

**Speech of Chief Justice of Bangladesh Dr. Justice Syed Refaat Ahmed on a
Regional Conference Titled " Judicial Independence and Efficiency"**

01/02/2025

Venue: Grand River View, Rajshahi

**Honorable Chair, Mr. Justice Md Ashfaul Islam, Senior most judge of the
Appellate Division of the Supreme Court of Bangladesh and Chairman of the
Supreme Court Special Committee for Judicial Reform,**

Resident Representative of UNDP Bangladesh, Mr. Stefan Liller,

Head of Cooperation, Swedish Development Cooperation, Maria Stridsman

Senior Rule of Law, Justice and Security Adviser of UNDP Ms. Romana

Schweiger

Senior District Judge & Metropolitan Sessions Judge, Rajshahi

Registrar, Appellate Division, Supreme Court of Bangladesh

Distinguished Members of District Judiciary Rajshahi, Natore and Chapai

Nawabganj

Respected President and Secretary of the District Bar Rajshahi

Government Pleader and Public Prosecutor of District and Metropolitan

Sessions Court

Ladies and Gentlemen

Good Morning

Allow me to begin by paying homage to the memory of the martyrs of 1971, whose sacrifices laid the foundation of our independent nation. Let us also remember the resolute spirit of the student-led revolution of July and August 2024, which catalyzed the movement to oust oppression and restore justice, equality, and

humanity. These defining moments in our history remind us that the quest for justice is not a fleeting endeavor but a lifelong commitment, a commitment that forms the bedrock of our judicial mission.

Ladies and Gentlemen,

The Regional Seminar on Judicial Independence and Efficiency holds profound importance in strengthening the role of the district judiciary as a cornerstone of judicial reform in Bangladesh. As the primary constituency of the Office of the Chief Justice, the district judiciary carries immense responsibility of upholding justice at the grassroots level, where the majority of legal disputes are resolved. This Seminar serves as a vital platform to foster dialogue, share insights, and align the judiciary's collective efforts toward achieving the upcoming formation of strategic plan of Judiciary in short term, medium term and long term. By engaging district judiciary members as major stakeholders, the Seminar emphasizes its critical role in implementing reforms that enhance judicial independence, efficiency, and public trust.

Dear Participants

It is with great honor and joy that I address this esteemed gathering today as we advance on our journey of judicial reform and implementation. I stand here with a deep sense of pride and responsibility to share that the roadmap unveiled on September 21, 2024, is making significant strides. Numerous key milestones have already been accomplished, and many others are progressing steadily, reflecting our commitment to this transformative initiative.

Our judiciary, particularly the district judiciary, has exhibited extraordinary dedication and resilience in embracing and implementing the reforms outlined in

our roadmap. Your commitment to justice has been stanching, even in the face of challenges, and your determination to uphold the rule of law serves as an inspiration to all. You are playing a pivotal role as the first point of contact for the majority of citizens seeking redress, and your firm efforts to enhance efficiency, fairness, and accessibility reflect your deep understanding of this responsibility.

Distinguished Participants,

In terms of displaying implementation of our reform proposal, the **Ordinance for the Judicial Appointment Council** has been passed on January 21, 2025, just four months after I presented the reform roadmap on September 21, 2024. This swift enactment reflects the untiring determination of our judiciary and the support of our stakeholders in ensuring a transparent and merit-based judicial appointment process. The establishment of the Judicial Appointment Council marks a historic milestone in securing judicial independence. This achievement underlines our judiciary's commitment to upholding impartiality and fairness, pillars that are essential for sustaining public trust in the legal system.

Ladies and Gentlemen,

Over my many years on the Bench I have come to appreciate the need for a holistic approach to addressing and resolving the judiciary's institutional weaknesses. Such a holistic approach coupled with a strategic vision should involve a needs-based evaluation of the judiciary's development goals. I believe that we have already embarked on that exercise in all earnest as of July-August 2024.

