JATI JOURNAL

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JUDICIAL ADMINISTRATION TRAINING INSTITUTE
OLD HIGH COURT BUILDING, DHAKA.

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A collection of writings on various judicial and legal topics

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FROM THE DESK OF DIRECTOR GENERAL

One of the important functions of the Judicial Administration Training Institute (JATI) is to publish periodicals, reports etc. on the judicial system and court management. The institute has already published JATI Journal, Vol. I and II. Now the institute is going to publish this volume of JATI Journal as its third periodical. In this current issue we have tried to include various articles related to judicial system and court management. JATI is temporarily housed at the Old High Court Building, Dhaka. The construction of JATI Complex is going on in full swing at 15, College Road, Dhaka. Foundation stone was laid by the Hon'ble Prime Minister on 22nd May, 2003. It is expected that the construction of JATI Complex will be completed within two years when JATI will be able to run the desired expansion of its activities overcoming the present shortage of accommodation.

The new disciplines in law are coming up. We hope, in this treasure land of knowledge the Judicial Officers all over the country will have the opportunity to meet at the JATI complex, know new frontiers of law, exchange their views on various subjects of common interest and interact.

The function of judges is to deliver the best quality of justice at the least cost in the shortest time. It is obvious that the quality of justice would depend, to a large extent, upon the quality of judges. To enhance the skill and quality of judges and others connected with the administration of justice JATI was established. JATI is providing judicial training along with judicial IT training to the trainees in collaboration with the Support to Capacity Building of JATI Project (JATI-DANIDA Project).

We are grateful to the writers who have contributed to this journal. We welcome contributions from intelligentsia in the field of law to enrich our future issue. Inspite of our best efforts and attention, there might be some errors or omissions for which we shall be thankful if those are brought to our notice. Suggestion for improvement from the respected readers are always welcomed and will be kept in view in the next edition.

May, 2004
Dhaka

Justice Md. Hamidul Haque
Director General and the
Chairman of the Editorial Board

LEGAL PROFESSION

- Justice Md. Joynul Abedin

The legal profession is a great calling, Law is a great profession of talents. The profession calls for a great knowledge, high mental capacity and wide culture. To discharge the responsibility, a member of this profession must make himself equal to the task.

According to Edmund Burke "The law is one of the first and noblest of human sciences;- which does more to quicken and invigorate the understanding, than all the other parts of learning put together".

No profession has been so much condemned and denounced as the profession of law. On the other hand, it has fallen to the lot of a very few other professions to be so much belauded and to be so highly spoken of. This paradoxical character, given to the profession, may be accounted by the different view-points, from which people have looked at it, under different circumstances.

Jonathan Swift, who is well-known as a relentless satirist, described lawyers, as "a society of men bred from their youth, in the art of proving by words multiplied for the purpose, that white is black and black is white, according as they are paid."

Dr. Arnold of Rugby denounced this profession in unmeasured terms and expressed his abhorrence for the profession of an Advocate saying "it lends to moral perversion, involving as it does the indiscriminate defence of right and wrong, and in many cases, the knowing suppression of truth". Even eminent jurists and literary like Mecaulay and Bentham denounced, with their characteristic vehemence, the ordinary art of an Advocate in cross-examining honest but adverse witnesses. On the other hand, strict moralists and philosophers like Dr. Johnson, Paley and Besil-Montagu spoke highly of this profession. Basil Montague in supporting the profession of law, described an Advocate, as simply "an officer, assisting

in the administration of justice, under the impression, that truth is best elicited and that difficulties are most effectively distinguished by the opposite statements of able men".

Mr. Justice Walsh of the Allahabad High Court in India in his small monograph on "Advocacy" puts both the aspects of his ethical puzzle in a very clear terms, in the second chapter of the book with a heading "Ethics and Etiquette". A small quotation from this chapter will, in my view, give a vivid picture of the legal profession in a nutshell.

> *"But the view attributed to Macaulay, which is by no means rare, amongst the members of the public of modern times, ignores the personal equation. It puts the lawyer in a class by himself, it overlooks the black sheep, which every profession includes within its fold. Clergy may be unfrocked, doctors may commit unspeakable crimes for high fees, politicians may accept bribes, commercial men and high financiers may defraud the revenue and rob the public. But no one condemns whole-sale, any one of these professions, for the sins of their erring members or demands their ostracism, on the ground that their principles are immoral".*

Mr. Lecky in his Book "Map of Life" has stated about this profession as under:

> *"The difference between an unscrupulous Advocate and an Advocate who is governed by high sense of honour and morality, is very manifest, but at least there must be many things in the profession from which a very sensitive conscience would recoil, and things must be said and done, which can hardly be justified, except on the ground that the existence of this profession, and the prescribed methods of its action, are in the long run, indispensable to the honest administration of justice".*

But the fact remains, after all that has been said against it or in its favour, that it has attracted to its fold, brilliant men of wide culture and education

since the dawn of civilization and settled Government, in every clime and region. It has been the nursery and the training ground for the politician and administrators in every country. With the rare exception of a few eminent professors and businessmen, such as the late Woodrow Wilson, Baldwin, the lawyer-statesmen have predominated in the councils, legislatures and the administrative bureaux under almost every republican, democratic as well as monarchical systems of Government.

But that should not be assumed to be any reason for cultured young men to take to the profession of law. It may have its charms and attractions qua profession and not as a stepping-stone or a halfway-house to any other carrier.

Here in this sub-continent, where the openings for successful business carrier or a professional life, are extremely limited, thousands flock to the study and the profession of law because they have very few openings in any other profession. The Bar is over-crowded. In view of this over-crowding in the profession, it is all the more desirable that every young man, seriously bent upon taking to it, should be thoroughly equipped and armoured for the struggle. It is also to be borne in mind, that if, hundreds of our young men join the High Court Bar, thousands have to work in the Moffusil and earn a living there.

The so-called learned professions must have for their basis or background, a sufficient amount of general education and culture. It is for this reason, amongst many others, that some professions including law are dubbed learned.

The legal profession calls for great knowledge, high mental capacity and wide culture. There is no other way but only practice. Something is learnt by getting into water. No amount of theoretical training and booklore can take place of actual practice. As beginners, young lawyers have very little to choose between a good and a bad case. But as far as practicable, they should try to avoid hopeless cases. Hopeless cases may better be taken up by senior lawyers of established reputation and practice. Though, according to the rules of the profession and the underlying ethics of it, it is not for the Advocates to assume the role of judges and they are in duty

bound, to accept briefs, on behalf of the clients, if a proper fees are offered and no objections merely on personal grounds can be urged. When a brief is taken, the Advocate must give the undeviating attention to the case, as an wandering mind achieves nothing; and a single false move may spoil the case.

An Advocate, to become worthy of the profession, must be possessed of 3 things-an Advocate should be honest, a man of integrity and character. An Advocate possessed with these 3 virtues is appreciated both by the Court and the client. A lawyer must have a command over English language so as to put his client's case clearly and strongly before a judge. He must present his case in the best possible light and to do this he must have a command over the language in which he speaks. The key to the correct presentation of case is to state the point of issue at the outset and then recount the facts simply and in good order keeping to what matters and omitting the rest. The good Advocate is expected to present his case simply and in good order, but he will attune his words to the Court before he pleads his case. A good Advocate must shun emotional rhetoric while opening his case before a Court. Secondly, every counsel for an accused must spare no effort to defend him, no matter how much public opinion is against the man, no matter how distasteful is the task, no matter how inconvenient to himself, and no matter how small a fee. The counsel must make "most of every flaw and every gap in the net". He must say everything on his behalf that can properly be said.

The lawyer must not only treat the judge with courtesy but he must also treat his opponent with courtesy and the witnesses too. Experience will show that many cases have been won by courtesy and lost by rudeness. Before I part with as to what and how a good lawyer is made of I would add that a confidence in self, seems to be a sine quanon in making of a successful Advocate. Self-confidence must be the result of thoroughness and preparedness. So long as you can persuade yourself, you can expect to persuade others, be they judges or jurists or an audience before a rostrum. To attain this self-confidence, one has to master the minutest details, in short, to be thorough.

There are many misconceptions in the mind of average man in regard to

the profession of law. An average man normally takes a lawyer as a person whose function is to throw dust into the eyes of courts and to win cases for his clients. Most people think that he indulges in truths, semi-truths and untruths. The uppermost failing in their mind is the lawyer is a parasite who trades in the weakness, miseries and feelings of fellowmen.

Nothing could be further from the truth than the above statements. The Administration of justice is the highest function of the State, modern or ancient. Courts exists in order that they may enable the citizens to have their civil or criminal controversy or wrong readdressed. Indeed, in most cases it is the state which is the complainant in all criminal matters. The function of the lawyer is to assist the court in arriving at a correct judgment. In all controversies, there are different approaches to the issues in question and they raise an arguable points. Without the assistance of a counsel it would severely be impossible task for the judge to separate the wheat from the chaffs and arrive at a satisfactory judgment. The justification for the existence of the counsel is that each side to the controversy should be in a position to present its case before an impartial tribunal in the best and most effective manner possible. The function of the Advocate is not to act as a judge. His duty is to present the case of his client plainly, attractively and independently. In doing so he is performing a duty both to the state and to his client. In presenting his case, independence does not mean rudeness and impertinence. Courteous manners are indispensable attributes of good Advocate.

A good Advocate must not only know the fact of his case but also the law applicable in his case. A lawyer must never cite any authority which he has not read for himself and the fact of which he has not completely mastered.

It is fatal to think that fluency in speech is the surest way to popularity in a Court of law. A Court of law is not a public platform. The task of an Advocate is not to make an impression on those who are sitting in the galleries but to convince the judge who has a trained mind. Relevant and coherent talk is very important for the purpose of winning a case.

Advocacy is an art which requires long experience. It is acquired slowly

and there are no short cuts for mastering its technique.

The profession of law is an honourable one and no Advocate should deviate from the path of rectitude. He should avoid using methods which bring discredit to it. Lawyers have high missions indeed, they are indispensable for the administration of justice.

It is very essential for a lawyer to understand the Psychological makeup of the public who forms the clientele and the judge in order to become a successful lawyer. A lawyer should be very observant and by experience understand the atmosphere of the courts and act accordingly. The great art of advocacy lies in not talking too much but in knowing when to stop. In my experience, hard work, honesty and decency in dealing with the clients and the courts are the sure foundations of success as an Advocate. Many people of unquestioned ability have failed to achieve a fair amount of success in life for want of tact. It does not pay at all to an Advocate to quarrel with the court or to loose temper over triflings. Patience and perseverance are also essential virtue of a lawyer to have a success in the legal profession.

This apart, an Advocate is required to be well-equipped in legal learning. He should study the law not merely read it. An Advocate should not only be well-versed in legal matters but he should also have full acquaintance with history, economics and other sociological sciences. Unless equipped with these he will be, as sir Walter Scott had to say "but a working mason only". If gifted with a knowledge of a book he can claim to be an architect of the profession.

There never was a time when the profession of an Advocate was a greater or important responsibility than today. He should be fully alive to the great obligation that lies upon him to play his part in shaping the life of the community and the country. The profession of law, therefore, claims for greater knowledge or greater intellectual grasp. This apart, the legal profession demands that its members should keep pace with the changing concepts in legal education. Search for the rights and for the remedies has caused the concept of "locus standi" to undergo much change all over the world. There has been a great change in the concept of an "aggrieved

person". This has been mainly in the public interest litigations where even a public spirited person or body of persons have been allowed to knock the door of the Court for relief on behalf of socially disadvantageous people in this subcontinent. Some reported cases in this connection can be looked into e.g. A.I.R. 1981 S.C.344. A.I.R. 1982 SC 149, 26 DLR (SC)44 and 49 DLR(AD)1.

An Advocate is expected to maintain his manly independence and courteous dignity. They should try to maintain their high tradition of fearless independence, probity and integrity and live up to their honourable ideals and dedicate their lives for the vindication of truth and justice and also for the good of the common people. Because a strong and uptight Bar is essential to the welfare of a free people.

It has been said with a great deal of practical experience behind it that the presiding judges are the best friends of the beginners, meaning thereby, that neither their clients nor the senior practitioners, will excuse their slips, latches and want of experience, as the judge whose duty it is not to apprise abilities of counsels but to do justice between a man and a man according to their best abilities and under standing, as it is a matter of no concern as to who represents him. A judge in any hierarchy of judiciary is expected not to be mechanical but to be inculcated and bestowed with the quality of clear conception, mental comprehension, human compassion apart from being a person of integrity, greater legal and intellectual grasp for administration of justice.

Respect shown towards courts and senior practitioners appearing for or against their clients, is doubly repaid by the respect which juniors themselves naturally covet and secure in due course. Even in pointing out errors, slips and mistakes of the judges, the practicing lawyers should do so, most politely and in a spirit of friendliness and submissiveness. Instead of showing any feeling of gratefulness, most judges do resent such helps as impertinences (if not offered in the right spirit) and even go the length of sticking to their erroneous views with dogged pertinacity. There is an element of vanity and egotism, in the mental make-up of every man. Perfect control over one's temper, particularly in law courts, is a valuable asset. Even when every cutting and irritating remarks are made by judges,

they should be taken in good sporting spirit, and the natural tendency towards a retort courteous should be carefully curved.

The so-called breezes between the Bench and the Bar, so much relished by the outside world when artistically put in newspaper-reports with embellishments, are anything but healthy and advantageous to the practitioners. Practising lawyers are known as officers of Courts. They should never do or say anything, calculated to irritate the Bench or may show any disrespect towards it. This does not in any way mean or imply that the members of this honourable profession digest or swallow unmerited insult. The best method to follow is to enter in in-offensive language and manner, a strong and emphatic protest, against all insulting and objectionable remarks then and there.

HUMAN RIGHTS: GENERAL APPROACH

- Dr. M. Habibur Rahman

Human Rights is a talked about topic since antiquity. As nation states came out international law emerged and along with that human rights began to be embodied in the instruments of national and international concern. Human Rights are also seen to have been enshrined mostly in the constitution as fundamental rights. The scourge of the Great Wars resulted in Human Rights violations practically gave rise to formulation of world organizations like the league of Nations and the United Nations. The UN Charter adopted human rights as human rights and fundamental freedoms. The very step taken by the United Nations is the floating of Universal Declaration of Human Rights, 1948. Since then human rights were perceived with universal dimension as regards human person and dignity.

With the passage of time human rights were enshrined at regional and global level through the concerned instruments Human Rights provisions of UN Charter together with the universal declaration appear as if directive principles to safeguard human rights all over the world. States incorporated human rights under directive or fundamental principles of state policy, fundamental right and freedoms and human and people's rights. Covenant on Economic, Social and Cultural Rights (CESCR) and Covenant on Civil and Political Rights (CCPR) give stress to enforce human rights arising out of the right to economic, social and cultural and civil and political matters together with human rights to person. At present it is not difficult to prescribe constitution and embody in it fundamental rights pursuant to the human right instruments. Subsequently to these instruments, it is possible to forward for a congenial human rights regime in the world.

Despite human rights provisions of UN Charter in articles 1, 13, 55, 62, 68 and 76 the Bill of Human Rights and related covenants and protocol have reiterated human rights to be unconditionally followed. From the strict point of view, human rights can be enforced through the bill and covenants. In other words the charter provisions are enough to the

protection of human rights. So many human rights instruments will come into being, so many intimations for awareness to the safeguard of human rights are seen to come forward. Human Rights organizations at national, regional and global level particularly through NGOs are too serious to make masses conscious about their human rights to be protected through constitution as fundamental rights and the like as well as through the concerned NGOs and largely by Amnesty International. The tuning for human rights at nook and corner sometimes appears as if to overthrow remedy available as fundamental rights.

