

FELICITATION ADDRESS TO THE BAR
BY THE HON'BLE CHIEF JUSTICE OF BANGLADESH
DR. JUSTICE SYED REFAAT AHMED

18 DECEMBER, 2025, TIME: 10:30 A.M.

Hon'ble Judges of the both Divisions of the Supreme Court of Bangladesh;

Hon'ble Attorney General for Bangladesh;

President of the Supreme Court Bar Association;

Learned members of the Bar;

Distinguished guests;

Ladies and Gentlemen

Good Morning

Learned Advocates,

Today, I want one last time to express my gratitude for the support you extended to me over the past sixteen months. As the Chief Justice of Bangladesh, I have had the occasion to address you many times, in my courtroom and from this very podium. Yet, this moment holds particular meaning for me, as the conclusion of my tenure is being marked with such grace and warmth by the Bar to which I once belonged. Together, we have passed through a year of great significance in the judicial history of our country, for which I cannot adequately express my sincere thanks to everyone involved.

Dear Counsels,

Constitutionally, our state is governed through three principal organs: the Legislature, the Executive, and the Judiciary. If that is so, then the buildings

that constitute the premises of the Supreme Court stand as one of the three foundational establishments around which the civic life of our citizens revolves. The whispers among lawyers, the murmurs of your clients in the corridors, and the deliberations before the benches are not merely the daily rhythms of a busy court; they mirror the manifestations of the nation itself. What you do here constantly feeds the public discourse through the media, and what we decide ultimately takes the form of decrees drawn by one citizen over another. As long as the democracy is our core value, Supreme Court is the last resort of justice and freedom. If you're enrolled here, you're already a part of the public service.

Distinguished Audience,

Our Constitution envisioned the judiciary not as a passive interpreter of law, but as an active guardian of constitutional values. In fulfilling this role, the Supreme Court has, at times, articulated principles that carry the force of law under Article 111 of the Constitution. These principles thereby shaped the alongside parliamentary enactments. The contribution of the judiciary, however, cannot be measured solely by the performance of judges. In any modern society, particularly one marked by rapid social change, robust economic growth, and persistent political contestation, lawyers perform a vital stabilizing function. They stand between power and the people, between authority and liberty, between exploitation and the exercise of constitutional rights. It therefore becomes evident that no judiciary can ensure meaningful access to justice without a strong, ethical, and enlightened Bar. For the citizen, the Bar is the first point of contact with the justice system. It translates grievance into legal language, converts suffering into claims of right, and ensures that justice is not merely available in theory, but accessible in action.

Dear Audience,

I have had the privilege of hearing the arguments of many great lawyers, both during my years at the Bar and later from the Bench. If one were to imagine a national gallery of the country's greatest advocates, it would not be a small room. I recall these names not in nostalgia or personal pride, but in tribute to the people whose lives are exemplary for us and for the generations to come. They remind us that the strength of our judiciary has largely rested upon the lawyers. It is their learning, and courage that help the judiciary to thrive. If the next generation of lawyers carries forward that tradition, the service of our justice system will proliferate at more robust speed.

Esteemed members of the Bar,

The Supreme Court of Bangladesh did not emerge as an entirely new institution in the post-independence period. Indeed, it may be the only institution that stands within a long and continuous tradition, shaped over generations by the pre-independence institutions that preceded it. From the Supreme Court of Judicature at Fort William in Calcutta, through the Calcutta High Court and the Federal Court, to the Dhaka High Court, a coherent judicial culture with mature and time-tested system of judicial administration was gradually formed. Central to this inheritance was the presence of an exceptionally able and principled Bar, the Dhaka High Court Bar, where advocacy was pursued not only as an intellectual craft, but as a public trust owed to society.

Dear Audience,

Over the decades, the Supreme Court of Bangladesh, and its predecessors have laid down a series of landmark cases that continue to shape the constitutional fabric of the nation. From affirming the *Supremacy of the Constitution* to developing the native doctrine of *Separation of Powers*; from

articulating the theory of *Basic Structure* to strengthening the scope of *Judicial Review*; from defending *Fundamental Rights* to insisting upon *Due Process*, the Appellate Division has consistently demonstrated that constitutionalism is not a matter of theory alone, but a principle actively applied in the governance of the Republic. Many of these constitutional milestones owe their origin to advocates enrolled in this Bar Association. The guiding influence behind these decisions lay in the deep legal learning and firm resolve of lawyers of successive eras.

