

**Speech by Dr. Justice Syed Refaat Ahmed, Chief Justice of Bangladesh
on the seminar title "Operationalization of Commercial Court in
Bangladesh"**

Venue: Radisson Blu, Chottogram, Date: 06/12/2025

Mr. Resident Representative of UNDP Bangladesh Stefan Liller

H.E. Nicolas Weeks, Ambassador of Sweden to Bangladesh

H.E. Ajit Singh, High Commissioner of Canada to Bangladesh

**H.E. Michael Miller, Ambassador and Head of the European Union
Delegation**

Mr. Clinton Pobke, Deputy High Commissioner of Australia to Bangladesh

**Learned District & Sessions Judge, Metropolitan Sessions Judge of
Chottogram**

Judges and Magistrates of Chottogram Judgeship and Magistracy

Members of Chottogram Bar Association

Ladies and Gentlemen

Good Morning,

A very good morning.

It is a profound honour to address you at a time when the judiciary of Bangladesh stands on the threshold of a new institutional era. Over the past year and a half, through collective determination and constitutional clarity, we have achieved an institutional transformation that generations before us only envisioned. The declaration of the Judicial Reform Roadmap on 21 September 2024 marked the beginning of this journey, an unequivocal commitment to restoring judicial independence in its fullest meaning and strengthening public trust in the justice system. That roadmap set forth a structured plan to secure

administrative and financial autonomy, modernize judicial governance, improve appointments, and enhance efficiency across all tiers of the judiciary.

To give life to that vision, the most decisive institutional breakthrough came with the promulgation of the **Supreme Court Secretariat Ordinance, 2025**. With a single legal instrument, the long-standing constraints of dual administration were finally lifted. For the first time in our constitutional history, the Supreme Court now possesses full administrative and financial autonomy. This Ordinance empowers the Chief Justice-led committee not only to govern but to plan, design, and implement judicial projects with strategic coherence, institutional discipline, and complete independence from executive interference. It also authorises the Supreme Court to create posts, allocate resources, develop training programmes, and draft rules and policies essential for sustaining a modern judiciary. In effect, the Secretariat Ordinance has given the judiciary the structural strength required to ensure that reform is not episodic but enduring.

To support this transformation, we undertook nationwide engagement through divisional seminars on judicial independence and efficiency, culminating in a National Plenary that brought together all actors in the justice sector. These discussions enriched our policy frameworks and reinforced public confidence.

Our development partners, particularly UNDP, whose Resident Representative has shown solid commitment, provided invaluable technical and logistical support throughout this journey. Similarly, the European Union, Sweden, the United Kingdom, Canada, Norway, Denmark, Australia, and other partners, alongside emerging judicial friendships with Nepal, Brazil, South Africa, Egypt, and Thailand, expanded our institutional capacity and comparative insight. These collaborations reflected a new era of judicial diplomacy for Bangladesh.

Throughout this period, our cooperation with the Executive Branch has been smooth, respectful, and constitutionally sound. The Government acted with promptness in approving the proposals placed by the Supreme Court, demonstrating a shared national vision of a strong, independent, and efficient judiciary. This harmony between branches, each respecting constitutional limits, has been vital for advancing reforms of such magnitude.

These structural achievements now allow us to pursue sectoral reforms with far greater strength, focus, and sustainability. It is within this new environment of institutional autonomy that we turn today to one of the most significant components of our reform agenda, the establishment and operationalisation of the Commercial Courts of Bangladesh.

Distinguished Attendees,

It was here, in this very venue in Chattogram, in January of this year, that the first earnest call from the country's entrepreneurs and business community was voiced, the call for a dedicated commercial court system that could match the pace and sophistication of Bangladesh's expanding economy. Today, just eleven months later, that aspiration has transformed into a near reality. A dedicated research team at the Supreme Court prepared the initial draft of the legislation, which then underwent rigorous scrutiny through nationwide roadshows, detailed consultations with the Bangladesh Investment Development Authority (BIDA), and expert reviews by commercial law specialists and business stakeholders. The European Union also provided valuable technical advisory support. Following further examination and refinement at the Ministry of Law, the draft has now taken its final legislative shape and was placed before the Cabinet, which approved it in principle last Thursday.