It is then to say that without limited practice of human rights and fundamental freedoms in civil economic, political, social and cultural aspects, there will be injuries of law and order, thereby causing international peace and security. From this point of view, human rights and fundamental freedoms on the one hand and international peace and security on the other should mutually be effected. Human Rights throughout the world are seen to be infringed. It occurs between government machinery and the governed, between ruling party and the opposition, between political actors, between individuals, between groups and otherwise. It is sufficient to mention that causes of human rights violations include: lawlessness by the state and its agencies such as parliamentary forces and the police: violence caused by terrorists /armed opposition group: growing communalism and interfaith intolerance: tense relationship between the individual, the group/community and the sate: the underlying structure of caste class and gender that inhibit freedom: and the increasing criminalization of politics.

The victims of human rights violation come from every community and every region. Amnesty international has been able to identify those most vulnerable: political and social activists, suspected informers, minorities, women, children, refugees, disadvantaged communities, scheduled castes, scheduled tribes and the like. Victims of armed conflict are substantially worth mentioning as to the victims of human rights violation. In developing countries it is to note that institutional weakness, political instability and unchecked police brutality appear to be the major factors in continued widespread human rights violations.

It is not to question that there is every need to protect human rights. If man is not compelled to have recourse against tyranny and oppression, human rights must be protected by the rule of law. But question arises as to the extent of the application of rule of law. The international society we know today is complex, lopsided, confused, dissonant, disorderly and hectic. In brief, we live in a fitful and intemperate age of political romanticism. The conventional liberal and legal approach to human rights is important and will continue to remain so. As a matter of fact the human rights approach in the recent past has been vigorously expanded and redefined. An effort is being made to extend the structural limit while the formal democratic system has extended the effective citizenship rights to a vast segment of the population who exist on the peripheries of the formal and organized economy and polity. Recent human rights initiatives by various action and struggle groups have taken the form of the organization and empowerment of the tribes and backward people, the poor and women. With the efforts of human rights concerned organization and NGOs a huge population of tribes in many areas have not only been provided with legal awareness and assistance in the realization of their rights but have also been provided with various development facilities, health care, sanitation facilities etc. The hope is that through such organizations, these disabled and deprived sections will articulate their needs and press their claims, not as passive subjects, but as self confident citizens advancing their legitimate rights to survival and well being.

Thus, it is in this context, that new thoughts on human rights issues are taking place. New issues are being identified and new strategies of action are being devised by various action groups and peoples organization. The emergence of public interest litigation is one example of such a newly devised strategy in the hands of these organizations. These action groups and people's organizations are not necessarily organizations devoted to human rights per se. Many of them may not even identify themselves as human rights organization but they are playing a vital role by creating conditions for the impoverished to convert their needs into rights and in that sense they all are engaged in expanding the frontiers of the civil society to include the hitherto oppressed and marginalized peripheries by means of promoting and advancing even if indirectly, their human rights.

To all intents and purposes, there is to note that in addition to adherence to the rule of law and principles of democracy the presence of a strong and independent judiciary, free press and the growth of a wide network of NGOs can contribute greatly to the awareness of human rights and the protection of human rights of individuals, groups, minorities and others. It needs to take into account, "fundamental human rights are best preserved in a society where judiciary enjoys freedom from political interference and lawyers are free to take up all cases even unpopular ones without fear of reprisal." Otherwise, national and international machinery may be looked to innovate to adhere to social justice for protection and promotion of human rights at all level through the regime of welfare state.

CONTINUOUS SPEECH RECOGNITION SYSTEM: A MODERN TECHNOLOGY FOR SPEEDY DISPOSAL OF CASES

-Md. Abdur Razzaque

Speech Recognition is a computationally demanding task, particularly the stage which uses Viterbi decoding for converting pre-processed speech data into words or sub-word units and one of which tends to benefit from increasing the available computing resources.

You do not need to read this entire article. I also do not request you to read this article very carefully. Don't worry about reading the more technical parts of this article. Leave those for when you need them. Some of it sounds intimidating but when you do it one step at a time, it is really not so bad. I am not a computer expert or a voice recognition expert. When I started dictating to my computer I was frustrated because some things did not work well. What follows may help you avoid some of the frustrations I went through when I started dictating to my computer.

Now the question is why we are to dictate. The reply is very simple. Dictation is our daily routine work. Everyday we are writing out judgments, orders, letters, notes and what not. Needless to say that getting a good stenographer is beyond all expectations. Moreover, there is a question of secrecy and also giving dictation to the stenographer is a time factor. In that case if the subject remains between you and me i.e. computer and myself, there is no question of secrecy and also saves a lot of time. Voice recognition has come a long way in the last few years. The device claims that you can dictate 160 words per minute which is even theoretically impossible on the part of a human being like Stenographer.

There are a lot of companies like: IBM Via Voice, Nuance Communications, General Magic, Speech Works International, Fonix Corporation, 21st Century Eloquence, Dictaphone Corporation, Dragon Naturally Speaking, Apple Speech Technologies, Digital Dictate, AT&T Natural Voice and many more, who have been working with voice recognition. It is claimed that Dragon Naturally Speaking is the best of all

the voice recognition software so far created.

I have been working with Dragon Naturally Speaking during the last three years. Initially, I involved myself in using voice recognition software only to know the fact.

Subsequently, I got very much interested in the subject and started writing of judgment and orders as my daily routine works. In the mean time I have already written more than 100 judgments and so many orders by using the system. Now the computer takes my regular dictation with at least 90% correct speech. But Dragon Naturally Speaking system claims that the original software with its recognized microphone and necessary accessories takes dictation with more than 99% correct speech. However, the experts admit that recognition accuracy will never reach 100% even after intensive training and practices with all standard accessories.

Speech recognition software allows people to type words into standard word processing applications and control many computer applications by speaking. There were two types of speech recognition products: discrete and continuous. The discrete speech products are slower for text generations as users are require to speak with a pause between words. Continuous speech products support a more natural way of speaking. The users only need to speak in a controlled manner and clearly enunciating each word. But using speech recognition to type is not as easy as it sounds and for many users it is not easier than typing with a keyboard. First, users must train the speech recognition software to recognize their voices by reading aloud for 15-30 minutes. After this initial training, the software recognizes the user's voice pretty well, but mistakes still occur. In this regard, the expert's opinion is that computer itself is your teacher, computer is your student and computer is your friend. Try to proceed like a layman and very soon you will learn a lot. The operation procedures for speech recognition software are relatively easy to learn. In order to use speech recognition for writing, users have to be able to formulate an idea in words, adopt a more formalistic style of talking and be able to speak the phrase/sentence clearly and fluently into the microphone. Hesitation in speech or sounds made by a user when he/she is thinking about an idea to write can affect recognition accuracy and increase the number of

corrections required. Use of speech recognition can be frustrating, especially in the initial stage when the accuracy of recognition is not at an optimal level. The ability to self-monitor, self-correct and a good tolerance for frustration are important factors for success. There is a strong developmental component to many of the skills required to use speech recognition independently and for that speech recognition is usually not recommended for young children.

It may be sufficient for a driver if he knows how to drive a car. He does not require knowing the function of the engine and the total mechanism of the car. But a mechanic must know the total system including driving. What I mean to say is that due to the socio-economic changes of the world and to meet the basic needs, we have to proceed very fast. I am a judge. My duty is to dispose of the cases as early as possible in the shortest possible way, following the law of the land. Needless to say that oral dictation must be more speedy in comparison to that of handwriting, typing in the keyboard or even dictation to the stenographer. Now the world is so fast only due to use of modern science and technologies. So, there is no scope to avoid modern technologies from any stages of life.

Our judiciary is drowning with unbearable load of cases. If we want to escape from this problem, there is no other alternative to using the modern technologies first. Earlier, we started to use type writer, then cyclostyle machine, then electronic type writer, then photocopier and now we are using computer in many of our court's works. But we have misunderstood the work and function of the computer. It is not an ordinary machine like others. Although, it is a man-made instrument but it can do and undo so many things which a man cannot do. Then, we may use all the possible outputs of the computer which are helpful for the speedy disposal of cases. In this regard, I must say that voice recognition is the only way of speedy life.

Now if we use the modern technology, it is not impossible to record the evidences by voice, write out the judgments and orders by voice, in short, all works and functions of the court by voice. For better transparency we may show the total works on a screen setting the same in the court room by using a projector and at the same time everything should be recorded

by voice in the computer. We may preserve the work and records in paper by using a printer or in CD by using CD writer and at the same time all such works should be saved in the computer hard disk.

It is seen that very soon we are getting computer in all the courts of the country. But we the officers and the staff working in the courts do not have any training regarding different uses of the computer. There is also no technical expert in this regard in the Department. We should have to purchase the computer accessories which are best fitted for the court's work. We are using the computer in our daily court's work as a developed typewriter. But the computer is practically not so. It has got multipurpose uses and we have to know them. Proper use of the computer must increase the output of the daily court's work which may be beyond our expectations.

Let us see how Dragon Naturally Speaking helps us in **continuous speech recognition system**. Dragon Naturally Speaking has developed five different types of software, namely: Dragon naturally speaking professional, medical solutions, legal solutions, preferred and standard version. In our daily court's work, we require Dragon naturally speaking legal solutions. But all those original software are not available in the local market and these are also very expensive. I started to work with a duplicate software (preferred version 5.0) valued only at Tk.100/-and an ordinary microphone valued at Tk.200/-. There are different types of prescribed microphones for the purpose and those are not so expensive. It may be mentioned here that only one software (CD) is sufficient for using in hundreds of computers. The software (CD) is required only for installation of the program in each computer. For the purpose of dictation, each computer requires a separate microphone. There is a microphone having direct noise cancellation technology, i.e. this type of microphone accepts only your voice and not any noise or other sounds.

The total system of Dragon Naturally Speaking has been modified and upgraded from version 5.0 to version 7.0. It is claimed that the performance of this upgraded version 7.0 is much more effective than the earlier one and the price of each item has been reduced to a considerable stage.

It is claimed that Dragon Naturally Speaking software itself teaches everything, as you require for continuous speech recognition. It has got a help menu which. contains headlines:

*Improve my accuracy— Dragon Naturally Speaking has got an Accuracy Assistant who wants to know what problem you are having? The problems may be:

- *When I speak, nothing happens;*
- *When I tell the computer to do something, it does not do the right thing;*
- *I cannot remember what the commands are;*
- *When I speak., something very different from what I said appears on the screen;*
- *When I speak, the computer makes some mistakes;*

*Performance Assistant— The Performance Assistant helps you to determine how to increase the speed with which Dragon Naturally Speaking recognizes your speech. As you answer questions about how you normally use Dragon Naturally Speaking and click or say the corresponding link, you will get help with a specific technique that will optimize your performance.

*Help Topics—*How Dragon naturally speaking works;*

- *How to contract technical support;*
- *Recommended system requirements for Dragon Naturally Speaking;*

*Sample commands— *It contains a brief list of commands on which the system works.*

*Tip of the day— *It teaches you so many things which you should remember.*

*Tutorial— *It has got an audio player which teaches you how to talk to your computer.*

This is just a short description of how Dragon Naturally Speaking can help you get more from your computer through speech recognition. If you want to look through additional topics, you may get that in the online Help or

read the "User's Guide" from where you will learn in greater detail how to better use the power of speech recognition with Dragon Naturally Speaking. It is a big volume containing 222 pages. You will find table of contents and index in both the Help file and User's Guide. Simply click on the page number where you want to go. Whatever version of Dragon Naturally Speaking you are using, getting great accuracy requires practice, good equipment, good enunciation and fluency in speaking.

It is to be remembered that talking to a computer is not the same as talking to a person. What computer does when it listens to speech is different from what a person does. People can filter out clearly and easily what is speech and what is just noise and the same lets us talk to each other almost anywhere. We have conversations in busy train stations and in crowded restaurants. It would be very dull if we had to sit in a quiet room every time we wanted to talk to each other! Unlike people, computer needs help separating speech sounds from other sounds. When you speak to a computer, you should be in a place without too much noise. Then, you must speak clearly into a microphone that has been placed in the right position. If you do this, the computer will hear you just fine and not get confused by the other noises around you. The physics of sound, components, frequency modulation, wave-table synthesis, connectivity, standards, A3D, Environmental Audio Extensions etc. are the main factors which convert sound into speech.

It is difficult to recognize speech if it comes from more than one speaker. People do this very naturally. For example, after hearing the voice of my aunt who has a high thin voice and my uncle who has a voice like a foghorn, easily you can understand who is talking. In such cases people may easily adjust the unique characteristics of every voice. Speech recognition software on the other hand works best when the computer has a chance to adjust each new speaker. The process of teaching the computer to recognize your voice is called training.

It is also difficult to distinguish between two or more phrases that sound alike. For example: "***Two*** boys went ***to*** see the doctor because they ate ***too*** much food. ***They are*** going ***to*** park ***their*** car over ***there***."

People use common sense and context— knowledge of the topic being talked about. The speech recognition programs do not understand what words mean, so they cannot use common sense in the way people do. Instead, they keep track of how frequently words occur by themselves and in the context of other words. This information helps the computer to choose the most likely word or phrase from among several possibilities.

Regarding Training—*how to talk to your computer:-*

Judge Thomas C. Smith, Provincial Court of British Columbia, 540 Borland Street, Williams Lake, B.C. V0K 2G0, has said in his article dated 9 January, 2002 in the name and style "DICTATING TO YOUR COMPUTER (for judges and lawyers)" as follows:

"When you first start using your program, you go through a training session where you read text it supplies on your computer screen. You may choose text ranging from "2001: A Space Odyssey" to Mark Twain. With the latest programs and a powerful computer, you can reduce your start-up time to about ten minutes but it may increase your accuracy to read more of these passages.

After your initial training I suggest training the program by reading to it (trying to use the same speaking style as when you dictate). At the same time, you also train yourself to become comfortable dictating to a computer. As a side benefit, if you read from a legal text, you brush up on your law and have a note you can store on your hard drive for future reference. You may find 10 or 15 minutes a time at the start demanding enough. Try selecting brief times when you will not be interrupted.

Enunciate each word clearly but speak in phrases. To learn how to enunciate, consider listening to the person dictate on the tutorial (under "Help") in Naturally Speaking up to and including Version 5 and to the recordings under the heading, "Listen to Dictation Style of Susan Fulton and Martin Markoe (MP3 format)" at *http:// www. speechcontrol.com/ articles.* Martin Markoe says: "As you listen, remember this may be continuous speech but it isn't conversational speech. Susan and Marty are very average speakers. Speech recognition works for them because they usually enunciate each word clearly."

Speech recognition programs work best when they can place words in context. Further, if you speak too slowly the program may make two words out of one. For example, if I say "proofreading" quickly, it is typed as one word. If I say it slowly, it is typed as two words.

Because speech recognition programs have difficulties with small words like "the," "of," and "a," take care to clearly dictate them. When you correct small words, select words around them to provide context. (For example, select "an Charter application" even though "Charter application" is correct when correcting "an" to "a").

After a week or two, if you attend to correcting recognition errors, the latest programs become very accurate."

It is saying that *The Ministry of Justice of Baden-Wuerttemberg in Germany* has selected Scan Soft's Dragon Naturally Speaking XP Legal Edition for hundreds of courts to replace manual transcription with its automatic speech recognition solution. This solution is intended to help the ministry save time and money in manual transcription fees and to help legal teams to transcribe depositions, reports and other documents requiring time-intensive transcription. Since the implementation of Dragon Naturally Speaking XP, reports are being created more quickly, resulting in increased Productivity and cost reduction.

