honourable President Mr. Justice Abu Sadat Mohammad Sayem, the first Chief Justice of Bangladesh. In both buildings, rooms are allotted to the members of the Association to have their private sitting arrangements in carrying out their works against monthly payments to the Association and such rooms are known as cubicles. Presently, there are 489 cubicles, apart from 3 (three) big hall rooms. The learned members of the Association, who can not be provided with cubicles, sit in the hall rooms. The Association has a modern auditorium. The Association has also a Medical Care Centre in the ground floor of the main building, where a doctor sits regularly on the working days and provides medical treatment to its members.

The library of the Association is in the main building and has a rich and versatile collection of books, law journals and law reports of USA, UK, Australia, Commonwealth, India, Pakistan and Supreme Court of Bangladesh.

The Supreme Court of Bangladesh is consisted of two Divisions namely: (a) The Appellate Division and (b) The High Court Division. In order to practice in each of the Divisions one has to be enrolled as an Advocate of the said Division and also has to become a member of the Supreme Court Bar Association. Both the Divisions have separate enrolment procedures.

Advocates 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, deals with the enrolment as Senior Advocates. The said Rule provides that the Chief Justice and the Judges may, on application or otherwise, select from time to time, from among those whose names are on the Roll of the Advocates, and who are judged as person, by their knowledge, ability and experience, to be worthy as Senior Advocates. If any Advocate is granted with the status of a Senior Advocate, he or she shall assume the said status on signing the Roll of Senior Advocates. In the said Rule it has further been provided that the Chief Justice and the judges may, before selecting an Advocate as Senior Advocate, consider whether he/she could show sufficient appearance before the Court so as to be entitled to get the status of Senior Advocate. Rule 12 of Order 11 of the Rules, 1988 has provided that a fee of taka ten thousands shall be paid by a Senior Advocate before he signs the Roll.

Enrolment as an Advocate of the Appellate Division is guided by Rules 3, 4 and 5 of Order IV of the Rules of 1988. In order to be enrolled as an Advocate of the Appellate Division, one must be:

- (a) an Advocate in the High Court Division for not less than 5 (five) years.
- (b) certified in a duly authenticated form by the Bangladesh Bar Council that he is an enrolled Advocate of the High Court Division.
- (c) certified by the Judges of the High Court Division that he is a fit and proper person to appear and plead as an Advocate before the Appellate Division.

But the Chief Justice and the Judges may grant enrolment to an Advocate, not qualified as aforementioned, if in their opinion, he is qualified by knowledge, ability and experience to be enrolled as an Advocate of that Division. The power may also be delegated to the Enrolment Committee. In order to be enrolled as an Advocate of the Appellate Division an application for enrolment has to be made in such form as may be prescribed by the Court from time to time and shall be accompanied by the following documents:

- (i) a certificate of the Bangladesh Bar Council as mentioned in (b) above;
- (ii) bio-data of the applicant giving full particulars of his/her qualifications and any previous employment or engagement for gain;
- (iii) a list of cases, in which he/she appeared before the High Court Division;
- (iv) an affidavit by the applicant that he/she is eligible and not disqualified to be enrolled as an Advocate in the Appellate Division of the Supreme Court of Bangladesh; 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 Honourable Chief Justice and the Committee may call the applicants for interview and call for any record. If the Enrolment Committee grants the application, the applicant shall be allowed to sign the Roll of Advocates on payment of taka 5,000/00 (five thousand).

Qualification for enrolment as an Advocate-on-Record has been laid down in Rule 17 of Order IV of the Supreme Court of Bangladesh (Appellate Division) Rules, 1988 which are as under:

No person shall be qualified for being enrolled as an Advocate-on-Record unless, he/she-

- (a) has been for not less than seven years enrolled as an Advocate of the Courts subordinate to the Appellate Division of the Supreme Court including at least three years standing as an Advocate of the High Court Division;
- (b) has an office at the seat of the Registry of the Court;
- (c) has telephone installation at his office at the seat of the Registry of the Court;
- (d) signs the Roll of Advocate-on-Record maintained for the purpose.

