

**Speech by the Hon'ble Chief Justice of Bangladesh  
Dr. Justice Syed Refaat Ahmed  
on conference Titled Establishing Commercial Courts: Shaping the Draft  
Commercial Court Ordinance  
Grand Sylhet, Sylhet  
17 August 2025**

**Mr Justice Zafor Ahmed, Hon'ble Judge, High Court Division of the Supreme Court of Bangladesh and member of Supreme Court Special Committee on Judicial Reform.**

**H.E. Mr. Michael Miller, Ambassador and head of Delegation European Union in Bangladesh**

**Mr Stefan Liller, Resident Representative, UNDP Bangladesh**

**Mr Anwarul Haq, Assistant Resident Representative of UNDP Bangladesh**

**Learned Senior District and Sessions Judge, Sylhet**

**Judges and Magistrates of all four districts of Sylhet Division**

**Esteemed Resource persons of the Technical Sessions**

**Representatives of different institutions relating with trade and Commerce**

**Business leaders**

**Distinguished Guests**

**Ladies and Gentlemen**

**Good Afternoon.**

Today we gather in Sylhet with a singular purpose, to take a decisive step toward securing a commercial justice system worthy of the economic ambition of Bangladesh. This is not a conference for polite repetition of known truths it is a working convocation for charting the path forward, one that we have been

advocating, refining, and defending for over eight months with fidelity and determination.

The cause for dedicated commercial courts is no longer a matter for cautious exploration, whereas it is an economic necessity. For too long, the lifeblood of our commerce has been slowed by the arteries of delay. The World Bank's *Doing Business 2020* report tells us, with clinical precision, that enforcing a commercial contract in Bangladesh consumes an average of one thousand four hundred and forty-two days, and costs sixty-six point eight per cent of the claim value<sup>1</sup>. In a league of one hundred and ninety economies, we stand at one hundred and eighty-ninth place for enforcing contracts<sup>1</sup>. Let us not mistake this as a statistical embarrassment alone. It is a daily deterrent to foreign investment, a brake on domestic entrepreneurship, and a persistent wound to our credibility in global markets.

### **Ladies and Gentlemen,**

At present, Bangladesh has no separate judicial forum to deal exclusively with commercial disputes<sup>2</sup>. Matters involving millions or even billions of taka in corporate and trade disputes must push for hearing alongside small civil suits and routine property litigation. This is no criticism of our judges, whose dedication is beyond reproach, it is a structural misalignment that undercuts the efficiency, expertise, and predictability required for high-value, complex commercial adjudication. The backlog speaks for itself, as of March 2025, more than 25000 loan recovery cases under the *Artha Rin Adalat Ain* remained pending<sup>3</sup>, representing capital immobilised and business relationships soured.

When we speak of reform in this area, we are not without allies. Our business community, both large-scale investors and small entrepreneurs, has repeatedly urged us to act. The Dhaka Chamber of Commerce & Industry, in early 2023, publicly called for the creation of a separate commercial court system to resolve disputes more expeditiously<sup>4</sup>. International investors, during bilateral meetings, have expressed a clear preference for jurisdictions where commercial disputes are handled in specialised forums with predictable timelines and enforceable judgments. In 2021, the Government announced plans to pilot commercial courts in Dhaka and Chattogram<sup>5</sup>. This July, the Supreme Court, in partnership with the Bangladesh Investment Development Authority and UNDP, convened a technical consultation that brought judiciary, executive, business leaders, and development partners into one room, and one voice for change<sup>6</sup>.

## **Dear Guests,**

We have drawn upon the experiences of countries that have faced and overcome similar challenges. Rwanda, two decades ago, suffered contract enforcement delays that undermined its economic potential. By creating a tiered commercial court structure, staffed by judges with targeted commercial law training, and introducing reforms in case management and procedure, Rwanda transformed its ranking and, more importantly, its economic credibility<sup>7</sup>. India's *Commercial Courts Act, 2015*, particularly as applied in the High Courts of Bombay and Delhi, demonstrates how early disclosure, strict timelines, and meaningful cost sanctions can unclog dockets and enhance adjudicative quality<sup>8&9</sup>. Pakistan's Punjab province, with its *Commercial Courts Ordinance* of 2021, embraced e-filing, strict case-management conferences, and public performance dashboards to ensure both efficiency and accountability<sup>10</sup>.

From these lessons, and from our own consultations, certain pillars have emerged as non-negotiable for the Commercial Court legislation we must finalise. First, clear and harmonised jurisdictional definitions. The law must unambiguously define what constitutes a “commercial dispute.” Ambiguity breeds forum-shopping and procedural confusion. Our definitions should be precise, inclusive of core commercial activities, trade, banking, finance, corporate governance, cross-border transactions and framed to evolve with emerging sectors like digital commerce.