It is found that different "call centers" and big business organizations are now using continuous speech recognition system for revolutionizing customer care, enabling new enhanced services, improving productivity, and expanding how companies communicate with customers.

"Agenda of V-World Conference dated 1st. May, 2003—

Going Global with Speech: Learn how speech systems can address the unique challenges and opportunities of supporting a multilingual customer base.

Shopping with Your Voice— Transactions: Order a pizza. Book a vacation. Place a wager. Hear how companies around the world enable their customers to complete these transactions using speech, right over the telephone."

Ultimately Voice Technology will be a part of everyday life in the way that normal telephone calls are today and for that what you need; there is Dragon Naturally Speaking 7 software products.

It is claimed that for the purpose of Naturally Speaking minimum system requirements are:

Intel Pentium III or IV/500 MHz processor (or equivalent AMD processor)
256 MB RAM
300 MB free hard disk space
Microsoft Windows XP, Millennium, 2000, 98, 95C, or Windows NT 4.0
Creative Labs Sound Blaster 16 or equivalent sound card supporting 16-bit recording Microsoft Internet Explorer 5 or higher CD-ROM Drive (required for installation).
Scan Soft-approved noise-canceling headset microphone
Speakers (required for playback of recorded speech and text-to-speech features)

Dragon Naturally Speaking 7 has been optimized for a variety of popular processors, including Intel Pentium IV, Pentium III, Pentium II, Pentium with MMX, Intel Celeron, AMD K6-2, AMD K6-3 with 3D and more.

It is said that if you are serious about using Naturally Speaking and time is important to you, or if you wish to dictate into applications other than the Naturally Speaking window, then more memory is recommended. If your primary use of the machine is dictation and you have no other programs besides Microsoft Word 97 or Word Perfect 8 and Naturally Speaking, 384MB is suggested. If you normally use Outlook or other memory-intensive programs and wish better performance, 512MB is suggested.

For saving your time or avoiding working hazard you can dictate by using the system of mechanical voice or audio voice with the help of working

Assistant or Stenographer. You can dictate at any time and in any place in a digital dictation recorder or audio recorder which can be subsequently transferred in the computer by your working Assistant or Stenographer. You can use another device i.e. while you are dictating any subject in the computer by using naturally speaking device, at the same time you can record your audio voice directly in the computer or in any digital audio recorder having voice activated system so that, your working Assistant or Stenographer may get help at the time of proofreading by playing the said audio recorder. The voice activated system means your audio player will not run without your voice or any sound. Your audio player will run so long you are dictating. If you stop your dictation or make no sound, your audio player will automatically go to sleep. The system of audio recording in the computer or in any digital audio recorder is very helpful to those who feel easy to dictate in Bengali or in any other language. The system is very simple. Before starting dictation, open the audio recorder of your computer or digital audio recorder and then dictate clearly, specifically and correctly as fast as you can or as you feel comfortable and then leave the computer. Subsequently, your Typist or Stenographer will hear your audio voice and type the subject matter. In this device you can hear any audio voice by a digital regulatory system like the volume controller of a radio or TV. Adjust the running speed of your audio player with the speed as fast as you can type. There is no difference in using audio recorder of your computer and digital audio recorder. The only benefit of using digital audio recorder is that it is portable and as such you can use it at any time in any place. You will get a lot of different types of audio recorder in the market. Recently, I am using a digital audio recorder which is very powerful. It can record your continuous audio voice for long 17 hours. You may be astonished to know that there is another digital audio recorder which has got multipurpose uses having unbelievable recording time. It is voice-activated pc-compatible micro-bar digital audio/telephone/cell phone recorder with 64 to 512 hours record-time, USB-connect for quick audio download, voice-recognition-software compatibility, text-to-speech compatibility and AC adapter power. It is very fast and comfortable for any natural dictation in any language.

We admit in one voice that proper court administration, court management

and case management are a precondition for speedy disposal of cases. We also admit that for good governance of court administration, court management and case management, there is no alternative of proper monitoring of every tyre of courts. In the developed countries close-circuit camera plays a vital role in every stage of the administration. There are varieties of cameras in different shapes and sizes having so many functions. You can use a modern camera in multipurpose ways. You can look after your babies, servants, workers and also guard your house, courtyards even when you are away from your house.

The XCam2 is a tiny, yet powerful wireless video camera that you can put anywhere and transmit live colour video to any TV, VCR or PC in your home!

X-Ray Vision Software: enables you to know what's going on at home or at work when you cannot be there. It is ideal for remotely monitoring your home, office, driveway, store & more.

The amazing Flood Cam is a weather-resistant wireless colour video camera with built-in 2.4 GHz transmitter and motion sensor and attached dual floodlight casing. The Flood Cam is activated by the integrated motion sensor so that when someone approaches your home, the floodlights come on, turning night into day and the camera catches the startled intruder on video! The camera transmits its picture via a built-in 2.4 GHz transmitter, to a Video Receiver which you connect to a TV anywhere in your home. The Flood Cam sends the wireless signals even through walls, up to 100 feet; so you can watch and record all the action!

The amazing ***XCam2 with X-Ray Vision software*** enables you to transmit LIVE colour video to your PC and send digital snapshots to any remote PC via the Internet! It's the ultimate way to view everything that's happening at your home/office remotely! The secret to this earth-shattering technology is an incredibly powerful software interface. It uses the included sleek USB converter to capture and manage images from any X10 Wireless Video Camera, and make them available to you remotely.

For good governance, proper monitoring and also for better transparency in the judicial work, we must have to convert the entire judicial system

into a single network starting from the Honourable Supreme Court to the lower judiciary at district levels using the modern technologies including computer and Internet. The monitoring system shall be just like one way ticket. Each and every court shall be provided with computer and Internet. Every court shall enter their daily works in the computer and preserve all types of legal information regarding court functioning in their respective computer. Every superior authority shall have their access to enter into the computer of any court subordinate to him and not vice versa which must help in monitoring all or any cases pending in any court and speedy transmission of the data of all or any nature of cases from one level to another.

Generally, we the Presiding Officers of almost all courts do not visit our offices frequently. Close-circuit camera setting in the office and Ejlash may be a viable alternative for speedy monitoring of all courts and staff.

Dragon Naturally Speaking has an option of transcription. It has also got an option to read out the text appearing on the screen of the Monitor. It has got another option to playback your dictated audio voice. When I am dictating the word "constitution", computer is writing the same as "prostitution". When I am commanding the computer to read out the text, it is reading "prostitution" as it appears on the screen. But when I am commanding the computer to playback my audio voice, it is reading the right word "constitution" which is not appearing on the screen. In this regard, I would like to say that it will not be a dream and very soon we will get its proper remedy as follows:

"Open any naturally speaking software installed in your computer, dictate as you like and as fast as you can or as fast as you feel comfortable in your own language, click select all, click playback, click transcribe, click correction, click print, click exit and then leave the computer." Computer alone shall do all those functions and you will get your desired printed text.

This may be concluded with a simple few words more: An Eye-Specialist was examining his patient -- after preliminary talking and examining the problems of the patient, doctor came to the conclusion that the patient

requires lens. Then the doctor put a lens of the lowest power on the eye of the patient and asked him to read something. The patient says, "I cannot read". Then the doctor put another lens of next higher power and asked the patient to read. The patient says, "I cannot read". The doctor put another lens of more higher power and asked him to read. The patient says, "I cannot read". In this way the doctor tested the patient by using the entire lenses in his stock from the lowest to the highest power and asked the patient to read. Always the patient says, "I cannot read". While the doctor is in such a big problem, the attendant who was with the patient said that the patient does not know how to read and write. We say, We must not want such types of SPECIALIST DOCTOR who cannot find out whether the patient is blind or not, whether he knows how to read or not even after preliminary talking and test!!! Now the question is, while the people in the developed world is trying to go to the "MOON" by using the Rocket and modern technology, we are busy in setting a lens on our eyes!!!! ***Right now, learn more for speedy setting of lenses.*** Let us proceed with the modern technology to build our Nation and the Country.

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12. *Master Rifat Hossain Chowdhury, 7-B/2, West Hazipara, Dhaka.*
..... and more.

ONE TRIAL FOR MORE OFFENCES THAN ONE UNDER CRIMINAL LAW AMENDMENT ACT, 1958

- Md. Azizul Haque

The Criminal Law Amendment Act, 1958 is a Special Law enacted for trial of corruption cases. The relevant portion of sub-section (1) of section 6 of this Act provides that the provisions of the Code of Criminal Procedure, 1898, shall, in so far as they are not inconsistent with this Act, apply to the proceedings of the Court of a Special Judge. Sub-section (1B) was added in section 6 of the Act by Ordinance No. XVI of 1979. This sub-section is as follows:

"(1B) A person accused of more offences than one punishable under this Act may be tried at one trial for all such offences."

Sub-section (1) of section 234, Cr.P.C. provides that when a person is accused of more offences than one of the same kind committed within the space of twelve months from the first to the last of such offences, whether in respect of the same person or not, he may be charged with, and tried at one trial for, any number of them not exceeding three.

Offences more than one mentioned in sub-section (1B) of section 6 of the Criminal Law Amendment Act mean two or more offences. Two or more offences clearly spell out that the offences may be 3, 4, 5, 6, 7 and the like. Thus, 'offences more than one' mean any number of offences of those mentioned in the schedule of the said Act, 1958. Again, the offences may be of the same kind or may not. Therefore, the provision of sub-section (1B) of section 6 of Criminal Law Amendment Act is inconsistent with that of sub-section (1) of section 234 of Cr.P.C. regarding offences of the same kind because the former provides one trial for any number of offences while the latter provides one trial for not more than three offences.

Sub-section (2) of section 222 of Cr.P.C. provides that when the accused

is charged with criminal breach of trust or dishonest misappropriation of money, it shall be sufficient to specify the gross sum in respect of which the offence is alleged to have been committed, and the dates between which the offence is alleged to have been committed, without specifying particular items or exact dates, and the charge so framed shall be deemed to be a charge of one offence within the meaning of section 234; Provided that the time included between the first and last of such dates shall not exceed one year. The provisions of section 222(2), Cr.P.C. clearly speaks that criminal breach of trust or dishonest misappropriation of money committed during the period of one year is an offence within the meaning of section 234 Cr.P.C. It may be mentioned that criminal breach of trust is a punishable offence under section 409 or 406 of the Penal Code.

Sub-section (2) of section 234, Cr.P.C. provides that offences are of the same kind when they are punishable with the same amount of punishment under the same section of the Penal Code or of any special law. Under this definition, it can, easily, be said that an accused may commit the offences of criminal breach of trust under section 409, Penal Code for a period from 2.1.1998 to 30.12.98; under section 409, Penal Code for another period from 3.2.99 to 31.12.99; under section 409, Penal Code for another period from 5.3.2000 to 29.12.2000 and under section 409, Penal Code for another period from 5.3.2001 to 30.11.2001. If it is happened, all the 4 offences under the same section namely, 409 of the Penal Code can be tried at one trial.

Sub-section (1) of section 235, Cr.P.C. provides that if, in one series of acts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with, and tried at one trial for, every such offence. It is clear from this provision that if an accused, in the same transaction, commits offences such as criminal breach of trust punishable under section 409, Penal Code; criminal misconduct punishable under section 5(2) of Act II of 1947; cheating punishable under section 420, Penal Code and forgery punishable under section 467, he can be tried at one trial for all such offences.

It is worthy to mention that sub-section (1B) of section 6 of the Criminal Law Amendment Act, 1958 is an exception to the broad and general rule

enunciated in sections 234 & 235 of Cr.P.C. There are some objects to this exception. The first object of the exception is to avoid the necessity of examining the same witnesses and adducing one and same register etc. maintained for years together two or more times in different trials. The second one is to avoid the possibility of overlapping the evidences. The third one is to save time of the court and protect the parties from harassment and pecuniary loss.

Now, if the offences of criminal breach of trust under section 409 of the Penal Code for the 4 periods mentioned hereinbefore along with some other offences are proved, a question may arise as to how the conviction order would be recorded. To my mind, the question can be answered by writing an imaginary model order as follows:

> "that accused ..... be convicted under section 409, Penal Code for each of the 4 periods i.e. 2.1.98 to 30.12.98, 3.2.99 to 31.12.99, 5.3.2000 to 29.12.2000 and 5.3.2001 to 30.11.2001 and is sentenced to suffer RI for 10 (ten) years and also to pay a fine of Tk. 90,000/- (Ninety thousand) in default to suffer SI for 1 (one) year more under the first count, to suffer RI for 9 (nine) years and also to pay a fine of Tk. 82,000/- (Eighty two thousand) in default to suffer SI for 1 (one) year more under the second count, to suffer RI for 7 (seven) years and also to pay a fine of Tk. 69,000/- (Sixty nine thousand) in default to suffer SI for 1 (one) year more under the third count and to suffer RI for 3 (three) years and also to pay a fine of Tk. 25,000/- (Twenty five thousand) in default to suffer SI for 6 (six) months more under the fourth.

The accused be also convicted under section 468, Penal Code and is sentenced to suffer RI for 3 (three) years and also to pay a fine of Tk. 1,000/- (One thousand) in default to suffer SI for 6 (six) months more thereunder.

All the sentences of the accused shall run concurrently. Issue conviction warrant accordingly. Let a copy of this judgment along with a warrant to levy a fine by attachment and sale [Section 386(1)(a)] be forwarded to the District Magistrate for information and necessary action."

A combined reading of sections 222(2), 234 and 235 of the Code of Criminal Procedure and sub-section (1) and (1B) of section 6 of the Criminal Law Amendment Act, 1958 makes it clear that offences (of the same kind or not) more than one i.e. any number of offences against an accused can be tried by the Special Judge at one trial.

One charge must be framed for misappropriation of money or criminal breach of trust committed within one year (within the space of twelve months). Thus, as for example, if an accused commits offences of criminal breach of trust for 5 years, 5 charges are required to be framed each under section 406 or 409 of the Penal Code describing the first and last date of the period of offence in each charge. In addition, the accused can be charged with cheating under section 420, Penal Code, forgery under section 467 or 468 etc., Penal Code and other offences, if any and all such offences can be tried at one trial. In the circumstances, one charge sheet is required to be submitted for all such offences.

So, there is no scope of splitting up of cases year-wise or in any manner whatsoever under the Criminal Law Amendment Act, 1958. Sub-section (1B) of section 6 of this Act, though added in the Act long 25 years back, is hardly followed in the courts of Special Judges. The provisions of this section should be followed to fulfill its objects.

GENDER AND THE CONSTITUTION

- Dr. Taslima Monsoor

Empowerment of women includes to a large extent women's legal empowerment, i.e., where their rights and remedies are guaranteed. Women's participation in the socioeconomic, political and cultural fields is now considered from the viewpoint of women's rights. This concept of women's rights was further developed to establish women's rights as human rights in the Vienna Declaration of 1993. Thus, women's rights and responsibilities has to be measured against accepted human rights values. The Constitution of Bangladesh guarantees equality to all irrespective of religion, race, caste, sex or place of birth. The Constitution further guarantees special measures to remedy the conditions of women with other backward section of the citizens.

The position of women in law in Bangladesh today is the tireless efforts of women of the Indian sub-continent from its inception. Women in South-Asia are claiming just and fair laws for themselves. The positive outcome of this struggle has been Law reforms starting with the Child Marriage Restraint act, 1929 (CMR Act), The Dissolution Of Muslim Marriages Act, 1939 DMMA), the Muslim Family Laws Ordinance (MFLO), 1961, the Dowry Prohibition Act, 1980, The Cruelty to Women Deterrent Punishment Ordinance, 1983 (now repealed), the Family Courts Ordinance, 1985 and the Women and Children Repression Act, 1995. However, there are discrepancies in those Acts and Ordinances which need to be amended to make the law more effective. Bangladesh has ratified different International Conventions and treaties as CEDAW, Conventions on the rights of the child (CRC). The crux of the problem lies with the implementation and enforcement of the law which is a necessary pre-requisite for the advancement of women.