Provided that the Chief Justice and the Judges may grant enrolment of a person not qualified as aforementioned, if, in their opinion, he is qualified by knowledge, ability and experience to be enrolled as an Advocate-on-Record. This power may be delegated to the Enrolment Committee. Such application for enrolment as an Advocate-on-Record shall be made in such form as may be prescribed by the Court from time to time. Rule 18 of Order IV of the Rules, 1988 has provided that the application shall have to be accompanied by-

- (i) an authenticated copy of the applicant's first enrolment as an Advocate on the roll of Bangladesh Bar Council;
- (ii) a certificate from the Bar Association, where the applicant first joined to practice the profession of law mentioning the date of commencement of his membership of the Bar Association;
- (iii) an authenticated photostat copy of his certificate of enrolment as an Advocate of the High Court Division of the Supreme Court;
- (iv) a certificate in a duly authenticated form by the Supreme Court Bar Association that he is still an Advocate of the High Court Division of the Supreme Court;
- (v) bio-data of the applicant giving full particulars of his qualification and any previous employment for gain;
- (vi) a list of cases in which he appeared before the High Court Division;
- (vii) an affidavit by the applicant that he is eligible and not disqualified to be enrolled as an Advocate-on-Record in the Appellate Division of the Supreme Court; and
- (viii) six recent passport-size photographs of the applicant.

Rule 19 of Order IV of the Rules, 1988 further provides that an application for enrolment as an Advocate-on-Record shall be considered by an Enrolment Committee consisting of at least two judges to be nominated by the Chief Justice and the committee may call the applicants for interview and call or ask for any record. If the Enrolment Committee grants the application, the applicant shall be allowed to sign the Roll of Advocate-on-Record on payment of fee of taka 2,000.

Rule 7 of Order IV of the Rules, 1988 clearly provides 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 provides that the Attorney General for Bangladesh shall have precedence over all the Advocates and Senior Advocates. In Rule 34 it has further been provided that the Attorney General for Bangladesh and Additional Attorney General shall, by virtue of their offices, have the status and precedence of a Senior Advocate of the Court notwithstanding that their names are not contained in the Roll of Senior Advocates. The Deputy Attorney General and Assistant Attorney General shall, by virtue of their office, have the status of an Advocate of the Court notwithstanding that their names are not contained in the Roll of Advocates of the Court.

Advocates of the High Court Division:

The enrolment in the High Court Division is controlled by the Bangladesh Bar Council under the provisions of the Bangladesh Legal Practitioners and Bar Council Order, 1972 (the Order, 1972) and the Rules framed thereunder, namely, The Bangladesh Legal Practitioners and Bar Council Rules, 1972 (the Rules, 1972).

Article 21 of the Order provides that no Advocate other than an Advocate permitted to practice before the High Court immediately before the commencement of the Order, shall be permitted to practice before the High Court Division unless-

- (a) he has practiced as an Advocate before subordinate Courts in Bangladesh for a period of two years;
- (b) he is a law graduate and has practiced as an Advocate before any Court outside Bangladesh notified by government in the official gazette;
- (c) he has, for reason of his legal training or experience been exempted by the Bar Council from the forgoing requirements of this clause on the basis of the prescribed criteria.

Rules 65A of the Rules, 1972 has empowered the Bar Council to grant exemption under article 21(1) (a) requiring practice for a period of 2 (two) years before seeking permission to practice in the High Court Division on the basis of the following criterion-

- (i) Advocates who were called to the Bar in U.K. or who have obtained higher 2nd class in LL.M. (at least 50% marks in aggregate) from any recognized University and further worked with a Senior Advocate of the Supreme Court in his Chamber for at least one year [since his enrolment as Advocate under Rule 62(1)]; and
- (ii) Persons holding a degree in law and have held a judicial office (i.e. office of a Civil Judge) for a total period of at least 10 years do not require to appear for written test as per sub-rule (2) hereof but he shall have to appear before the interview Board.

Enrolment to practice in the High Court Division is done by an Enrolment Committee consisting of 5 persons, namely:

- (a) Chairman to be nominated by the Chief Justice from amongst the Judges of the Appellate Division
- (b) One member to be nominated by the Chief Justice from amongst the Judges of the High Court Division.
- (c) Attorney General for Bangladesh.
- (d) Two members elected by the Bar Council from amongst its members.

(2) The procedure for the enrolment of Advocates and the business of the Enrolment shall be regulated by the Enrolment Committee in such manner as may be determined by it.