In this regard it is essential to recognize that the judiciary's many needs

- from housing and security to infrastructure development,

- from budget allocation to use of technology,

- from human resource deployment to skill generation

are all interconnected and are best addressed by reference to the institution as a whole. This demands that the vesting and concentration of authority and skill for devising judicial policies and mechanisms of positive intervention be in one single authority i.e., the judiciary itself. Such unitary authority, as opposed to the present diarchical system, would better ensure

- the focused identification of intervention areas,

- efficient short, mid, and long-term planning and formulation of programs,

- cost-effective deployment of resources to implement such programs,

- periodic assessment of structural and systemic weaknesses,

- and strategic initiatives at best resolving these. The proposed Supreme Court Secretariat is best placed to achieve these efficiently and sustainably.

In this regard, I have submitted a comprehensive and well-considered proposal to the government for the formation of such a Secretariat which is presently under active review. Meanwhile, my dedicated team within the Supreme Court Registry, in collaboration with the Law and Justice Division, is diligently engaged in finalizing the proposed Secretariat's organizational structure and delineating its various functionalities.

Another long-awaited reform is the formulation of **rules governing the transfer and promotion of members of the district judiciary**. This initiative aims to

ensure consistency, fairness, and transparency in managing judicial careers, addressing a matter of great importance to the judiciary. In addition, my team is actively working on developing a comprehensive set of benchmarks to create a **fit list** for key positions like District Judge, Chief Judicial Magistrate and Chief Metropolitan Magistrate within the district judiciary. These measures collectively aspire to foster a stable, motivated, and merit-driven judicial system, reflecting our clear commitment to excellence and integrity.

We have also made notable progress in framing the Rule for **Chief Justice Fellowship** which outlines clear guidelines for the duration, scope of work, and expected deliverables of the fellowship. This initiative not only aims to strengthen the capacity of the judiciary but also serves as a platform for fostering a deeper understanding of judicial practices and encouraging a culture of excellence within the members of District Judiciary. Ultimately, the Chief Justice Fellowship program aspires to create a pool of future judges committed to advancing the cause of justice and upholding the rule of law.

Ladies and Gentlemen,

The Supreme Court's groundbreaking initiative to introduce a **paper-free company bench** has marked the dawn of a transformative era in judicial operations. Having successfully embarked on its journey, this innovation is now operating seamlessly, showcasing the immense potential of digitalization in streamlining judicial processes. The implementation of this initiative has not only enhanced efficiency but also demonstrated the Court's commitment to embracing environmentally sustainable practices.

This bold step forward is subject to consistent and rigorous review to ensure its effectiveness and adaptability. Insights gathered from its ongoing performance are paving the way for broader implementation. Plans are now underway to expand this digital paradigm to other benches within the Supreme Court, reflecting the judiciary's vision of a more integrated and technologically advanced system. Furthermore, efforts are actively being directed toward extending this initiative to the district judiciary, heralding a new chapter in making justice accessible, swift, and modernized. Such measures underscore vibrant dedication to innovation, ensuring that the judiciary not only upholds its foundational principles but also evolves to meet the demands of a dynamic society.

Ladies and Gentlemen

It is important to acknowledge the support we have received from our development partners in advancing these reforms. Organization like the United Nations Development Programme (UNDP) has fully embraced our reform agenda and is providing critical technical and logistical assistance. We are also seeing growing interest from other development partners and stakeholders, who recognize the importance of an independent and efficient judiciary in fostering justice and the rule of law.

One of the most visible markers of our ongoing mission is **the regional seminar series**, which has begun in Chottogram, followed by Sylhet and now in Rajshahi, and, will continue across the other divisions. These seminars are a testament to our commitment to engaging with the judiciary at all levels, ensuring that our reform agenda is understood, embraced, and implemented nationwide.