Bangladesh has a legal system consisting to two types of laws, the general and the personal law. The general law as we can see is based on

egalitarian principles of sexual equality but the personal or family law, based on religion, does not operate on the basis of absolute equality to men and women, but on sexual equity. But the personal law is protected by the Constitution itself.

The Present Situation and Special Considerations :

Women in Bangladesh are apparently guaranteed sexual equality by the Constitution of Bangladesh[1] and the general law. But patriarchal interpretation of the law continues the dominance of patriarchal attitudes.[2] However, there are internal contradictions within the Constitution between granting sexual equality and making special laws for women. The fundamental rights granted under part three of the Constitution specifically deal with women. Article 28 states:

28. (1) The state shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth.

(2) Women shall have equal rights with men in all spheres of the State and public life.

(3) No citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution.

(4) Nothing in this article shall prevent the state from making special provisions in favour of women or children or for the advancement of any backward section of citizens.

Thus, while providing equal rights for women in several respects, although only in the public sphere and not in the private sphere, the

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1 *For a discussion on the supremacy of the Constitution of Bangladesh see, Monsoor, Taslima : 'Supremacy of the Constitution. In The Dhaka University Studies-Part-F. Vol. ii, No. 1, June 1991, pp. 123-135.*

2 *On this see in detail Bangladesh: Strategies for the enhancing the role of women in economic development. Washington DC 1990, (World Bank); Jahan, Roushan: 'Hidden wounds, visible scars: Violence against women in Bangladesh'. In Agarwal, B(ed.): Structures of patriarchy: State, community and household in modernizing Asia: New Delhi 1988, pp. 216-226.*

legislature could not pull them out of the typical stereotyped image depicting women as the weaker sex in need of protection. They categorized women with children and the backward sections of the population, reserving the rights of the state to make any special provision for the advancement of such backward sections of the population. This paternalistic attitude of the legislature can also be found in other provisions of the Constitution. Article 29 states:

29. (1) There shall be equality of opportunity for all citizens in respect of employment or in the service of the Republic.

(2) No citizen shall, on grounds only of religion, race, caste, sex or place of birth, be ineligible for, or discriminated against, in respect of any employment or office in the service of the Republic

(3) Nothing in this article shall prevent the state from—

(a) making special provision in favour of any backward section of citizens for the purpose of securing their adequate representation in the service of the Republic;

(b) giving effect to any law which makes provision for reserving appointments relating to any religious or denominational institution to persons of that religion or denomination;

(c) reserving for members of one sex any class of employment or office on the ground that it is considered by its nature to be unsuited to members of the opposite sex.

While providing for equality of opportunity to women, the Constitution under article 29(3)(c) has explicitly given the right to the state to reserve certain employment and offices to men alone, if they are seen as unsuited to women. This urge of the legislature can also be gathered in other provisions of the Constitution. These articles of the Constitution perpetuated the conventional view that women are inferior and therefore

need prctection.[3] Thus, although generally the Constitution promises equality of the sexes, there are disparities of the sexes within it.[4] This paternalistic-attitude towards protecting women as the weaker sex is common in Bangladesh. It is apparent from this that the legislature recognizes the unequal status of women in Bangladesh, although they outwardly claim that the Constitution ensures sexual equality. Salma Sobhan rightly observed that,

> *The tenor of all these provisions read as a whole makes it obvious that the drafters of the Constitution could not fail to acknowledge tacitly the fact of the inequality present in the status of women.*[5]

A brief attempt is made here to understand the problem in the context of situation of Bangladesh. First of all, the Constitution of Bangladesh states under article 149 that all existing laws shall continue to have effect but may be amended or repealed by laws made under the Constitution. Thus, the personal laws as existing laws continue to have effect and it is doubtful whether the Constitution can override the personal laws. Secondly, the constitutional clause of sexual equality [under article 28(2)] only applies to the public sphere and is not applicable to the private sphere. Thirdly, personal laws cannot be considered inconsistent with the Constitution when one of the fundamental rights [under article 28(1)] provided by the Constitution is that the state shall not discriminate against any citizen on the ground of religion. This provision ensures freedom of religion and also safeguards the personal laws based on religion. Finally, the directive principles of state policy, fundamental for the governance of the country although not judicially enforceable or justiceable, do give preference to

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3 *For India see Sarkar, Lotika: 'Status of women- Law as an instrument of social change. 'In Journal of the Indian Law Institute. 1983, Vol. 25, No. 2, pp. 262-269 at p. 267.*

4 *See for details Sobhan, Salma: Legal status of women in Bangladesh. Dhaka 1978, pp. 4-6; Bangladesh: Strategies for enhancing the rcle of women in economic development. Washington DC 1990, pp. 18-20; Chaudhury, Rafiqul Huda and Nilufar Raihan Ahmed: 'Women and the law in Bangladesh: Theory and practice.' In Islamic and Comparative Law Quarterly. Vol. viii, No. 4, Dec. 1988, pp. 275-287, at p. 275; Chaudhury and Ahmed (1980) pp. 18-33.*

5 *Sobhan (1978), p. 5.*

the religion of the majority of the population.

Family Law, Constitution and Women :

All of this protective legislation in the general law influences the position of women in family law but the religious and official family laws of Bangladesh clearly aim for gender equity rather than absolute sexual equality. Problems arise over abuses of this relative status system. The crux of the problem is that many women in Bangladesh today are deprived even of the rights granted by the religious and state-sponsored family laws.[6] Prominently, women are deprived of their rights maintenance, dower, dissolution of marriage, custody, guardianship, and other forms of property. Thus, it was found in a study of the metropolitan city of Dhaka that 88% of Muslim wives did not receive any dower.[7] A study of two villages in Bangladesh revealed that 77% of women from families with land did not intend to claim their legal share in their parental property to retain better links with their natal family.[8] A recent study of child marriage conducted by me and my students in Dhaka University found that in the Motijheel A.G.B. colony 53% and in Mirpur Kazipara 92% child marriages prevail.[9]

Another novel study showed that women are being deprived economically by the customs and conventions of the society that put an embargo to secure their inheritable entitlements. In the study it was found that 95% of the women think it is wrong to ask for their rightful share, 80% of women erroneously believes that their property shall be destroyed if taken from their brothers. A woman narrated that she took her share from her paternal property and bought three cows, which died within a year. 20% of women

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6 *See for details Monsoor: From patriarchy to gender equity : Family Law and its impact on women in Bangladesh. Dhaka 1999 (published by UPL, University Press Limited).*

7 *Akhter, Shaheena: How far Muslim Laws are protecting the rights of the women in Bangladesh. Dhaka 1992, p.35.*

8 *Westergard, Kirsten: Pauperization and rural women in Bangladesh-a case study. Comilla 1983, p. 71.*

9 *Monsoor, Taslima: Prevention of child marriage by the Child Marriage Restraint Act, 1929: Legal implications and social reality. In the Law Journal of Rajshahi University, 1998, pp. 87-108.*

in the village thinks that if we partition our property the divine will be unpleased with us, they say *'Allah'r gojob porbo' i.e.* God's curse will fall or *'Dunia gojob hoiya jaibo'* or the world will become hell.[10]

These are instances of the patriarchal arbitrariness of Bangladeshi society which regards women's claims to their rights as challenging the existence of the patriarchal system itself, despite the fact that these claims are based on an Islamic obligation or official law. Thus, women has to come out of these conventions.

Some recent reforms in the field of family law and some favourable judicial decisions exist in Bangladesh, purporting to ameliorate the status of women. But such vague references to 'amelioration of a depressed class' are not readily usable for legal analysis. To analyze how far relevant laws or decisions are enforced to protect or safeguard women's interest, or whether they are merely rhetoric, we have to go into details of the family law judgments of Bangladesh. Although achieving of favourable legislation or decisions by itself does not modify prevailing attitudes and change the patriarchal system of a male-dominated society.

Much controversy surrounds the question whether there is judicial bias towards men. It may be expected that the effects of a male-dominated patriarchal society have an impact on the courts. But some judicial decisions are remarkably enlightened and can be seen as a departure from the patriarchal mould. These decisions signify concern of the higher courts not only about giving general emphasis on women's rights but also about the need to protect women from cruel treatment and deliberate economic deprivation. There are also many judgments, however, in which the courts are interpreting the legislation only on the basis of orthodox concepts and fail to give effect to the underlying social purpose of the Convention or legislation. We are discussing below a few issues where reported decisions would comprehend the matter.

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10 *See for details Monsoor, Taslima: In search for security and poverty alleviation: Women's inheritable entitlements to land, the untapped resources. In the Journal of International Affairs, Vol. 4, No. 2, July-December 1998, pp. 42-57.*

Restitution of conjugal rights :

The early law on restitution of conjugal rights is that although this remedy is allowed to both husband and wife, its Anglo-Indian development has strengthened the already strong position of a Muslim husband. However, there are grounds of defence which can be used the wife to refuse the forced restoration of her conjugal life. Payment of prompt dower is one such defence, which acts as a condition precedent to the husband's claim for restitution of conjugal rights.[11] The courts, before the independence of Bangladesh, seemed to be not very appreciative of these defences. The shift in the attitude of the judiciary can be gathered if we consider the cases reported after the emergence of Bangladesh. After independence in cases on restitution of conjugal rights, judges have forcefully advanced social welfare arguments against orthodox canonical precepts. The leading example here is Justice S. M. Hussain's potent pronouncement in *Nelly Zaman v. Giasuddin Khan.*[12] He commented:

> *A reference to article 28(ii) of the constitution of Bangladesh guaranteeing equal rights of women and men in all spheres of the state and public life would clearly indicate that any unilateral plea of a husband for forcible restitution of conjugal rights as against a wife unwilling to live with her husband is violative of the accepted state and public principle and policy.*[13]

This shows that the judges are beginning to use the constitutional provisions of equality to give women more rights in the arena of personal law. In his unprecedented judgment Justice S.M. Hussain has elucidated dicta of restitution of conjugal rights as not being physically enforceable and executable through any process of law. He stated:

> *It may be specially mentioned that by lapse of time and*

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11 *Shabbir, Mohammad : Muslim Personal Law and Judiciary. Allahabad 1988, pp. 104-110; Haq, Mohammed Nurul: 'The effects of legislation and judicial decision on the Muslim law of dower. In Dhaka University Studies P.art A. Vo. 45, No. I, June 1988, pp. 93-111.*

12 *34 DLR (1982) 221.*

13 *Ibid., p. 225.*

> *social development the very concept of husband's unilateral plea for forcible restitution of conjugal rights as against a wife unwilling to live with her husband has become outmoded and does not fit in with the accepted state and public principle and policy of equality of all men and women being citizens equal before law entitled to equal protection of law and to be treated only in accordance with law as guaranteed in Article 27 and 31 of the Constitution of Bangladesh.*[14]

This appeared to be the first step to burying the stereotyped conceptions of the wife as property of the husband, beginning to look upon women as human beings having their own rights in marital relationships. This was in consonance with the equality clauses of the Constitution. However, bringing sexual equality into family law as many argues has been creating some confusion. Moreover, the constitutional clause of sexual equality under article 28(2) only applies to the public sphere and is not applicable to the private sphere. The judges of the Family Courts are only applying Article 27 and 31, i.e. that all citizens are equal before the law and are entitled to equal protection of law. The judge further stated, while comparing the equality of men and women, as that:

> *In the husband's unilateral plea for forcible restitution of conjugal rights as against a wife unwilling to live with her husband, there is no mutuality and reciprocity between the respective rights of the husband and wife, since such plea for restitution of conjugal rights is not available to a wife as against her husband apart from claiming maintenance and alimony.*[15]

The prayer for the restitution of conjugal rights was not allowed by the court, in the above case, on the ground that the marriage had already been dissolved by the exercise of the right of delegated divorce by the wife.

The Family Courts of Bangladesh have now become the main repository

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14 *Ibid., p. 224-225.*

15 *Ibid., p. 225.*

of family law issues as very few cases actually come up to the higher courts. To make a full assessment of how the law is developing today, a detailed study of unreported cases from various parts of the country would be necessary. In the present article, this could not be done. However, the prevailing impression from the reported case-law that modem Bangladeshi family law has benefited from judicial activism, protecting the interests of women, may need to be revised in the light of more detailed research focusing on local litigation patterns. Our own limited research of the case studies provided many examples of insufficient protection of women and shows that there is a need for more systematic activation of the judiciary and better sensitization of all judicial personnel for the needs of women.

If we ask how effective the judgments of the Family Courts are in practical life and whether the rights given to women in the decisions are actually achieved in social reality, we must admit that there is a death of information and that further research is needed. A related pertinent question is whether the enlightened judgments of the courts are actually accepted by the society. Even when liberal or pro-women judgments are pronounced in matrimonial law, it is important to recognize that the patriarchal society will not accept them unless there is a substantial change in the traditional attitudes of the people, especially among males. This can be felt mostly in relation to child marriage and dowry, as few people observe the official law in the rural areas and it is freely violated without anyone ever challenging this in a court of law.

While the potential impact of enlightened judgments on society should not be underestimated, it is too simple to assume that court decisions by themselves can change the social realities for most women. Court activity and the involvement of sensitized judges may help to establish that institutions like the Family Courts as the right platform to protect women from economic deprivation and violence. In a legal article, it seems appropriate to conclude that a better sensitized judiciary could empower and protect women by providing an effective support mechanism by the enlightened judicial pronouncements.

For effective implementation of laws, revisions need to be made in judicial procedures as well. For elimination of violence against women we

have to increase mass awareness on issues relating to violence, dowry and child marriage explicitly stating that they are offences for which punishments and penalties are provided.

Substantial improvement of women's access to legal justice is essential. Rehabilitation through focus on both quantity and quality of services available, including legal aid services relating to women is a primary requirement. The different target groups at central and local levels of the legal system and the judiciary can also be used for promoting gender sensitization.

Empowerment of women of their legal rights can be achieved by developing and strengthening institutional and non-institutional mechanism to address issues related to women's rights and thus provide them with their granted rights. While the potential impact of enlightened judgments on society should not be underestimated, it is too simple to assume that court decisions by themselves can change the social realities for most women. Court activity and the involvement of sensitized judges may help to establish that institutions like the Family Courts as the right platform to protect women from economic deprivation and violence. But, it is not only the obligation of the courts or the judiciary but the leaders of political parties, social reformers, academicians and NGO's and persons in all services to step forward to reform the conventional attitude of our society so that women get equal treatment and acceptance in every sphere of their lives. Then there will not be any child marriages, no dowry deaths, no violence against women and women will not be deprived of their granted rights of having equal treatment from not only their Father, Brothers but also from their fellow colleagues. It seems appropriate to conclude that a better sensitized society with enlightened attitude can only empower and protect women and children.