Rule 65A (1) of the Rules, 1972 provides that all applications for permission to practice in the High Court Division shall be made in prescribed form as appended to the Rules, accompanied by the papers detailed in clause (a) (b) (c) and (d) thereof. Of the above 3 (three) clauses, clause (b) provides that a list of at least 25 cases either civil or criminal or both in which the Advocate appeared before the concerned Courts must be submitted. Presently after an Advocate fulfills the requirement to apply for permission to practice, written test is taken on the syllabus for the same as mentioned in sub-article (3) of Rule 65 A. The qualifying mark for written test is 12 out of 25 and for oral test is 12 out of 25, but the aggregate marks of the two tests must be at least 25 (that is 12 + 13).



Corridor of the Bangladesh Supreme Court Bar Building

Names of the Presidents and the Secretaries of the Supreme Court Bar Association from 1972 to 2022

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	Mr. 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	Mr. 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

Period	Names of the President and the Secretary	
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	Mr. Dr. Kamal Hossain
	Secretary	Mr. Md. Fazlul Haque
1991-92	President	Mr. 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. Khondker Mahbubuddin Ahmed
	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

Period	Names of the President and the Secretary	
2006-2007	President	Mr. M. Amir-ul-Islam
	Secretary	Mr. A.M. Amin Uddin
2007-2008	President	Mr. M. Amir-ul-Islam
	Secretary	Mr. A.M. Amin Uddin
2008-2009	President	Mr. Shafique Ahmed
	Secretary	Mr. Md. Nurul Islam Sujan
2009-2010	President	Mr. A.F.M Mesbahuddin
	Secretary	Mr. S.M. Rezaul Karim (শ.ম. রেজাউল করিম)
2010-2011	President	Mr. Khandker Mahbub Hossain
	Secretary	Mr. Bodruddoza Badal
2011-2012	President	Mr. Khandker Mahbub Hossain
	Secretary	Mr. Bodruddoza Badal
2012-2013	President	Mr. Zainul Abedin
	Secretary	Mr. Momtazuddin Ahmed (Mehedi)
2013-2014	President	Mr. A.J. Mohammad Ali
	Secretary	Mr. A.M Mahbub Uddin Khokon
2014-2015	President	Mr. Khondker Mahbub Hossain
	Secretary	Mr. A.M Mahbub Uddin Khokon
2015-2016	President	Mr. Khondker Mahbub Hossain
	Secretary	Mr. A.M Mahbub Uddin Khokon
2016-2017	President	Mr. Mohammad Yusuf Hussain Humayun
	Secretary	Mr. A.M Mahbub Uddin Khokon
2017-2018	President	Mr. Zainul Abedin
	Secretary	Mr. A.M Mahbub Uddin Khokon
2018-2019	President	Mr. Zainul Abedin
	Secretary	Mr. A.M Mahbub Uddin Khokon
2019-2020	President	Mr. A.M. Amin Uddin
	Secretary	Mr. A.M Mahbub Uddin Khokon
2020-2021	President	Mr. A.M. Amin Uddin
	Secretary	Mr. Md. Ruhul Quddus Kazal
2021-2022	President	Mr. A.M. Amin Uddin
	Secretary	Mr. Md. Ruhul Quddus Kazal
2022-2023	President	Mr. Md. Momtaz Uddin Fakir
	Secretary	Mr. Md. Abdun Nur Dulal

Bangladesh Supreme Court Museum

On 27 October, 2014, the then Honourable Chief Justice of Bangladesh, Mr. Justice Mozammel Hossain inaugurated Bangladesh Supreme Court Museum. The formation of the Supreme Court of Bangladesh has a historical foreground. The history of this sub-continent testified that in the year of 1726 the legal system of this Sub-Continent got its new form, 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.

The first ever Supreme Court in the Indian Sub-Continent was established under the East India Company Act, 1773. Thereafter, Calcutta High Court was established replacing the Calcutta Supreme Court under the East India (High Courts of Judicature) Act, 1861. It is worth mentioning that in 1833, a law was passed to the effect that against any judgment of Higher Courts of India, an appeal could be preferred before the Privy Council in England. In 1950 another law was passed to abolish the provision of appeal before the Privy Council.

