

Speech of Dr. Justice Syed Refaat Ahmed
Hon'ble Chief Justice of Bangladesh
National Conference on ADR: Role of District Legal Aid Committees
(DLACs) in Implementing New Legislations
Hotel InterContinental, Dhaka
25 August, 2025

Hon'ble Law Adviser, Chair of Today's event

Hon'ble Public Works Adviser

Learned Attorney General for Bangladesh

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

Mr. Stefan Liller, Resident Representative, UNDP

Secretary, Law and Justice Division

Registrar General of the Supreme Court of Bangladesh

Learned District Judges

Executive Director, National Legal Aid Services Organisation

Members of the District Bar Association

Members of Print and Electronic Media

Distinguished Guests

Ladies and Gentlemen

Good Afternoon.

Ladies and Gentlemen, & my Group of Esteemed Peers,

"The Law", Aristotle remarked once "is reason unaffected by desire" or "free from passion". Either way, the conventional take on this Aristotelian wisdom has been to consider a discharge of judicial function to be invariably undertaken

with dispassionate objectivity. Unsurprisingly, upon assumption of office a year ago conventional wisdom dictated that the CJB's prime role would be to deal in legal abstractions and procedural intricacies with that all pervasive sense of objective detachment.

Not so. The convulsive reordering of the political economy of Bangladesh by the July Revolution had us all rethinking our priorities in general and our mode of justice delivery in particular pretty much from the word go.

It was evident from the outset that the reordering of the political order would have far-reaching consequences on judicial governance. This was brought home to me in the very heady days of August 2024 when my first reform intervention came in the area of Legal Aid.

Distinguished Guests,

You see, Legal Aid as a conceptual construct is unavoidably an inextricable part of the justice delivery ecosystem. That means that it is organically linked to other stakeholder actions and has to be responsive, therefore, both to the strengths and weaknesses of police investigations, prosecutorial services, and judicial capacity to name a few.

Accordingly, and almost as a knee-jerk reaction to the real time events unfolding in courtrooms across the country, the CJB's Office extraordinarily in cooperation with the National Legal Aid Services Organisation added a criterion to the availability of legal aid services via an official notification on 9 September, 2024.

Ladies and Gentlemen,

The problem thrown up was of individuals finding themselves in court without any legal representation not because they could not afford to hire the services of

a lawyer but because they were prevented due to physical and other uniquely debilitating circumstantial constraints from accessing lawyers.

The immediate response was to add "*the capacity test*" to the pre-existing "*means test*" to make it easier for such individuals to claim legal aid.

The said official notification clearly specifies-

“আইনেরশাসন ও ন্যায়বিচারপ্রতিষ্ঠাকরারনিমিত্তবাংলাদেশসুপ্রীমকোর্টেরহাইকোর্টবিভাগের (বিচারশাখা) বিজ্ঞপ্তিনং- ২৭/২০২৪ জে, তারিখ: ২৫ আগস্ট ২০২৪ মূলেআদালতেউপস্থিতআসামীদেরআইনগতসহায়তাপ্রদাননিশ্চিতকরারলক্ষ্যেআদালতেউপস্থিতআসামীদেরপক্ষেআইনজীবীনিযুক্তনাথাকলেলিগ্যালএইডেরআইনজীবীপ্যানেলথেকেআইনজীবীনিয়োগকরারজন্যবাংলাদেশেরমাননীয়প্রধানবিচারপতিমহোদয়নির্দেশনাপ্রদানকরেছেন।”

The notification further added-

“এমতাবস্থায়যদিকোনোআসামীউক্তবিশেষকোনোপরিস্থিতির কারণেআইনজীবীনিযুক্তকরতেনাপারেন, তাহলেতাকেঅসমর্থব্যক্তিহিসেবেচিহ্নিতক্রমেলিগ্যালএইডেরআইনজীবীপ্যানেলথেকেআইনজীবীনিয়োগকরারমাধ্যমেআইনগতসহায়তাপ্রদানেরপ্রয়োজনীয়ব্যবস্থাগ্রহণেরজন্যনির্দেশক্রমেঅনুরোধকরাহলো।”

Allow me to translate the text of the notification for better clarity. The official notification specifies-

“For ensuring rule of law and securing justice, pursuant to Notification No. 27/2024 J, dated 25 August 2024, of the High Court Division (Judicial Section) of the Supreme Court of Bangladesh, the Chief Justice of Bangladesh has directed that, in order to ensure legal assistance to accused persons present before the court, if they are not represented by a lawyer, an advocate shall be appointed from the Legal Aid Panel to represent them.”