LAW ON COURT-TRANSFER OF A CASE: A CAUSE OF DELAY AND SOLUTION

- G. M. S. Farid

The words 'Court-transfer of a case' are used herein to mean the transfer of a civil case, a small cause suit, a family case or a criminal case from one court to another court, having had the competency to try and dispose of the same. The Code of Civil Procedure (Act V of 1908 and hereinafter detailed as Act V of 1908), the Code of Criminal Procedure (Act V of 1898 and hereinafter detailed as Act V of 1898) and the family courts ordinance (Ord. XVIII of 1985 and hereinafter detailed as Ord. XVIII of 1985) laid down, in some sections in express language, the circumstances, principles and procedure for effecting such a transfer. Section 23 of Act V of 1908 empowers the appellate court transfer, under section 22 of Act V of 1908, a civil case from one court to another court of competent jurisdiction, where such courts are subordinate to it only at the instance of the defender at the earliest possible opportunity or before settlement of the issues after notice to the adversary. It also empowers the High Court to transfer, under section 22 of Act V of 1908, a civil case from one court to another court of competent jurisdiction, where such court are subordinate to different appellate courts, only at the instance of the defender at the earliest possible opportunity or before settlement of the issues after notice to the adversary. Section 24 of Act V of 1908 empowers the High Court or the district court to transfer a civil cause at any stage from one court to another court of competent jurisdiction, subordinate to it, at the instance of the party or suo-moto for disposal of the same or to re-transfer it after notice to the adversary. Provision of this section is made applicable for transfer of any small cause suit from the court of small causes to any other court, having had the jurisdiction or not. Transferee court is deemed to be a court of small causes if it had no such jurisdiction. Court of district judge is the district court for purposes of section 24 of Act V of 1908.

Section 525A of Act V of 1898 empowers the appellate Division to transfer any case or appeal from one permanent High Court Bench to another permanent High Court bench or from one criminal court within the jurisdiction of one permanent High Court Bench to another criminal court, equal or superior in jurisdiction, within the jurisdiction of another permanent High Court Bench to promote the ends of justice in consideration of the general convenience of the parties and witnesses. Section 526 of Act V of 1898 empowers the High Court Division to withdraw any crime case or appeal form any court for trial to itself or to a court of sessions, sub-ordinate to it either on the report of the lower court or on the application of a party interested or on its own initiative. In case of transfer of a case on the application of a party interested, High Court Division is empowered by this section to act if an application for such transfer has been made by the same party to the sessions judge and rejected by him. In case of transfer of a case on the application of an accused persons, High Court Division is empowered by this section to act after notice to the prosecution. Section 526B of Act of 1898 empowers the sessions Judge to transfer any case, if it appears to him expedient for ends of justice, from one criminal court to another criminal court in his sessions division either on the report of the lower court or on the application of a party interested or on his own motion. Section 528 of Act V of 1898 empowers the Sessions Judge to transfer of any case or appeal from the courts of an Additional District Judge or Assistant Sessions Judge to his own court or any other court of competent jurisdiction within his Session Division. It also empowers the Chief Metropolitan Magistrate or the District Magistrate for transfer of a case from one Magistrate to another competent Magistrate, Subordinate to him, for Inquiry or trial.

Section 25 of Ord. XVIII of 1985 invested the High Court Division with the power to transfer, either suo-moto or at the instance of the suitor or a defender, any suit under this ordinance from one family court to another family court of the same district or from one family court of one district to a family court of another district, and any appeal under this ordinance from the court of the District Judge of one district to the court of the district judge of another district. It also invested the district judge with the power to transfer, either suo-moto or at the instance of the suitor or a

defender, any suit under this Ordinance from one family Court to another family court within his jurisdiction. In addition, it empowers the District Judge to transfer any appeal under this ordinance to any court of Additional District Judge or Joint District Judge under his control for hearing and disposal of the same and to re-transfer it to his own Court.

The picture as above is a pen-picture of law on court-transfer of a case. Apart from those legal provisions, a party may move the High Court or the District Court (Court of District Judge is deemed to be the District Court for this purpose) to invoke the power inherent in it for making arrangement of analogous or simultaneous trial of two or more causes pending in different courts of different District or the same district on the same subject matter and issue between himself and his adversary.

General or suo-moto transfer of a case from one court to another competent court does not cause the suitor or a defender to face with unnecessary delay, expense and inconvenience and is not the subject matter of this work. A transfer petition under section 22 of Act V of 1908 is a rarity and under 151 of Act No. V of 1908 is a few but may cause the suitor or defender to face with unnecessary delay, expense and inconvenience. But a suitor or a defender appears to do come up very often with a petition under section 24 of Act V of 1908 of sections 526/526B/528 of Act V of 1898 or section 25 of Ord. XVIII of 1985 for transfer of his case from one court to another court on apprehension of bias in the sitting judge. Disposal of such an application any case either the suitor or defender to face with unnecessary delay, expense and inconvenience in attainment of the result of main case. Focus of this work is (on the matters of such an application solution of the problem) to see the backgrounds of such an application, to chalk out the causes of delay in disposal of the main case as a result of such an application and to seek for an appropriate solution of the problem.

An eternal hope of the suitor or a defender is the attainment of fair and impartial justice of his case at a lesser cost within a probable little or less time. In administration of justice, delegate of and next to the almighty is the judge and the almighty assists a man of his choice to get selection as a judge is a blind but absolutely strong belief of not only the suitor or

defender but also the human society as a whole. As of such human belief, a judge is highly burdened with the discharge of his Judicial functions with utmost transparency as a true and faithful representative of the almighty. Discharge of judicial acts in confidence of the litigating public is the set norm of a judge. To act and react with Judicial mind free of fear and favour, emotion and sentiment, anger and apathy, whims and caprices, surmise and conjecture, prejudice and pre-attitude, bias and influence and the like is a great virtue to be set in personality of a judge. Perfection of such qualities in a judge for dispensation of fair and impartial justice may be a rarity but a near perfection is not an impossibility. Many a judge was able to reach the near perfection and worked successfully in confidence of the litigating peoples. A few judges may go out of track of this line due to their interest, pecuniary or otherwise, in the cases under trial before them or may not escape being influenced out of relationship or friendship with a party in a case under trial before them. Acts and conducts of such a judge may cause the suitor or a defender to sense bias in him and to apprehend that he may not get fair and impartial trial of his case from the judge. As of such apprehension, reasonable or not, of bias in the sitting judge, the suitor or a defender does not want to have his case to be tried and disposed of by the sitting judge and takes recourse to an appropriate legal provision, as stated above, for transfer of his case to another judge, competent to try and dispose of the same. Plan of those legal provisions is perhaps for the eternal guarantee to the suitor & a defender with the fair and impartial trial of their case.

Reasonableness of an apprehension is the only test of inference of bias in a judge. An apprehension of bias in a judge must be of such a nature that a man of even an ordinary prudence or a common sense can ably make out it from the alleged facts and circumstances. An apprehension of bias in a judge may not be universally or invariably reasonable. It is true that an apprehension impractical or illogical, vague or unusual, fanciful or imaginary, whimsical or capricious and the like cannot substitute or equate a reasonable one. Even a party may level an apprehension in a well-reputed judge with an intent to keep the case in the deep of a freeze for a period of time or to have his case to be tried by a judge of his own choice. In the event of an unreasonable apprehension, the result is

obviously unfavourable for the party and the judge. Non-grant of a transfer petition may lead the party to go a far to swim across a sea or the ocean, causing an undue delay in disposal of the main case. Normally, a transfer petition throws out a case from the track of the line of its proceeding or trial for a period of time short or long. Table 1 and 11, given below, will show such a picture in detail.

TABLE – I

A LIVE PICTURE OF TRANSFER PETITIONS IN A CIVIL SUIT AND THE DELAY CAUSED IN DISPOSAL OF THE MAIN CASE.

Civil Suit No. 08 of 1976. Date of Filing: 02-01-1976. Date of filing W/S. 01 - I 1- 1976. Ist date of P.H. : 22-12-1976.
Date of Argument: 18-09-2000.

Transfer case no	Apprehended	Court under apprehension	Stay of the main case	Transferee court	Time taken for disposal	Remarks
Misc. Case No. 08 of 1976.	Defdt. No. 1	Court-A	Not found	Court-X	Not found	
Memo No. 119(3) dt. 21.03.1990	Suo-moto	Court-X	21.03.1990	Court-D	1 day	
Misc. Case No. 03 of 1990.	Defdt. No. 1	Court-D	15.07.1990 to 20.10.1993	Court-B	3 months 6 days	
Misc. Case No. 07 of 1993.	Defdt. No. 1	Court-B	20.03.1993 to 11.04.1993	Court-B	23 days	
Misc. Case No. 11 of 1993.	Defdt. No. 1	Court-B	25.4.1993 to 10.05.1995	Court-B	2 years 16 days	
Misc. Case No. 05 of 1995.	Defdt. No. 1	Court-B	12.09.1995 to 15.09.1995	Court-C	4 days	
Misc. Case No. 06 of 1995.	Defdt. No. 1	Court-C	06.04.1999 to 13.06.1999	Court-C	2 months 7 days	
Civil Revision No. 3044 of 1999	Defdt. No. 1	Court-C	05.09.1999 to 09.02.2000	Court-Y	5 months 5 days	

TABLE II

A TABLE SHOWING THE PICTURE OF THE NUMBER OF TRANSFER CASES OF A JUDGESHIP FOR FIVE YEARS AND THE TIME TAKEN TO DISPOSE OF SUCH TRANSFER CASES

Year	No. of T.P. Case	Disposal									
		Same day	3 months	6 months	1 year	2 years	3 years	4 years	5 years	Pending	Remarks
1995	57	7	12	6	11	13	2	2	1	3	
1996	49	8	20	4	9	6	2				
1997	24	1	12	3	5	2				1	
1998	31		14	11	6						
1999	18		8	4	3					3	

Table-I as above shows an unprecedented picture of transfer petitions made by the only defender with an intent to keep the case of his adversary in the deep of a freeze for a lengthy time from 1976 to 2000, It also shows that he was able to use the provision of section 24 of Act V of 1908 at his sweet will. It further shows that the court of district judge disposed of Misc. Case No. 03 of 1990 within 3 moths 6 days, Misc. Case No. 11 of 1993 within 2 years 16 days and Misc. Case No. 06 of 1999 within 2 months 7 days. In addition, it shows that the High Court disposed of Civil Revision No. 3044 of 1999 within 5 months 5 days. On the other hand, table-II shows the disposal of 66 transfer petitions of 1995-1999 within 3 months. 28 transfer petitions of 1995-1999 within 6 months, 33 transfer petitions of 1995-1999 within one year, 21 transfer petitions of 1995-1999 within 2 years, 4 transfer petitions of 1995-1999 within 3 years, 2 transfer petitions of 1995-1999 within 4 years and 1 transfer petition of 1995 within 5 years by a District Court. It also shows that 3 transfer petitions of 1995, I transfer petition of 1997 and 3 transfer petitions of 1999 remains pending before a District Court. This is a picture of transfer petitions of a judgeship and the time taken for disposal of those petitions causing in some cases an inordinate delay in disposal of the original case. Now the question is as to why such time is taken in disposal of a transfer petition. The answer is latent and patent in the law itself. The laws did not prescribe any time limit for disposal of a transfer petition but made the service of notice upon the adversary mandatory. The laws also spoke for giving

hearing to the notified party desiring to be heard. As of practice, the disposal of a transfer petition under section 151 of Act V of 1908 is also made subject to service of notice upon the adversary and the giving of hearing to the notified party desiring to be heard. As a matter of law, practice and procedure, service of notice upon the adversary takes away a considerable time, short or long. Even in some cases, the appearance of the adversary may take away a certain length of time, if the case is not heard exparte on the day fixed for his appearance. In certain cases, reluctance of a district court to hear the transfer petition may take away a certain length of time as because there is no mandate in law on the district court to hear and dispose of a transfer petition expeditiously or as early as possible. On the other hand, the grant of time unscrupulously may cause delay in disposal of a transfer petition and the main case. Moreover, in practice, a procedure developed for calling for report from the presiding officer concerned though the laws did not make such provision. Even in law, there is no scope to hear presiding officer against whom apprehension of bias is made out on certain allegations, reasonable or not. In law, neither the High Court nor a district court is authorized to recommend the initiation of a departmental proceeding against a presiding officer on such allegations. Even no law or the rule made thereunder authorized the High Court or the District Court to any adverse comment in the annual confidential report of the presiding officer on such allegations. It is crystal clear that the procedure for calling for a report of the presiding officer is of no legal consequence but if any, in some cases, cause delay in disposal of the transfer petition as well as the original case.

To check and prevent such delay in disposal of a transfer petition, some mandate should be added to the relevant laws providing for service of a copy of the transfer petition on the adversary, instead of service of notice, before presentation of a transfer petition before the court and for disposal of the transfer petition by the court within 30 days from the date of presentation of the transfer petition by giving hearing to the adversary if he appears and desires to be heard on the day fixed for the purpose or exparte if the adversary does not appear on the day so fixed within 30 days of the presentation of the transfer petition without the grant of any adjournment. The procedure for calling for a report, having had no legal

consequence or being of no legal consequence, should be allowed to, come to an end or to vanish as a procedure or to go out of the scene.

This endeavor will get success if the amendments as proposed above are effected in the relevant provisions of the laws and the procedure of calling for a report of the presiding officer, being of no legal consequence, be allowed to go out of the scene.

With hope of favorable consideration of the authorities concerned, this work is ended herein.

DRAFTING IN PLAIN LANGUAGE - A STYLISTIC CHOICE

- Dr Md. Abdul Karim Khan

Drafting is a process but it is misleading to spell out it's steps in any particular order for that might suggest that the steps are, or should be the same for everybody every time. That is not the case and yet it is possible to make some suggestions based on the experience of successful practitioners. It is also important to recognize that "drafting is itself part of a larger planning process that lawyers undertake for their clients. The steps do not occur separately, one at a time, but are inextricably linked."[1]

Choosing language is a constant process while one is drafting. Legal documents benefit from flexibility to the extent that they are plans for an uncertain future. Vague Language often serves better than precise language and general better than particular. An attempt is made here to distinguish these qualities of Language from each other and to offer suggestions about how to make appropriate choices in various contexts.

The goal recognizes that legal documents are plans for future full of circumstances that neither the drafter nor the client can presently know about. Thus documents need to be flexible. The most useful Language to accomplish flexibility is often vague rather than precise, general rather than particular. When the drafter uses Language to make a document flexible, the user receives the delegated authority to interpret later when the circumstantial context can be brought to bear on the interpretation.[2]

Style in legal drafting is the composite of choices the drafter makes about how to handle numerous matters of word choice, sentence structure, form

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1 *Macniel, A Primer of Contract Planning, 48 S.Cal. L. Rev. 627, 643 (1975).*

2 *Krik, Legal Drafting Some Elements of Technique, 4 Tex. Tech. L. Rev. 297, 300.*

and even graphics. Trying to attend to all of these matters while composing a first draft would serious interfere with expressing the substance. Therefore, attention to style is better left for the editing and redrafting stage when one can impose a system of stylistic controls on whatever inconsistencies one finds in one's first draft. This discusses the issues that require stylistic control. It also gives suggestions about what values might guide the choices, such as a preference for plain and gender-neutral Language.

Challenge to Remain Incognito :

In E. B White's famous essay on style, which is generally referred to "struck and white" he writes "we do not mean his command the relative pronoun, we mean the sound his words make on paper. Every, writer by the way he use the Language, reveals something of his sprit, his habits, his capacities, his bias. No writer long remains incognito."[3]

Like Whites comments, most comments about style are subjective. Someone has a bold style, someone else has a turgid style. Style is flashy or tangled or refreshing. It is long-winted and pompous or it is breezy or matter of fact. To characterize a novel in such terms is one thing. It is quite another thing to determine standards for appropriate style in drafting a contract or a will. If White is right about writers not being able to remain incognito, his words issue a challenge to legal drafters, whose personality and beliefs have no business in legal documents.