Two independent dominions, India and Pakistan, were established under the Indian Independence Act, 1947. In exercise of the powers conferred by section 9 of the Indian Independence Act, 1947, the Governor General promulgated the High Courts (Bengal) Order, 1947 on 11 August, 1947. This act established first ever higher Court in the soil of Bangladesh, which was better known as Dhaka High Court. The first two constitutions of Pakistan had a provision that the Supreme Court of Pakistan would hold at least two of its sessions in Dhaka every year.

After the historic independence, the High of Bangladesh was established under Article 9 of the Provisional Constitution of Bangladesh Order, 1972, dated 11 January, 1972. The present Supreme Court of Bangladesh was established under Article 94 of the Constitution of Bangladesh, 1972. Father of the Nation Bangabandhu Sheikh Mujibur Rahman inaugurated the Supreme Court of Bangladesh on 18th December, 1972. Supreme Court of Bangladesh officially started functioning on 18 December, 1972 which is now observed as “Bangladesh Supreme Court Day”. Bangladesh Supreme Court Museum was established in order to materialize the thrilling history of evolution of legal system in independent Bangladesh from 1600 to 1972. Its exposition demonstrates the history of the Bangalee judicial system from the eighteenth century to the present day. Hundreds of exhibits accordingly reflect the Bangalee judicial experience as a whole and the history of the Supreme Court of Bangladesh in particular. These include carefully selected judgments including the historic Bhawal Sanyasi Case, documents including several volumes of the landmark Agartala Conspiracy Case proceedings, used furniture, portrait of the Father of the Nation, portraits of the former Chief Justices, awards, ceremonial apparel and various other artifacts. The museum portrays and projects the evolution of the nation’s judicial system enabling posterity to appreciate the important stages of such process over the centuries.

The Portrait of Father of the Nation
Bangabandhu Sheikh Mujibur Rahman
Preserved in the Supreme Court Museum



Historical Items Preserved in the Supreme Court Museum



Photographs of hanging Punkha and a punkha puller. This Punkha is collected from Patiya Chowki, Court of Chattogram District.



Brief history of hanging Punkha.



The wall clock used in the Calcutta High Court and the then Dhaka High Court.



Dressing table used by the Honourable Justices of the Calcutta High Court and the then Dhaka High Court.



1. The Chair used in the ejlas of Honourable Justices of the Calcutta High Court and the then Dhaka High Court.
2. The Chair used in the chamber of Honourable Justices of the High Court and the then Dhaka High Court.
3. The Chair used in the ejlas of Honourable Chief Justice of the then Dhaka High Court.



The old manual Bangla Typewriter used in the then Dhaka High Court.



A memento featuring the facade of the Main Building of the Supreme Court of Bangladesh.



Scale Model of the High Court Building, Dhaka (Present Main Building of the Supreme Court of Bangladesh).



Judgments of the Case of Bhawal Sanyasi which was sent by learned District & Sessions Judge Mr. Md. Abdul Mojib from the Record Room of District Judges' Court, Dhaka.



The original handwritten Constitution of the People's Republic of Bangladesh.

Trunk used by the Honourable Chief Justice of Dhaka High Court.



The gown, wig and band used by the Honourable Chief Justice of Dhaka High Court.



This is a judgment of a partition suit written on palm leaves in Sanskrit in the year 1710. This judgment was sent from the Record Room of District & Sessions Judge's Court, Barishal to District & Sessions Judge's Court, Patuakhali. After that it was collected from the Record Room of the District & Sessions Judge's Court, Patuakhali.



The inkpot, pens and nibs used by the Honourable Justices.

The wig used by the Honourable Chief Justice of the then Dhaka High Court.



Record of historical Agartala Conspiracy Case Proceedings (Volume 1-7). Preserved by the late Attorney-General for Bangladesh Mr. Aminul Huq. It was collected and sent by Mr. Justice Farid Ahmed.