The notification further directed that-

“In such circumstances, if any accused person is unable to appoint a lawyer due to any special situation, he shall be identified as an incapable person, and necessary measures shall be taken to provide legal assistance to him by appointing a lawyer from the Legal Aid Panel, as per direction.”

Distinguished Guests,

There was a dual purpose to be served by this amendment, i.e., empowering a citizen to readily access legal aid under the most egregiously aggravated circumstances and for the court itself to call for legal aid intervention readily in appropriate situations.

One year into my administration, Ladies and Gentlemen, there has been a seismic change in the very concept of justice delivery, judicial administration, and judicial reform. Quite undeterred by the Aristotelian prescript as above noted, the Judiciary has been infused with the passion to transform. This has also informed our concept of the administration of legal aid and the need to constantly evaluate its scope and nature. As we move on, the call is for legal aid administration to be preemptive in complexion with capacity to anticipate change.

As I have already stated earlier, the Legal Aid régime is organically linked to other stakeholders in the justice delivery ecosystem. The past one year has taught us that conceptual and systemic changes in case filings, criminal investigations, quality of prosecutorial and government pleader services in that these have to be brought up to par with other far-reaching reforms already introduced in the justice sector. I am happy to say that my Office has had a

headstart in this regard in engaging in the process of ultimately establishing a Professional Prosecution Service, for example, and hopes for that reform agenda to pick up steam duly.

The clarion call here is for all stakeholders in justice delivery to create strategic partnerships to shape the kind of justice value we want for this country looking ahead. This, we now fully appreciate, can be best achieved by a rethinking of our respective roles free from undue constrictions of any kind.

This collective endeavour shall bring in the paradigm shift, the indications of which are already to be witnessed out there, from a court-centric to a people-centric system that protects citizens from undue and egregious encroachments into their rights and entitlements.

Legal Aid services, Ladies and Gentlemen, is central to our reform discourse aiming at the reinvention and reorientation of a once sluggish top-down system to a service-centric one committed to provide quality adjudication, comprehensive services, and expanded diversionary alternatives to adversarial trial. The result should be a reinvented governance régime driven by the motto that people in plight and distress deserve and expect an expeditious and effective disposal of problems.

Alternative Dispute Resolution and legal aid are not marginal concerns. They are the very bridge between the formal justice system and the people's lived reality. It is here that the poor woman fighting for maintenance, the migrant worker cheated of his wages, or the farmer displaced from his land first encounter the law in action. If that encounter is humane, swift, and inexpensive, then the law has meaning. If it is delayed, costly, and alien, then the law is discredited. This is why ADR and legal aid must be the vanguard of judicial reform.

Ladies and Gentlemen,

The student revolution taught us that legitimacy does not flow from decree or position, it flows from trust. The judiciary will command trust only if it is seen as independent, efficient, and compassionate. Independence means a judiciary free from executive interference, with its own autonomy to manage its budget and administration. Efficiency means modern procedures, digital platforms, and ADR mechanisms that reduce delay and backlog. Compassion means legal aid that is not perfunctory but transformative. These are not abstract ideals rather they are concrete reforms now underway, and this conference is an opportunity to evaluate our progress and chart the way forward.

To conclude, Ladies and Gentlemen, the judiciary as a fully functioning constitutional organ of the State, will continue to stand shoulder-to-shoulder with all relevant stakeholders in this journey, confident that the reforms of today will be the legacy of tomorrow.

Thank you all.