Consistency :

A. Cumulative effect of many particular

Consistency is the stylistic principle most highly valued in drafting legal documents. To some extent it does not matter what conventions one adopts as long as one observes them consistently. If there is anything that characterizes the style of a well drafted legal document, it is that the drafter always says the same thing the same way and different things

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3 *W. Strunk, Jr, and E. White, the elements of style 66-67 (3rd ed. 1979).*

differently. Improving style, therefore, amounts to attending consistently to a whole collection of particulars that merit attention throughout any legal document.[4]

B. Parallel Structure

Parallel ideas belong in parallel structures whenever possible. The consistency in structure helps a reader recognize the relationship in the substance. For example:-

Sentence with Parallel objects—

Seller will pay for inspection, repairs and painting.

Sentence without Parallel objects—

Seller will pay for repairs, the bill for painting and getting an exterminator to inspect for termites.

The recommended parallel structures reinforce substance. In the first example, the series of objects (inspection, repairs and painting) make it easy to see at a glance that the seller will pay for three things.

Normalized Form :

When there are several items in a parallel series, especially if they are parallel conditions and parallel results, it is helpful to number or letter the items and thus to use consistency of form even more bluntly to reinforce substance. The next step is to identify the numbered or lettered items. If the process is rigorous enough, the material becomes normalized. The manner of presentation may aid the reader even further by capitalizing "IF", "AND", "THEN", etc., a convention among may users of normalization.[5]

Decision Tree :

A decision tree first reduces conditions and results into a consistently

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4 *Alterman, Plain and Accurate style in courts Papers (1987).*

5 *Letter from Grayfred B. Gary to Barbara Child the author 'Drafting legal document 2nd ed. (Aug 26, 1991).*

phrased series of "yes" or "no" questions and answers. The decision tree can be a useful tool for presenting complex rules in some context An accurate and complete decision tree makes a provision easy for a reader to follow, but it is not always easy to produce. It involves three stages:

a) Divide the material into as many discrete propositions as you can;
b) Divide each proposition into an assertion and its negation, in order to make the list exhaustive and the propositions mutually exclusive;
c) Put the proposition into a logical sequence.[6] They should move from general to specific subject matter so that the fast question produces an immediate result in as many cases as possible and each successive question moves to a lower common denominator producing a result for fewer cases.[7]

The decision tree is also useful as a device for assessing the over all conceptual scheme of a provision. If the provision is irrational or arbitrary or if there is a gap in its coverage, the decision tree is likely to reveal the problem.[8] The decision tree can also be adapted to produce and fill out standard forms through computer programs.[9]

Graph of Logical Structure :

The graph of logical structure is a variation on a decision tree. Instead of focusing on "Yes" and "No" questions, the graph focuses on file logical relationships expressed by "if" (conditions) "then" (results) "and" (cumulatives) "or" (alternatives) and "but" (exceptions).

Decision trees and graphs are especially helpful for document users who want to find the answer to a particular problem. They can quickly rule out the details and alternatives that do not apply and they need not try to keep

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6 *Wason, the Drafting of Rules, 118 (part 1) New L. J. 548, 549 (1968).*
7 *Benson, Isolating Linguistic and Logical structures in the Analysis of legislative language, 8 section Hall legis. J. 298 (1984).*
8 *Fitzgerald and Spratt, Rule Drafting- 1, 119 (Part-2) New L. J. 991,992, (1969).*
9 *Fitzgerald and Spratt Rule, Drafting -III, 119 (Part-2) New L. J. 1052-54 (1969).*

in mind all the answers to earlier questions as they move down the tree or graph.[10]

Tense :

It is advisable to draft policy statements, conditions and recitals as well as descriptions in a consistent present tense sequence. This is because of the convention that documents "speak constantly". In other words, they "speak" when they are used rather than when they are drafted.

The future tense is appropriate to express duties with respect to future conduct that are either imposed by some form of legislation or accepted by agreement. "Shall" expresses orders. "May" expresses discretionary authority. "Will" expresses agreement.

Singular and Plural :

It is conventional to use the singular consistently even when the sense is plural. For example, it is conventionally understood that the singular reference to "tenant" throughout a lease applies to all the tenants if more then one are parties to the lease.

Brevity:

Needless Elaboration :

"Wordiness is a natural enemy of clarity".[11] This is not to say that the shorter- sentence is always the clearer one. If it takes more words to make a complicated concept clear, then clarity justifies the added words. However, lawyers are more often inclined to-be too wordy than too brief: One of the most common forms of wordiness peculiar to legal documents is elaboration of details with no particular legal significance.

Needless Synonyms :

The other most common form of wordiness in legal documents is the needless synonym as in "authorize and empower" or "rest, residue and

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10 *Fitzgerald and Spratt above note at page 991.*

11 *Siegel to lit the course of legalese - Simplify 14 across the Board 64, 70 (No. 6, June 1977).*

reminder." The old habit of using synonyms may have had sensible beginning when legal documents in English had to be understood, by people who spoke Anglo-Saxon and others who spoke French or Latin. Also when scriveners were paid by the word, some of them may have added words on their own initiative. However, the synonym habit has hung on long alter any rationale has disappeared. Today it is usually enough to pick one term, probably the most familiar or legally significant and then use it consistently.

Nouns and Verbs :

Professor Joseph M. Williams devotes considerable attention in his book on style to what he calls "nominalizations": nouns that have been derived from verbs or adjectives,[12] Such as "rejection" and "violation" or "adjustment" and "alignment". Using nominalizations is not in itself a stylistic blunder. However, many sentences full of nominalizations produce a heavy, turgid style. Professor Williams uses the following sentences to illustrate the problem:

First- The claimant's testimony was that there was no medical treatment from July 27 until his consultation with a doctor on December 12.

Second- The claimant testified that he was not medically treated from July 27 until he consulted a doctor on December 12.

The first sentence is heavy with nouns that focus on abstractions rather than human being. No human being is doing anything in that sentence. In the second sentence, the claimant comes to life. He acts and is acted upon. Sentences describing human being in actions make documents easier to follow just as they make any writing more interesting to read.[13]

Gender-Neutral Language :

Gender-neutrality has received detailed coverage in much of the recent

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12 *Style: Ten Lessons in clarity and Grace 11-20 (2nd ed. 1985).*

13 *J. Williams, The Dispositive Edge: Inventing Responsibility (July 19, 1986) presentation at conference of the legal writing institute.*

writing by experts on legal drafting.[14] They recognize the difficulties of avoiding gender-specific pronouns altogether but they also take seriously the attempt to remove sexual bias and its appearance from legal documents. Most understand that even though it may be technically "correct" to use the word "man" as a generic term, the reader or listener is likely to visualize or think of a man.[15]

Moreover legal classification that use gender-specific words such as "he" and "man" always refer to men but may or may not refer to women.

One should avoid sexist language for the reason that one avoid other language quirks- if one uses sexist language, one will distract a part one's audience. And one will distract another part of one's audience if one resorts to clumsy or artificial constrictions when trying to avoid sexist language. Avoiding sexism gracefully is no easy task.

Punctuation :

In good writing generally, the trend is to use less punctuation, which chiefly means fewer commas. The saying goes, "when in doubt, leave it out." This trend has particular significance in legal writing. Whenever someone's artless drafting leaves a provision ambiguous or misleading because of a missing or misplaced comma, a legal action may result.

Graphic and Headings :

A reader responds to a document first in terms of how it looks on the page, regardless of what it says. Anyone who has encountered a page of solid small print knows that graphics have a great deal to do with readability.

Headings do more than give information about the content of sections. They draw the reader's eye and signal division of the material. To function well graphically, headings need to be easily distinguishable both from the text each other.

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14 *Ramm, Avoiding Sexist language, Quaint and otherwise, 71, ABA J. 126 May (1985).*

15 *Sexism in the statutes, 32 Buffalo L. Rev. 559, citations throughout (1983).*

The History of Plain Language drafting :

The plain language movement grew out of the widespread public disenchantment with lawyers pompous and often unintelligible style. Some people credit President Jimmy Carter with founding the movement in famous executive order directing federal agencies to produce "Simple and clear" regulations understandable to those who must comply.[16] However, earlier the Plain Language movement had focused on consumer contract, not government documents. By the end of the 1970's the first plain language legislation began to make its way though several state legislatures in U.S.A. and around the globe.[17]

When the first states began to pass plain language legislation, lawyer were critical as were the corporation that were suddenly required to redraft all of their form contracts. Corporations complained that there was no way to ensure that a redrafted contract would be in compliance with the laws before the corporation put it into use. Some also expressed the fear that converting to plain language would make documents longer and thus actually discourage consumers from reading them.

Lawyers feared the elimination of legal terms of art. They anticipated a mountain of litigation although it did not materialize.

The plain language legislation has been criticized by lawyers, Reformers and legal scholar in different ways. In spite of the critiques, the plain language movement has expanded. In fact, one explanation for decline in introduction of new plain language legislation is the widespread voluntary reform, including self-policing by industries, organizations and individuals has become widespred. The legal system has also gradually introduced more plain language such as in legislation's, legal instructions and required statements of client rights. Reform may be increasingly pervasive because plain language in large measure means writing well, and that means writing to be understood which is not an especially controversial idea after all.

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16 *Exec. Order No. 12044, 43 Fed. Reg. 12661 (1978).*

17 *N. Y. McKinney's Gen. Oblig. Law 5-702 (1987).*

A guideline is given here for drafting in plain language.

Word Choice :

1. *Does one use words in common use as much as possible and legal terms of art only when necessary? In a consumer document, does one define terms of art that one uses?*
2. *Does one avoid archaic terms such as "aforesaid," "herein before," and "witnesseth?*
3. *Does one avoid "said" and "such" as articles?*
4. *Does one use "the" and other articles in common use rather than leaving out articles, saying, for example, "for the benefit of the beneficiary" rather than "for benefit of beneficiary"?*
5. *Does one avoid nominalizations (nouns constructed from verbs usually ending in "tion" or "ment")?*
6. *Does one prefer active verbs and use passives only when on purpose one wants focus on the object rather than the subject of the action?*
7. *Does one always use the same word to refer to the same thing and different words to refer to different things?*
8. *Does one prefer stating things positively? Does one especially avoid multiple negatives in the same sentence?*
9. *Does one avoid needless synonyms and other word strings?*
10. *Does one avoid needless detail that only gives the impression of precision?*

Sentence Structure :

11. *Does one avoid convoluted sentence structure (though not necessarily avoiding long sentences as such)?*
12. *Does one take advantage of tabulated sentence structure to make a long sentence with complex material easier to follow?*
13. *Does one express parallel material in parallel structures?*

Form of the Document :

14. *Does one aid a reader's access to a document through introductory material and through a table of contents for a long document?*
15. *Does one use enough division into sections and subsections, each with a heading, to make material easy to find?*
16. *Is one's heading informative?*
17. *Does one number or letter all sections and subsections for easy reference?*
18. *Does one avoid excessive cross-references? When one does cross-reference, does one refer to substance as well as section number or letter?*
19. *Does one use a consistent scheme for treating matters of style such as numbers, punctuation, capitalizing (for example, in reference to "the plaintiff" and "the defendant" or "Plaintiff" and "Defendant"), and gender-neutral language?*

Graphics :

20. *Does one use some variation in type size or style to make clear distinctions between headings and text, and between different levels of headings?*
21. *Is there enough white space on every page to make it easy on the eye?*
22. *Is the type big enough and dark enough to be easily readable?*
23. *Does one avoid large blocks of all-capital letters?*

JUSTICE DELIVERY SYSTEM : INTERNAL COMPONENT FOR DELAY SHOULD BE ELIMINATED

- Md. Nur Islam

The justice delivery system in our country is time consuming and unaffordable to the poor people. The existing regime of civil suits in Bangladesh is governed by the Code of Civil Procedure enacted in 1908. Since then little change has taken place. The legal system may very well be described as admirable but at the same time slow and costly and entails an immense sacrifice of time, money and talent. The causes of backlog and delay in our country are systematic and profound. The legal system's failure to impose the necessary discipline at different stages of trial of cases allows dilatory practice to protract the case life. A case usually takes about ten to twenty years on average from date of filing to date of judgment. It is learnt that nearly one million cases are now pending in different courts of the country. The breakup of this backlog is: 4,946 cases in the Appellate Division of the Supreme Court; 1,27,244 cases in the High Court Division, 3,44,518 civil cases and 95,689 criminal cases in the Judges Court and 2,96,862 cases with Magistrate courts and 99,004 cases with Metropolitan Magistrate courts. The delay process of distributing justice gave rise to a tidal wave of litigation threatening to engulf the judicial justice. After years of controversy and frustration of the problem of administration a new device needs to be chalked out.

Some of the components of delay in the disposal of civil and criminal cases may be illustrated along with prospective steps with regard to overcome the same.

Components of delay in the disposal of suits:

The suit like civil suit, money suit, mortgage suit being disposed of by the

Subordinate Judges and the Assistant Judges. Both the Courts confront frequent adjournment petitions on flimsy grounds either of the parties or of the counsels which causes delay the disposal of civil suits. There is no obligatory directives limiting the prayer for adjournments. Rejection of adjournment petitions very often causes dissatisfaction among the counsels. A sound outlook and philanthropic attitude must be developed among the counsels to bring out the modes towards the speedy disposal of suits.

A great deal of delay occurs in summon service, processes filed by the parties are not promptly sent to the Nazir for service with the result that much time is wasted.

Interlocutory matters like applications for temporary injunction, local inspection, local investigation and appointment of receiver consume much time of the courts. Lack of preparation of the lawyers for hearing of the temporary injunction followed by prayer for time spoils much time of the courts. Orders either rejecting or allowing the temporary injunctions are followed by miscellaneous appeals preventing the disposal of civil suits because a long time is spent for the disposal of miscellaneous appeals in the higher Court.

Sometimes in the suits for partition and recovery of khas possession, temporary injunctions are unnecessarily sought for owing to ill advice of the lawyers and parties. Such malafide tendencies require to be discouraged. Both the parties and lawyers should come forward in anticipating speedy disposal of suits in a lawful manner.

Much time is spent in the submission of the reports of local inspections and investigations. Fees of Advocate Commissioners are not alluring. Lesser number of survey-passed Commissioners also delays submission of local investigation reports.

Augmentation of the survey-passed Commissioners is necessary to facilitate submission of investigation reports. Training institution for

survey, reported to have been stopped, are requited to be established to increase the number of survey- passed Commissioners.

Petitions for amendment of pleadings by the parties followed by written objections create deadlock in the disposal of suits. Rejection of such petition of grounds of the change of character of the suits by the court lead to the preference of revisional applications in the Hon'ble High Court Division taking a lot of time to be disposed of. Hearings of the suits by the trial courts are thus delayed. A sound culture of makings pleadings in compliance with the requirements of law as laid down in the Civil Procedure Code and other laws can expedite disposal of cases.

Dismissal for default followed by miscellaneous cases under order 9, rule 4 and rule 9 of the Code of Civil Procedure for restoration of suits is a regular feature. Intentional non-appearance and absence by filing of petition for adjournment result in the dismissal for default to linger the course of litigation. This pattern of malpractice needs to be discouraged because orders passed by the Trial Courts in such miscellaneous cases also give rise to miscellaneous appeals consuming much time in the disposal of the original suit. Responsible and conscious discharge of professional duties by the lawyers can only fight out such unbecoming practices.

Appearance on the date of ex-parte disposal seeking adjournment for filing of written statements and rejection of such petitions for adjournment is followed by miscellaneous appeal creating deadlock and setting aside to the ex-parte order by the appellate courts in terms of liberal construction enabling opportunity to the other side to contest the original suit consume much time to dispose of the original suit. The rejection of petitions under order 7, rule 11 of the Code of Civil Procedure seeking rejection of plaint is also followed by appeal creates deadlock in the disposal of the original suit. Petition for rejection of plaint as a test ease is regularly filed on the ill advice on illusory grounds to linger the course of litigation. Changed mentality is necessary to prevent such malfunction.