Second, appropriate financial thresholds. The court’s docket must be reserved for matters with significant economic impact, but without excluding small and medium enterprises whose disputes, though smaller in value, can be existential for their survival. A tiered threshold structure could reserve the higher bench for large-value, complex disputes while providing expedited procedures for lower-value but time-sensitive cases.

Third, mandatory case management and strict timelines. Every case should begin with a case-management conference where issues are identified, timelines fixed, and the possibility of early settlement explored. Adjournments must be exceptions, not norms, and costs for delay should be calibrated to deter procedural abuse. The court must be empowered to issue summary judgments where defences are without merit, and to fast-track matters where only points of law are at stake.

Fourth, integrated mediation mechanisms. Commercial litigation should not be the default battlefield. A court-annexed mediation system, staffed by trained mediators with commercial acumen, can preserve business relationships, reduce costs, and shorten resolution times. Mediation outcomes should be enforceable, timelines should be fixed, and participation should be meaningful, not perfunctory.

Fifth, technological integration. E-filing, electronic summons, digital case tracking, and hybrid hearings are not luxuries, they are standard features of modern courts. They reduce delay, cut costs, and expand access, particularly for parties outside major urban centres. A public performance dashboard, updated in real time, would not only enhance transparency but also build public trust.

Sixth, equitable access for all business actors. Our economy is not composed solely of large corporations. Startups, family enterprises, exporters, and service providers all rely on enforceable contracts. The text of the legislature should provide simplified, lower-cost procedures for smaller claims, ensuring that the Commercial Court serves as a partner to all strata of the business community, not a privilege of the few.

Finally, accountability and performance monitoring. The Commercial Court should publish an annual report detailing filings, disposals, average timelines, appeal rates, and reversal rates. Without measurement, there can be no accountability; without accountability, reform will wither.

### **Ladies and gentlemen,**

In advocating these reforms over the past eight months, I have made one point repeatedly, the establishment of a dedicated commercial court is not an end in itself. It is the beginning of a new judicial philosophy for commercial disputes, one that recognises time as a critical element of justice, that treats procedural discipline as a constitutional duty, and that sees the judiciary as a guarantor of economic confidence.

The dividends of this reform will not be measured only in improved rankings in global reports, though they will come. They will be seen in the farmer who is paid

on time because his buyer knows delay will not be tolerated by the courts. They will be seen in the exporter whose shipment is released because a contractual dispute is resolved within months, not years. They will be seen in the entrepreneur who takes the risk to innovate because she knows her rights will be enforced without ruinous delay.

This is our moment to act ladies and gentlemen, not to draft an Ordinance that gathers dust, but to enact one that gathers respect. If we succeed, future generations will look back on 2025 as the year when Bangladesh aligned its legal architecture with its economic aspirations. If we falter, we consign ourselves to another decade of missed opportunities, where capital hesitates, investors look elsewhere, and commerce limps under the weight of uncertainty.

As Chief Justice, I pledge that once these courts are established, they will be fully functional, fully accountable, and fully committed to their mandate. We will train and retrain our judges, guard their independence, measure their performance, and keep them attuned to the evolving needs of commerce. In doing so, we must recognise the value of mixed legal systems that blend civil and common law traditions. These hybrid systems draw on the strengths of both traditions, the clarity and predictability of codified civil law, and the flexibility and adaptability of common law. By harmonising these approaches, we can create legal frameworks that are both robust and responsive to the demands of a rapidly changing world. But this is a collective enterprise, the interim government must enact, the executive must resource, the Bar must adapt, the business community must engage, and our development partners must support with both expertise and, where possible, financial commitment.

**Ladies and Gentlemen,**

This is an opportunity to build a Commercial Court system not only for another judicial forum, rather a transformative engine of economic justice, swift, expert, predictable, transparent. My expectation is that, it would be the bridge between legal right and economic reality, between promise and performance. And let it be said, in the years to come, that in Sylhet, we chose to cross that bridge together.

Thank you.

## **Footnotes**

1. World Bank Group, *Doing Business 2020: Enforcing Contracts in Bangladesh*, data as of May 2019.
2. U.S. Department of State, *2024 Investment Climate Statements: Bangladesh*.
3. Data on Artha Rin Adalat Court, from Statistics section of Supreme Court.
4. Dhaka Chamber of Commerce & Industry (DCCI), Press Statement, Jan 2023.
5. Government pilot plan for commercial courts in Dhaka and Chattogram, press release, 2021.
6. UNDP-BIDA-Supreme Court National Consultation on Commercial Courts, July 2025.
7. World Bank, *Rwanda Commercial Court Reform Case Study*, 2018.
8. *The Commercial Courts Act, 2015* (India), with amendments of 2018.
9. Vidhi Centre for Legal Policy, *Evaluation of Commercial Courts in India*, 2021.
10. *Punjab Commercial Courts Ordinance*, 2021 (Pakistan).