Photo Album



| Top view (aerial) of the Main Building of the Supreme Court



| Inner courtyard of the Main Building of the Supreme Court



| Inner courtyard of the Main Building of the Supreme Court



| Inner courtyard of the Main Building of the Supreme Court



| Inner courtyard of the Main Building of the Supreme Court



| Supreme Court Judges' Lounge



| Conference Room of the Supreme Court



| Corridor of the Supreme Court Main Building



| Staircase and landing of the Old High Court Building



| Old High Court Building



| Old High Court Building (Aerial View)



| Annex Building of the Supreme Court



| View from Annex Building of the Supreme Court



| Annex Building of the Supreme Court (Inner Side)



| Annex Building of the Supreme Court (Front Side)



| Fountain in front of Supreme Court of Bangladesh



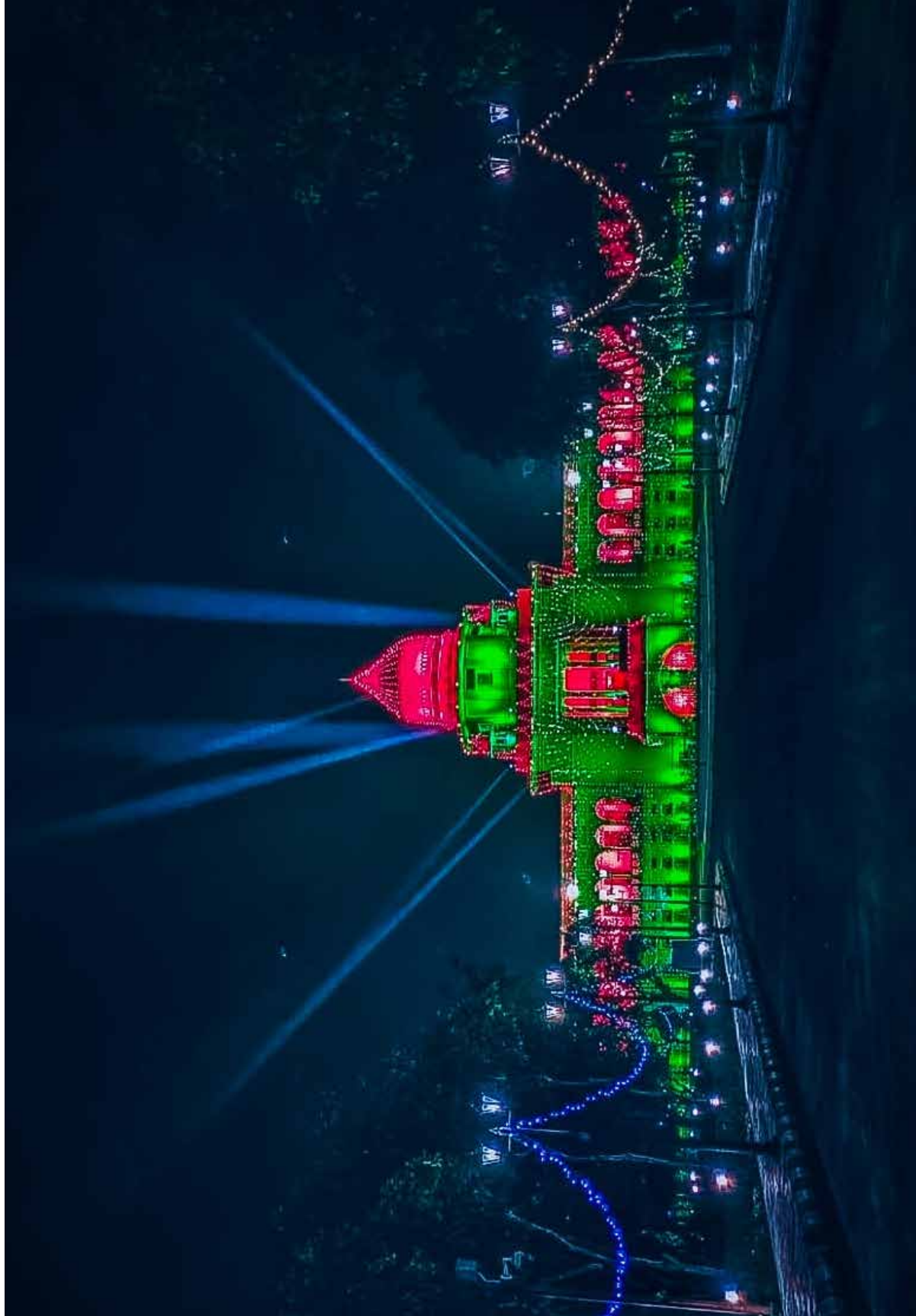
| Corner view from the Main Building of the Supreme Court



| The "Bijoy 71" Building



Front view of the Main Building of the Supreme Court



The Main Building of the Supreme Court illuminated in commemoration of the Supreme Court Day, 2022