Petition for abatement of suits on grounds of non-substitution of the legal heirs of the deceased party results in the filing of miscellaneous eases taking up a lot of time to be disposed of. Simplification of procedure is necessary for substitution of the legal heirs of the deceased. Provision can be made for substitution of the legal heirs of the deceased at once without giving scope for filing of miscellaneous cases for the same. This will save the unnecessary killing of time.

In some suits opinion of handwriting expert becomes necessary. Much time is consumed in getting the opinion of the expert in the form of a report. Even after submission of report of the expert, his non-arrival heard that there are a lesser number of handwriting experts deployed by the CID in Dhaka. There is necessity of increasing the number of experts by the department concerned to facilitate speedy disposal of suits.

For protection of the interest of the minors, there is provision of appointment of court guardians on payment of a nominal fees say Taka 50 (fifty). Such payments do not encourage advocates to act as court guardian. It so happens that report of the court guardian fails to be filed even after a lapse of couple of months. Payment of adequate fees can only alleviate this problem in order to enhance quicker justice.

Adjournments initiated by:-

i. Judges.
ii. Peshker.
iii. Other para legal staff e.g. date of suit has not been properly followed/ recorded by the advocate's clerk.
iv. Plaintiff's lawyer (personal ground).
v. Defendant's lawyer (personal ground).
vi. Absence of witnesses.
vii. Others.

Components of delay in criminal cases:

Non-arrival of witnesses in the criminal cases even after repeated issuance

of summons and warrants; Driving out of the witnesses of the criminal case by the defence side in a collusive venture and connivance; Absence of prosecutor and defence lawyer after arrival of the witnesses on dock; Non-production of accused persons involved in the trial by the jail authority as the date of trial. Non-sending of the accused persons by the jail authority outside the districts on grounds of their involvement and being wanted in other criminal cases of the said districts for shortage of police escorts; Abscondence of the accused persons and their voluntary surrender before the court in the midst of part conclusion of trial seeking for recalling of the witnesses already examined; Splitting up of the criminal records for simultaneous trial of the adult as well as juvenile offenders in presence of the self same witnesses at two places; Frequent hearing to the bail matters for the same accused persons; Non-appearance of the magistrate recording the confessional statements of the accused persons even after repeated issuance of summons and processes; Non-arrival of the Investigation officer even after exhaustion of all the process; Non-compliance of warrants by the police personnel; Non-appearance of the expert witnesses for proof of the expert reports and Dilatory tactics of the defence lawyer etc. are the usual components of delay in the disposal of criminal cases.

Delay in disposal of appeals and revisions:

The procrastination with regard to delay in disposal of appeals & revisions cannot also be shrugged of either.

The Subordinate Judges, Additional District Judges and District Judges hear the civil appeals. ¾ disposal of civil appeals are valued as being equal to the disposal of a regular criminal case which discourage the Additional District judge and Sessions judge to dispose of the same. 2(two) appeals should be made equivalent to one regular Criminal ease in terms of outturn of work which may encourage the disposal of civil appeal in greater numbers. It so happens that all the Courts of Additional District

Judge are not equally burdened with files. The Sessions judge should be empowered to make arrangements for transfer of adequate number of cases. In terms of outturn, 10/12 disposal of revisions being treated as equivalent to the disposal of a regular criminal case discourages the disposal of revisions. 5/6 revisions should be treated equal to the disposal of a regular criminal ease which will encourage the judicial officers to the revisions matters in larger numbers.

These are the common causes of delay, which are generally faced by the Sessions, Special and Tribunal Judges during the trial of criminal cases. Here are some measures, which can be strongly recommended in this regard.

Court supervision and Monitoring:

The pathology of delay has been the subject of considerable scholarship. A consensus has emerged that a docket can be current only when a judge supervises the scheduling and progress of all steps of the case with systematic case management. Once to a litigant invokes the jurisdiction of the judicial system, the court has the responsibility of pressing the lawyers and litigants to prepare the case for adjudication without delay. The Court's loss of control over the litigation invariably leads to procedural inactivity.

In reality, each case is to be supervised throughout its life with no unreasonable interruption in its procedural development tolerated. Monitoring can play the pivotal role for improved court administration and case management. In terms of monitoring, the District & Sessions Judges hold the key position in the lower judiciary and as such their responsibility to enhance improved court management is a must. In many respects, due to mismanagement and male administration, justice is being delayed. By applying this device of monitoring, the unusual delay in disposal of the suits and cases can be minimized to a large extent.

In this sphere, the following strategies can be recommended:

- Quarterly sitting arrangement;
- Interaction with Bar in respect of related matters;
- Coordination with the Judges of Subordinate court;
- Monitoring in terms of providing logistic support. Here logistic support includes skilled staff, necessary Stenographer/Typist, accommodation of office and residence and transport facility of the judges.

Time Saving Device:

Goal setting is a precondition to have a good achievement of result. Courts should apply the standards of timely disposition in pursuance of the provisions enunciated in the C.P.C. By applying the time saving devices we can save more time. As it is seen in the different stages of the suits/cases there are some time killing matters. Those stages can be avoided or minimized by the presiding Judges by applying the appropriate means.

Introduction of Informal Justice System:

The causes of backlog and delay of suits and cases in our country are systematic and profound; the legal system's failure to impose the necessary discipline at different stages of trial of cases allows dilatory practice to protract the case life. Taking this view in mind the alternative dispute resolution system can be strongly recommended to overcome those set backs and delays beside the formal justice system in order to eliminate the endless sufferings of the poor litigants. This new device can be developed by practicing dispensation of justice in traditional methods like mediation, conciliation and arbitration for a longer period of time. For the first time in our legal system the provisions with regard to ADR has been introduced by amending the code of civil procedure. In chapter V of Artha Rin Adalat Ain, the provisions of ADR have also been incorporated. Certainly, this concept is a denovo in our Civil Justice Delivery System.

Now ADR has come within the domain of civil procedure code. It is hoped that this will surely lessen the huge backlog of suits and cases.

Case Categorization System:

For the purpose of filing and record, cases will be class/fled according to subject matter/type and possibly also value and age. This could help with the consolidation of similar types of cases for hearing and disposal by the judge at the same time and assist the case tracking and case flow management finally resulting in expeditious disposal of suits and cases.

Effective Legal Aid System:

The main objective of legal aid system to promote access to justice; to provide free legal aid to ensure that opportunities for securing justice are not denied to any citizen or person by reasons of economic or other disabilities.

Article 31 of our constitution provides that:

To enjoy the protection of the law, and to be treated in accordance with law is the inalienable right of every citizen and no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law.

By providing legal aid system a good number of suits and cases can be disposed of at it's earliest. A large section of justice seeking people is being hindered to proceed with their cases in its midways merely because of financial barriers and constraints. In this circumstance, the effective legal aid system can play a vital role to minimizing the number of suits/cases pending before the court of law.

Priority Basis Trial System:

The priority basis trial of the cases will help to restore people's confidence in the judicial system. A slow-moving justice system cannot be an effective tool in the fight against crime, which has spread, on an

unprecedented scale. In this respect, the idea of setting up the courts like speedy trial courts can be said to have been based on a correct assessment of our ground reality. In the mean time this type of court has gained a tremendous success with disposal of highly sensational cases, the pattern of speedy trial and deterrent punishment needs to be taken forward.

Comprehensive Legal Reforms:

The government has already introduced Alternative Dispute Resolution (ADR) in judicial system by amending the Civil Procedure Code. ADR introduced earlier in family courts of 15 District, as pilot project has been proved successful. Another reform as to formation of monitoring cell which is to discuss different procedural matters for quick disposal of cases and identify obstacles to quick investigation, ensure presence of witnesses and timely reporting of the I.O. at the court. The government is the major litigant in this country, either as a plaintiff or as a defendant. Under P.O. No. 142 of 1972, the government is a necessary party in all title suits for specific performance of contract and so on. In most cases the government does not make any appearance, because the government does not find, at any rate for the time being, any interest of the government involved in the case. The government is thus responsible in many cases to prolong the litigation. To shorten the case life and to stop procrastination on the part of government P.O 142 of 1972 should be amended. The present scenario of legal reform system of Bangladesh is positive and encouraging. Major reforms in our legal system are necessary for ensuring speedy justice, reduce delay in administration of justice, attracting and encouraging foreign investment in Bangladesh.

Concluding remarks:

The fundamental aim or motto of the judiciary/judicial institution is to ensure justice within shortest possible time so that justice-seeking people can get justice expeditiously. The role of the judiciary in governance is a coordinate role along with other two organs of the state. Its role is not

limited therefore merely in settling disputes within the four walls of the court room in between two disputants, though one of whom may often be state or its agent. The judiciary cannot be oblivious of the social consequence that may follow from what it decides and how it decides.

Finally, it may be pointed out that no solution of the problems will ever be effective unless and until the parties including their advocates and also the judges come forward with all sincerity to end litigation in due time. Only then the maxim of equity which goes to say that justice should not only be done but must be shown to have been done will come into reality.

APPENDIX-A

JATI's Statute

JATI'S STATUTE

English Translation

Reg. No DA-1

BANGLADESH GAZETTE

Extraordinary Issue
Published by the Authority

Sunday, 9th July 1995

BANGLADESH PARLIAMENT
Dhaka the 9th July, 1995/25 Asharh 1402

The following Act of Parliament received the assent of the President on the 8th July, 1995 (24th Asharh, 1402) and are hereby published for general information:-

Act No XV of 1995

An Act enacted to set up Judicial Administration Training Institute

Whereas it is expedient to arrange for training of persons appointed in the judicial service, lawyers and some other professionals connected with the judicial system in order to increase their professional efficiency;

And whereas it is expedient and necessary to set up an Institute named Judicial Administration Training Institute to arrange and organize such training;

It is hereby enacted as follows :

1. Short title and commencement :- (1) This Act may be called the Judicial Administration Training Institute Act, 1995.

(2) It shall be deemed to have come into force on the 23rd March, 1995, corresponding to the 9th Chaitra, 1401.

2. Definitions-In this Act, unless there is anything repugnant in the subject or context,-

(a) "Institute" means the Judicial Administration Training Institute set up under this Act;

(b) "Chairman" means the Chairman of the Board;

(c) "Chief Justice" means the Chief Justice of Bangladesh;

(d) "Regulations" mean regulations framed under this Act;

(e) "Rules" mean rules framed under this Act;

(f) "Board" means the Management Board of the Institute;

(g) "Vice Chairman" means the Vice Chairman of the Board;

(h) "Director General" means the Director General of the Institute;

(i) "Member" means a member of the Board.

3. Establishment of the Institute. (1) As soon as may be after the commencement of this Act, the Government shall, by a notification in the official gazette, set up an Institute named Judicial Administration Training Institute in accordance with the provisions of this Act.

(2) The Institute shall be a statutory authority, having perpetual succession and a common seal, with powers, subject to the provisions of this Act and rules, to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

4. Office of the Institute. The Institute shall have its principal office in Dhaka and, with prior approval of the government, it can set up its branch offices at any other places.

5. Administration of the Institute. The management and administration of the Institute shall be vested in the Management Board which shall exercise all powers and perform all functions of the Institute.

[1]***[6. Management Board:-*** *The Management Board shall comprise the following members, namely-*

(a) *The Chief Justice, ex-officio, who shall also be its Chairman;*

(b) *Two judges of the Supreme Court either sitting or retired to be nominated by the Chief Justice, and the senior of them shall be its Vice Chairman;*

(c) *Attorney General of Bangladesh, ex-officio;*

(d) *Secretary, Ministry of Law, Justice and parliamentary Affairs, ex-officio;*

(e) *Secretary, Ministry of Establishment, ex-officio;*

(f) *Secretary, Ministry of Finance (Finance Division), ex-officio;*

(g) *President, Supreme Court Bar Association, ex-officio;*

(h) *District and Session Judge, Dhaka, ex-officio;*

(i) *Dean, Faculty of Law, Dhaka University, ex-officio;*

(j) *Dean, Faculty of Law, Rajshahi University, ex-officio;*

(k) *Vice Chairman, Bangladesh Bar Council, ex-officio;*

(l) *Rector, Bangladesh Public Administration Training Centre, ex-officio;*

(m) *Registrar, Bangladesh Supreme Court, ex-officio;*

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1 *Section 6 was substituted for the former section 6 by the Judicial Administration Training Institute (Amendment) Act, 1997 (Act 5 of 1997) s.2 (with effect from 24th February, 1997)*

(n) Director General of the Institute who shall also be its secretary.]

[2][6. A. The Advisor : (1) The Minister or the State Minister in charge of the Ministry of Law, Justice and Parliamentary Affairs shall be the advisor to the Board.

(2) He shall advise the Management Board when solicited and in any other matter to fulfill the purpose of the Act.

(3) The Advisor, if considered necessary, can attend any meeting of the Board.]

7. Functions of the Institute. The functions of the Institute shall be as follows:

(a) To impart training to the persons appointed in the judicial service, Law Officers entrusted with conducting of government cases, Advocates enlisted with the Bangladesh Bar Council and officers and staff of all courts and tribunals subordinate to the High Court Division of the Supreme Court;

(b) To arrange and impart training in legislative drafting and drafting of other legal documents;

(c) To impart training in legislative drafting and drafting of other legal documents to trainees from abroad in cooperation with international donor agencies;

(d) To conduct research and investigation in respect of court management and to publish the same;

(e) To arrange and conduct national and international conferences, workshops and symposia for improvement of the judicial system and quantity of judicial work;

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2 *Section 6A was added by the Judicial Administration Training Institute (Amendment) Act 1997 (Act 5 of 1997) s.2 (with effect from 24th February, 1997).*

(f) To publish periodicals, reports etc. on the judicial system and court management;

(g) To advise the Government on any matter relating to the judicial system and court management;

(h) To determine the subjects of study and curriculum and all other matters relating to training programmes under this Act;

(i) To award certificates to those trained in the Institute;

(j) To establish and manage the libraries and reading rooms;

(k) Any work, determined by rules, to activate the judicial administration system;

(l) Any actions necessary for fulfilling the above functions.

8. Board Meeting. (1) The Board, subject to other provisions in this section, shall determine the procedure of its meeting.

(2) The meeting of the Board shall be held at place and time determined by the Chairman.

(3) The Chairman shall preside over all the meeting of the Board and in his absence by the Vice Chairman and in the absence of both by a member empowered in writing by the Chairman.

(4) The presence of at least one-third of the total number of members shall be required for quorum of the meeting of the Board but no quorum shall be needed for an adjourned meeting.

(5) Each member of the Board shall have one vote, and in the case of equality of votes the presiding member shall have a second or casting vote.

(6) No actions or proceedings of the Board shall be illegal due to vacancy in the Board or defect in its formation and no question can be raised about it.

9. Committee. The Board, in order to assist it in discharging its duties, may constitute one or more committees.

10. Fund of the Institute. (1) The Institute shall have a fund, and the following kinds of money shall be deposited therein:

(a) Grants from the Government;

(b) Grants from the local authorities;

(c) Loan obtained with prior approval of the government;

(d) Sale proceeds of the property of the Institute;

(e) Fund received from any other sources.

(2) The fund shall be deposited in the name of the Institute in a scheduled bank and can be withdrawn in the procedure to be determined by the Board.

(3) Necessary expenses of the Institute shall be borne from the fund.

(4) The Institute can invest the fund in any securities approved by the government.

11. Director General. (1) The Institute shall have a Director General.

[3][1(a) *A person who is or has been or is qualified to be a judge of the Supreme Court shall be the Director General.]*

(2) The Director General shall be appointed by the Government and the terms and condition of his service shall be determined by the government.