One of the most consequential cases of Dhaka High Court is *Jibendra Kishore v. Province of East Pakistan* [reported] in [(1957) 9 DLR (SC) 21] which the legality of state acquisition of rent-receivers' interests were questioned. Eminent counsel D. N. Pritt, Q.C., A. K. Brohi, and others argued the case over several days, culminating in a verdict that hastened the dismantling of the zamindari system and ushered in a new chapter in the jurisprudence of land ownership. This case stands as one notable example of how a courtroom may, at times, be transformed into a forum for the development of law. In this process, lawyers often perform a legislative role in effect, though not in name. For no landmark decision is achieved in isolation; it emerges through intellectual engagement, rigorous advocacy, and a continuing dialogue between the Bench and the Bar.

Dear Advocates,

We are accustomed to recalling notable cases by the names of the litigating parties and, quite properly, to credit the judges who author the opinions. Yet it is the lawyers who place before the Court the arguments, the logic, and the very language through which those decisions are made up and articulated. While law reports duly record their names, they remain largely unknown to the wider public. Therefore, I had to accede the view of the Chairman of the Hong Kong Bar Association Philip J. Dykes when he said that “*the judgment*

may bear the name of Judge X or Judge Y, but in substance, it is the product of a collaborative effort between the Bench and the Bar to ascertain the legal principle that governs the facts of the case.”

In the same vein, the Judiciary owes much to the Supreme Court Bar Association for its role in facilitating the decision of the *Masdar Hossain* case, as an effort that materially advanced the independence of the Judiciary. The members of the Bar Association are equally entitled to credit for adhering to the directions laid down by the Court in this case and for reinforcing the demand for judicial independence. More recently, as we renewed our call for the full autonomy of the judiciary through the establishment of a separate secretariat, lawyers across the country stood in solidarity with us. I remain particularly grateful to the Supreme Court Bar Association, its President and executive committee, the Vice-Chairman of the Bar Council and to the incumbent Attorney General for Bangladesh for their considered support and cooperation in carrying forward my roadmap for judicial reform.

Respected Counsels,

That tradition of solidarity between the Bench and the Bar rests, ultimately, upon a shared understanding of professional responsibility. Undoubtedly, the service of one's client is a lawyer's foremost duty. Yet, important as that duty is, it operates at an elementary level. The higher and ultimate responsibility of a lawyer lies in placing honest facts before the Court and assisting the judge in the pursuit of truth—not in securing the acquittal of the guilty, nor in defeating the rightful claim of a deserving litigant through distortion or concealment. I urge you, therefore, to view your role from this broader and nobler perspective.

I say this without hesitation: three professions possess the power to shape or to imperil a nation: lawyers, journalists, and politicians. A lawyer is not a mere agent of private interest; he or she is a public actor, entrusted with the integrity of the justice system itself. When that trust is honored, courts command confidence, rights find protection, and the rule of law takes its root. When it is betrayed, no institutional strength can compensate for the loss.

Learned Counsels,

Although lawyers enjoy the rare privilege of professional autonomy and self-regulation, many still view service to the disadvantaged as an act of charity rather than as an essential component of professional duty. Consequently, a sustained commitment to legal aid, public defense, and pro bono service is regrettably uncommon, though it would serve to strengthen both individual conscience and the institutional independence. It would have fortified the moral authority of the Bar as well.

It is in this context that I, therefore, urge our law faculties to introduce dedicated courses and clinical programs focused on access to justice, and community-based legal service. Legal education must do more than train students to argue cases; it must prepare them to understand the social purpose of law. Issues of legal aid and professional responsibility deserve a structured and visible place within the core curriculum. Every law graduate should leave university with an informed understanding of the legal needs of the poor, the barriers they face, and the skills required to serve them with dignity and effectiveness. At the same time, the Bangladesh Bar Council has a vital role to play in this regard. Consideration should be given to incorporating questions into bar examinations. Because experience shows that what is examined is studied, and what is studied is ultimately valued to some extent.

Ladies and gentlemen,

The July Revolution did not propose to overturn the Constitution rather, it proposed to purify our engagement with it. Transparency, accountability, and responsiveness - these three virtues became the leitmotif of the public conscience. Yet the Judiciary, as the only fully functional constitutional organ during those uncertain months, was compelled to adopt a posture at once humble and resolute,- humble in acknowledging that it cannot exceed the boundaries of the text that gives it life, and resolute in ensuring that within those boundaries no right is rendered illusory, no institution made captive, and no citizen abandoned.