Ladies and Gentlemen,

The draft Ordinance contains several essential features. Section 2(3) clearly defines a “commercial dispute,” expressly excluding matters under the High Court Division’s original jurisdiction and the Artha Rin Adalat, thereby preventing overlap and bringing a wide range of commercial matters under a specialised framework. Section 3(1) mandates the appropriate authority, which I assume the Supreme Court Secretariat to establish an adequate number of Commercial Courts, proportionate to commercial volume, particularly in major hubs like Chattogram, and places these courts under District or Additional District Judges to ensure that complex disputes are handled by experienced Judges. For appeals, Section 3(4) establishes dedicated Commercial Appeal Benches in the High Court Division, while Section 9 authorises the Supreme Court to issue Practice Directions to guarantee expeditious disposal. One of the most progressive provisions is Section 7, which introduces mandatory pre-institution mediation and permits mediation at any stage before judgment with party consent, fostering a settlement-oriented culture and reducing backlog. Section 11 provides the procedural backbone: its Suit Management Hearing under Section 11(3) requires the Court, on the first date after the written statement, to identify factual and legal issues, assess whether documentary evidence suffices, limit witnesses, and set firm timelines, ensuring early judicial control and preventing procedural drift. To deter delays, Section 11(4) limits adjournments to three, while Section 11(5) allows substantial costs and temporary exclusion of defaulting parties for wilful negligence. The Ordinance further introduces Summary Judgment for cases where no triable issue exists, enabling swift disposal of frivolous or meritless claims. Finally, transparency is strengthened by Section 13’s requirement for monthly publication of case statistics, and capacity is enhanced through Section 17, which mandates specialised training for judges and lawyers to build a competent commercial justice system.

Distinguished Guests,

By prioritizing speedy, efficient, and transparent adjudication, we are constructing a robust architecture for Commercial Justice. In the globalized economy of the 21st century, the quality of a nation's judiciary has become a primary economic indicator. Investors, both foreign and domestic, do not judge a country solely by tax incentives or infrastructure. They seek certainty. They seek assurance that contracts will be honoured, rights will be protected, and disputes will be resolved not over decades, but within months. By institutionalizing transparency and credibility through these Commercial Courts, we are sending a clear and resounding message to the world, Bangladesh is open for business, and its justice system stands as the guarantor of that promise.

However, let us harbour no illusions, a statute, no matter how eloquently drafted, remains but ink on parchment until it is breathed into life by the vigour of its implementation. and eventually this brings us to our duty. Operationalizing this law requires more than simply establishing commercial courts, definitely it requires a fundamental shift in our judicial culture. We must orchestrate a synchronized effort across the entire ecosystem. This begins with infrastructure, both physical and digital, ensuring that courts are accessible, reliable, and equipped for speed. It extends further to human capital, we must invest in the professional development of judges, empowering them to act as proactive case managers rather than passive observers of adversarial processes. Equally, we must train our court staff to be efficient administrators and our lawyers to be partners in the pursuit of expeditious justice.

The Supreme Court ladies and gentlemen, stands ready to issue the necessary practice directions and time-befitting guidelines to ensure and oversee that the statutory time limits are rigorously observed.

We must recognize that the adjudicatory framework we are building is not an abstract exercise rather it is the genuine lifeline of our national economy. Contemporary legal scholarship and institutional economics universally acknowledge the symbiotic relationship between judicial efficiency and economic performance. A judiciary stalled in procedural induration creates structural friction, inflates transaction costs, and paralyzes the circulation of capital. Conversely, a streamlined, commercially responsive court system does more than resolve disputes: it mitigates systemic risk, ensures legal certainty. This in turn, reduces the costs of doing business, unleashes dormant capital, and unlocks the full potential of our nation's economic engines.

Therefore, I call upon every member of the legal fraternity here today to rise to this challenge. We must operationalize this law with integrity, discipline, and efficiency. Let our work serve as a model for the region. Let our legacy be a justice system that not only upholds the law but propels our nation toward its rightful prosperity.

Thank you.