Ladies and Gentlemen,

In Bangladesh, flawed investigations and inadequate prosecutions are among the most significant obstacles to justice. Poorly prepared cases and insufficient evidence often result in low conviction rates, depriving victims of justice and eroding public trust. Addressing these issues requires a shift in how prosecutors are perceived and trained. Prosecutors must transition from being seen as mere state agents to becoming ideal partners in the justice system.

From a jurisprudential standpoint, the prosecutor's role is pivotal in safeguarding both the rights of the accused and the interests of society. The concept of "due process," rooted in natural justice, underlines the prosecutor's obligation to act as a fair arbiter of the truth, presenting evidence objectively and upholding ethical standards. Without a specialized and independent prosecution service, the integrity of the justice system is undermined, and the public's trust in its fairness is eroded.

In this connection, let us reflect for a moment on the institutional framework of prosecution services in Bangladesh. Over the years, there have been no commendable government initiatives aimed at strengthening and professionalizing this crucial arm of the justice system. However, the interim government has recently introduced structured training programs, established career pathways, and placed an increasing emphasis on accountability and performance standards all of which attest to the government's recognition of the vital role of public prosecutors. Currently, efforts are underway to address these issues and implement the necessary reforms.

There is a pressing need to ensure that our prosecution services are equipped with the resources, training, and institutional support necessary to meet the demands of

a rapidly changing legal landscape. The effectiveness of the prosecution service is not measured merely by the number of convictions but by the fairness of trials, the timely resolution of cases, and the public's trust in the justice system.

Professional skill and competence lie at the heart of a prosecutor's effectiveness. Today's legal challenges are multifaceted, often involving complex legal questions, advanced forensic evidence, and intricate socioeconomic contexts. To meet these challenges, public prosecutors must embrace a culture of continuous learning. This includes mastering not only the substantive and procedural laws but also cultivating expertise in emerging areas such as cybercrime, financial crimes, and indeed transnational crimes.

Distinguished Participants,

The judiciary's role extends beyond resolving disputes; it is the guardian of constitutional rights and the rule of law. The judiciary has no influence over either the sword or the purse. It may truly be said to have neither force nor will, but merely judgment. This underscores the judiciary's unique position as the interpreter and guardian of the law, tasked with ensuring that justice prevails.

Our reforms are designed to strengthen this role, ensuring that the judiciary remains a pillar of fairness, integrity, and impartiality. The creation, for example, of the Judicial Appointment Council and the Supreme Court Secretariat, and the development of rules for transfers and promotions, all contribute to fortifying the judiciary's independence and operational efficiency.

I reiterate that the engagement of development partners such as the UNDP has been instrumental in advancing our reform initiatives. Their support provides us with the technical expertise and resources necessary to implement these

transformative measures effectively. I extend my heartfelt gratitude to our development partner UNDP, Bangladesh and its Resident Representative Mr. Stefan Liller, Assistant Resident Representative Mr. Anowarul Haq, and Senior Rule of Law, Justice and Security Adviser of UNDP Ms. Romana Schweiger for their relentless support and invaluable contributions to advancing our reform agenda. Their dedication has been instrumental in driving our vision for a transformed judiciary.

I also wish to extend my deepest gratitude to the Supreme Court Special Committee for Judicial Reform, led by the esteemed Mr. Justice Md Ashfaul Islam as its Chair, and comprising of Madam Justice Farah Mahbub, Mr. Justice Zafor Ahmed and Mr. Justice Mohammad Ali as its honourable Members. Their collective innovative vision and untiring support have been a guiding inspiration throughout this transformative journey of reform. Truly, Mr. Justice Ashfaul Islam your dedication to justice and progress stands as an enduring demonstration to the noble ideals of our judiciary.

Ladies and Gentlemen,

Our mission is clear, and that is to establish a judiciary that truly serves the people. Justice should not remain confined within courtrooms but must extend to every corner of the nation.

I invite you at this juncture to renew our dedication to the principles of justice, equality, and the rule of law. Together, we must continue to fortify our judiciary, ensuring it stands as an inspiration of hope, fairness, and accountability for all.

Thank you.