(3) If the post of the Director General becomes vacant, or if he is unable to discharge his duties on account of absence, illness or any other cause, a person nominated by the Government shall act as Director General till a newly

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3 *Section 11 (1a) was added by the Judicial Administration Training Institute (Amendment) Act 1997 (Act 5 of 1997) s.3 (with effect from 24th February, 1997)*

appointed Director General takes over or the Director General resumes his duties.

(4) The Director General shall be the full time Chief Executive Officer of the Institute, and he shall;

(a) be responsible for the implementation of the decisions of the Board;

(b) discharge other functions of the Institute as per instruction of the Board.

12. Appointment of Officers and Employees. The Institute can appoint required number of officers and staff for proper discharge of its duties and the terms and conditions of their service shall be determined by regulations.

13. Annual Budget Statement. The Institute shall submit, within the time fixed by the Government, an annual budget statement for the next financial year to the Government stating therein the amount of the fund required by the Institute from the government.

14. Accounts and Audit. (1) The Institute shall maintain its accounts properly and prepare an Annual Statement of accounts.

(2) The Comptroller and Auditor General, hereinafter referred to as Auditor General, shall audit the accounts of the Institute every year and submit copy of the audit report to the Government and the Institute.

(3) For the purpose of audit of the accounts in accordance with sub-section (2), the Auditor General or a person authorized by him can examine all records, documents, cash or money deposited in Bank, securities, stores and other properties of the Institute, and can question any member, officer or employee of the Institute.

15. Report. (1) The Institute, shall submit to the Government an Annual Report stating the acts performed by it in that year immediately with the expiry of each financial year.

(2) The Government, if considered necessary, can call for reports or statements on any matters of the Institute and the Institute shall be bound to send the same.

16. Indemnity of acts done in Good Faith. If any person suffers or likely to suffer loss by any act done in good faith under this Act, rules or regulation, no civil or criminal case or any legal proceeding shall lie against the Board, Chairman, Member, Director General or any other officer or staff of the Institute.

17. Delegation of Power. The Board, subject to any appropriate condition, may delegate any of its power or authority to the Chairman, any Member or the Director General or any other officer of the Institute.

18. Power to make Rules. The Government may, for the purpose of this Act, make rules by a notification published in the official gazette.

19. Power of make Regulations. The Institute, for the purpose of this Act, may make regulations, not inconsistent with this Act or rules framed thereunder, with the prior approval of the Government by a notification in the official gazette.

20. Repeal. (1) The Judicial Administration Training Institute Ordinance 1995 (Ordinance No 2 of 1995) is hereby repealed.

(2) Notwithstanding the repeal, the acts done and actions taken under the repealed Ordinance shall be deemed to have been done under this Act.

APPENDIX-B

Training Courses organized by the Institute from 1.3.1997 to 27.5.2004

TRAINING COURSES ORGANIZED BY THE INSTITUTE FROM 1.3.1997 TO 27.5.2004

Sl. No.	Course Title	Status of the Participants	No. of the Participants			Duration
			Male	Female	Total	
1	1st Judicial Administration Training Course	Assistant Judges/Senior Assistant Judges	24	1	25	1/3/97-21/3/97
2	2nd Judicial Administration Training Course	Sub-Judges and Assistant Sessions Judges	31	5	36	3/5/97-23/5/97
3	3rd Judicial Administration Training Course	Sub-Judges and Assistant Sessions Judges	33	1	34	1/6/97-21/6/97
4	4th Judicial Administration Training Course	Sub-Judges and Assistant Sessions Judges	36	1	37	20/9/97-10/10/97
5	5th Judicial Administration Training Course	Sub-Judges and Assistant Sessions Judges	29	2	31	25/10/97-14/11/97
6	6th Judicial Administration Training Course	Additional District and Sessions Judges	26	2	28	15/4/98-5/5/98
7	7th Judicial Administration Training Course	Additional District and Sessions Judges	25	1	26	9/5/98-29/5/98
8	8th Judicial Administration Training Course	District and Sessions Judges	17	1	18	6/2/99-11/2/99
9	9th Judicial Administration Training Course	Senior Assistant Judges	33	2	35	17/10/98-6/11/98
10	10th Judicial Administration Training Course	Additional District and Sessions Judges	23	3	26	9/11/98-29/11/98
11	11th Judicial Administration Training Course	District and Sessions Judges	34	1	35	20/2/99-25/2/99
12	12th Basic Training Course on Judicial Administration	Assistant Judges	31	13	44	1/3/99-30/4/99
13	13th Judicial Administration Training Course	Senior Assistant Judges	35	4	39	8/5/99-28/5/99
14	14th Judicial Administration Training Course	District and Sessions Judges	29	-	29	3/4/99-8/4/99
15	15th Basic Training Course on Judicial Administration	Assistant Judges	45	3	48	17/7/99-14/9/99
16	16th Judicial Administration Training Course	Sub-Judges and Assistant Sessions Judges	22	3	25	2/10/99-22/10/99
17	17th Judicial Administration Training Course	Additional District and Sessions Judges	17	3	20	6/11/99-26/11/99
18	18th Judicial Administration Training Course	Senior Assistant Judges	30	5	35	15/1/2000-4/2/2000
19	19th Basic Training Course on Judicial Administration	Assistant Judges	44	-	44	19/2/2000-18/4/2000

Sl. No.	*Course Title*	*Status of the Participants*	*No. of the Participants*			*Duration*
			Male	*Female*	*Total*	
20	20th Judicial Administration Training Course	District and Sessions Judges	23	-	23	22/4/2000-27/4/2000
21	1st In-service Training Course	Administrative Officers	45	-	45	22/7/2000-27/7/2000
22	2nd In-service Training Course	Nazirs	40	1	41	5/8/2000-10/8/2000
23	21st Judicial Administration Training Course	Senior Assistant Judges	27	6	33	19/8/2000-8/9/2000
24	22nd Judicial Administration Training Course	Sub-Judges and Assistant Sessions Judges	33	3	36	16/9/2000-6/10/2000
25	23rd Judicial Administration Training Course	Sub-Judges and Assistant Sessions Judges	29	3	32	21/10/2000-10/11/2000
26	3rd In-service Training Course	Bench Assistants	40	-	40	18/11/2000-23/11/2000
27	1st Training Course	Government Pleaders	33	-	33	2/12/2000-7/12/2000
28	2nd Training Course	Public Prosecutors	38	-	38	9/12/2000-14/12/2000
29	24th Judicial Administration Training Course	Additional District and Sessions Judges	30	3	33	20/1/2001-9/2/2001
30	4th In-service Training Course	Sheristadars	45	1	46	7/4/2001-12/4/2001
31	5th In-service Training Course	Sheristadars	35	-	35	21/4/2001-26/4/2001
32	25th Judicial Administration Training Course	District and Sessions Judges	28	1	29	21/7/2001-2/8/2001
33	26th Judicial Administration Training Course	Assistant Judges	27	1	28	11/8/2001-30/8/2001
34	6th In-service Trainng Course	Accountants	37	1	38	8/9/2001-13/9/2001
35	7th In-service Trainng Course	Record Keepers	40	-	40	15/9/2001-20/9/2001
36	27th Judicial Administration Training Course	Assistant Judges	34	6	40	20/10/2001-8/11/2001
37	28th Judicial Administration Training Course	Assistant Judges	26	1	27	5/1/2002-24/1/2002
38	29th Judicial Administration Training Course	Additional District and Sessions Judges	15	1	16	31/1/2002-20/2/2002
39	3rd Training Course	Government Pleaders	45	-	45	2/3/2002-10/3/2002
40	4th Training Course	Public Prosecutors	46	1	47	16/3/2002-24/3/2002
41	30th Judicial Administration Training Course	Joint District Judges	34	3	37	2/5/2002-22/5/2002
42	31st Judicial Administration Training Course	District and Sessions Judges	21	5	26	18/7/2002-31/7/2002
43	32nd Judicial Administration Training Course	Assistant Judges	24	1	25	8/8/2002-28/8/2002
44	33rd Judicial Administration Training Course	Additional District and Sessions Judges	27	-	27	12/9/2002-2/10/2002
45	5th Training Course	Public Prosecutors	34	1	35	9/10/2002-17/10/2002

Sl. No.	Course Title	Status of the Participants	No. of the Participants			Duration
			Male	Female	Total	
46	6th Training Course	Government Pleaders	26	-	26	23/10/2002-31/10/2002
47	34th Judicial Administration Training Course	Assistant Judges	28	2	30	9/1/2003-23/1/2003
48	35th Judicial Administration Training Course	Additional District and Sessions Judges	9	1	10	20/2/2003-5/3/2003
49	36th Judicial Administration Training Course	District and Sessions Judges	19	4	23	13/3/2003-19/3/2003
50	1st Judicial Education and Training Programme on ADR	Judges and Government Lawyers	37	-	37	29/3/2003
51	2nd Judicial Education and Training Programme on ADR	Judges and Government Lawyers	38	-	38	31/3/2003
52	3rd Judicial Education and Training Programme on ADR	Judges and Government Lawyers	35	1	36	3/4/2003
53	4th Judicial Education and Training Programme on ADR	Judges and Government Lawyers	38	2	40	5/4/2003
54	5th Judicial Education and Training Programme on ADR	Judges and Government Lawyers	35	1	36	7/4/2003
55	6th Judicial Education and Training Programme on ADR	Judges and Government Lawyers	37	-	37	12/4/2003
56	7th Judicial Education and Training Programme on Artha Rin Adalat Ain, 2003	Judges and Government Lawyers	30	3	33	22/4/2003-24/4/2003
57	9th In-service Training Course	Bench Assistants	26	-	26	3/5/2003-10/5/2003
58	10th In-service Training Course	Bench Assistants	27	-	27	17/5/2003-24/5/2003
59	8th Judicial Education and Training Programme on the Code of Civil Procedure (Amendment) Act, 2003 and the Artha Rin Adalat Ain, 2003	District Judges	29	-	29	12/7/2003-13/7/2003
60	9th Judicial Education and Training Programme on the Code of Civil Procedure (Amendment) Act, 2003 and the Artha Rin Adalat Ain, 2003	District Judges	28	1	29	16/7/2003-17/7/2003
61	10th Judicial Education and Training Programme on the Artha Rin Adalat Ain, 2003	Joint District Judges	23	1	24	28/7/2003-30/7/2003
62	37th Judicial Administration Training Course	Senior Assistant Judges	18	1	19	31/7/2003-13/8/2003
63	1st Judicial Information Technology Training Course for Judicial Officers	Judges of 5 Pilot Districts and JATI Officers	17	-	17	20/8/2003-4/9/2003
64	2nd Judicial Information Technology Training Course for Judicial Officers	Judges of 5 Pilot Districts and JATI Officers	16	2	18	6/9/2003-18/9/2003

Sl. No.	*Course Title*	*Status of the Participants*	*No. of the Participants*			*Duration*
			Male	*Female*	*Total*	
65	11th Judicial Education and Training Programme on recent Acts and Amendments	District Judges	27	-	27	20/9/2003-21/9/2003
66	12th Judicial Education and Training Programme on recent Acts and Amendments	District Judges	29	-	29	27/9/2003-28/9/2003
67	38th Judicial Administration Training Course	Joint District Judges	18	3	21	2/10/2003-15/10/2003
68	39th Judicial Administration Training Course	Additional District & Sessions Judges	27	2	29	6/11/2003-12/11/2003
69	11th In-service Training Course	Administrative Officers	17	1	18	29/12/2003-28/12/2003
70	40th Judicial Administration Training Course	Assistant Judges	26	2	28	12/2/2004-26/2/2004
71	13th Judicial Education and Training Programme on recent Acts and Amendments	District Judges	31	-	31	10/3/2004
72	14th Judicial Education and Training Programme on recent Acts and Amendments	District Judges	27	-	27	17/3/2004
73	41st Judicial Administration Training Course	Senior Assistant Judges	14	3	17	18/3/2004-31/3/2004
74	42nd Judicial Administration Training Course	Joint District Judges	24	4	28	15/4/2004-29/4/2004
75	43rd Judicial Administration Training Course	Additional District & Sessions Judges	22	1	23	13/5/2004-27/5/2004
		Total =	**2198**	**125**	**2323**	

Seminar:

Sl. No.	Name of the Seminar	Date
1	Curriculum Development for Training of the Judges	25/3/2000

Workshop:

Sl. No.	Name of the Workshops	Status of the Participants	No. of Participants	Date
1	Legal and Judicial Reforms (Recent Enactments and Amendments)	Judicial Officers posted in Courts and Tribunals at Dhaka	67	17/10/2003

APPENDIX-C

Quranic verses relating to Justice

Quranic verses relating to Justice:

"O you who believe! stand out firmly for Allah, as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to piety, and fear Allah. For Allah is well-acquainted with all that you do."

Sura: Al-Mayeda
Verse: 8

"Allah do command you to render back your trusts to those to whom they are due, and when you judge between man and man that you judge with justice: Verily how excellent is the teaching which he gives you! For Allah is he who hears and sees all things."

Sura: Nisa
Verse: 58

"Allah, most gracious. It is he who has taught the Quran. He has created man. He has taught him speech and intelligence. The sun and the moon follow courses computed; and the herbs and the trees-both bow in adoration. And the firmament has he raised high, and he has set up the balance of justice, in order that you may not transgress balance."

Sura: Ar-Rahman
Verses: 1-8

"O you who believe! stand out firmly for justice, as witnesses to Allah, even as against yourselves, or your parents, or your kin, and whether it be rich or poor, for Allah can best protect both. Follow not the lusts, lest you swerve, and if you distort or decline to do justice, verily Allah is well-acquainted with all that you do."

Sura: Nisa
Verse: 135

APPENDIX-D

From JATI Album

Mr. Md. Alauddin Sarder, Additional Secretary, Ministry of Law, Justice and Parliamentary Affairs, Mr. Md. Fazlur Rahman, Joint Secretary and Project Director, Legal and Judicial Capacity Building Project and Faculty Members of JATI are seen with a section of participants of a training course for District Judges.

Faculty Members of JATI are seen with the participant District Judges of a training course.

Mr. Justice Mohammad Fazlul Karim, Hon'ble Judge of the Appellate Division of the Supreme Court of Bangladesh is seen awarding certificates among the District Judges in a training programme held at this Institute.

Mr. Md. Asaduzzaman, Hon'ble Secretary, Ministry of Law, Justice and Parliamentary Affairs is seen awarding certificate to a participant in a training programme for Senior Assistant Judges held at this Institute.

Barrister Muhammad Shahjahan Omar Bir Uttam, Hon'ble State Minister for Law, Justice and Parliamentary Affairs is delivering his speech as Chief Guest at the Certificate Awarding Ceremony of the 8th Judicial Education and Training Programme for District Judges held on 13 July, 2003.

Mr. Justice Md. Hamidul Haque, Director General of JATI is delivering his speech on 13th Judicial Education and Training Programme for District Judges held on 10 March, 2004. Barrister Moudud Ahmed, Hon'ble Minister for Law, Justice and Parliamentary Affairs is also seen on the occasion.

JATI ALBUM

Mr. Justice Syed J. R. Mudassir Husain, Hon'ble Chief Justice of Bangladesh is delivering his erudite speech as Chief Guest at the Certificate Awarding Ceremony of the 43rd Judicial Administration Training Course for Additional District & Sessions Judges held on 27 May, 2004.

Barrister Moudud Ahmed, Hon'ble Minister for Law, Justice and Parliamentary Affairs is delivering his speech as Chief Guest at the Inauguration Ceremony of the 9th Judicial Education and Training Programme for District Judges held on 16-17 July, 2003.


Judicial Administration Training Institute