It is from this vantage point that the September 2024 Judicial Reform Roadmap emerged, an attempt to give structure to a national longing for constitutional normalcy. Over the past months, as we carried this Roadmap across the country in a series of unprecedented judicial roadshows, we witnessed something profoundly moving, - a judiciary eager to reclaim guardianship over its institutional destiny, and a legal community rediscovering its civic vocation. It is in this spirit that our Court overturned constitutional misadventures, whether in the attempted burial of the Supreme Judicial Council, the distortions of the 15th Amendment Case, or the unresolved echoes of the 13th Amendment Review. For the first time in our institutional history, we operationalised a judicial appointment collegium, thereby giving organic life to a long-neglected vision of transparent, reasoned, and consultative judicial appointments.

Ladies and gentlemen,

No modern reform of the judiciary in Bangladesh can claim coherence without reference to the MasdarHussain case. That watershed judgment carved out the constitutional autonomy of the Judiciary and laid the

groundwork for a professional leviathan capable of serving as one of the three pillars of the State. Over the past year, we have sought to activate this jurisprudence in earnest introducing structural reforms in the Service, regularising career pathways, and laying the foundations for the Supreme Court Secretariat Ordinance. These measures are not mere bureaucratic reconfigurations, they are constitutional correctives intended to restore balance, independence, and administrative discipline.

But reform, however noble its design, cannot survive on architecture alone. It survives on ownership, ownership by those who must live under its canopy and breathe within its corridors. For months, our labour has been directed at cultivating a constituency of judges, lawyers, and court personnel who participate in reform and identify themselves as custodians of it. In roadshows, seminars, in consultations, in divisional dialogues, we have observed the emergence of a fraternity willing to take charge of its institutional destiny.

Distinguished Audience,

Political and constitutional renegotiations may well produce a new social contract, perhaps even a new constitutional order. In such a moment, the Judiciary will face its greatest test, - how to navigate this larger restructuring without losing the animating spirit of constitutionalism. Vision, wisdom, and courage, these three qualities will determine whether the Judiciary remains relevant in a rapidly reconstituting nation.

The truth is that the present Constitution despite its historical scars, remains the Judiciary's only touchstone of legitimacy. The Basic Structure doctrine, immutable in essence but contested in politics, has served over the past year as the compass guiding our course corrections. Whether addressing excesses committed by the Executive, legislative distortions force-fed upon the People,

or judicial excursions beyond permissible limits, the Court has been compelled repeatedly to reassert those entrenched norms that make constitutional life possible, i.e., separation of powers, judicial independence, democratic governance, inalienable fundamental rights, and the sovereignty of the People.

Each Constitutional ruling of the past year must be understood as a seed sown in the fertile soil of institutional reform with the hope that it will engender a sturdier constitutional culture. And yet, here lies the irony, - while the Court reaffirms the existing Constitution as the sheet anchor of transitional justice, the People, endowed with the constituent power, may in time choose to reshape that very Constitution. The Judiciary must accept this paradox not as a threat, but as a profound democratic truth.

Dear Audience,

Our task is therefore delicate, to safeguard the integrity of the Constitution as it stands, even as we prepare intellectually and institutionally for what the sovereign people may one day choose to create. If we falter, no architecture of reform, however celebrated, will withstand the corrosive effects of weak governance or geopolitical instability. But if we remain faithful to constitutional morality and the discipline of the rule of law, then this transitional moment will not be remembered as an interlude of uncertainty, but as the beginning of our constitutional renaissance.

In an age defined by volatility, it may well be that the Judiciary's steadiness, its restraint, its integrity, its courage shall become the Nation's most enduring source of stability.

As I conclude, I place on record my deepest gratitude to my brother Judges of the Appellate Division, whose unwavering collegiality, collective wisdom,

and tender yet resolute support have strengthened our institutional brotherhood and enabled us to address questions of the gravest constitutional importance, while steadily enriching the development of international customary law and regulatory jurisprudence. I also extend my sincere appreciation to the Judges of the High Court Division of the Supreme Court of Bangladesh, whose diligence and dedication continue to give life and meaning to our constitutional promise.

I am equally thankful to the President of the Supreme Court Bar Association, the Acting Secretary, and the distinguished Members of the Executive Committee of the Bar, whose constructive engagement has remained a vital pillar of our justice system. My gratitude further extends to the Hon'ble Attorney General for Bangladesh and his esteemed office, for their professional cooperation and principled assistance in upholding the rule of law. I also acknowledge, with due respect, the responsible support of the print and electronic media, whose measured reporting and public engagement have contributed to transparency and public confidence in the judiciary, as well as the Supreme Court Registry, whose quiet efficiency, professionalism, and institutional memory sustain the daily functioning of this Court.

Together, through mutual respect, shared responsibility, and an unshakeable commitment to constitutionalism, we reaffirm that the strength of our judiciary lies not in any single office, but in our collective resolve to serve justice with integrity, balance, and foresight.

Thank you.