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Towards Judicial Reforms in Bangladesh

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For the first time in the history of Bangladesh, the Judicial Strengthening Project (JUST) of UNDP placed the judicial reform agenda before the Supreme Court Special Committee for Judicial Reforms (SCSCJR) chaired by the Chief Justice. This is an unprecedented development as SCSCJR has also principally agreed to all the reform proposals on incremental basis.



While speaking at a meeting organized by JUST at the Judges Lounge of the Bangladesh Supreme Court on December 10, 2013, International Judicial Reform Consultant Dr. Livingston Armytage said, “Judicial Leadership is the key cornerstone for judicial reforms” He stressed on the need for strong judicial leadership at every level especially at the apex court while discussing the reform agenda. The meeting was chaired by the chief justice, Justice Md. Muzzammel Hossain.

The reform proposals range from mandatory cost imposition for delay reduction to reorganization of court management system, which will facilitate a modern and efficient judiciary in Bangladesh, to facilitate access to justice opportunity for the vulnerable groups including women, children and persons with disability and timely, affordable and qualitative justice for all.

These proposals are drawn from the exercises done throughout the year of 2013 on case flow analysis and capacity assessment of the registrar office of Justice System of Bangladesh, to streamline the existing case management process of both the Supreme Court and Pilot District Courts and find the best possible ways to improve efficiency of the judiciary and enhance service delivery capability especially in speedy dispensation of cases. Based on observations and findings of the study, JUST Project developed a comprehensive agenda for the Judicial Reform Committee of the Supreme Court of Bangladesh to promote affordable and timely justice for the citizens of Bangladesh.

Starting from July, the JUST team initiated their six month long mapping exercise of the Justice System of Bangladesh and came up with some specific recommendations and reforms agenda.

The Judicial Reform Committee of the Supreme Court of Bangladesh, the highest body in judiciary reforms aspect, have agreed in principle to the reform agenda.

Emphasizing that “Success lies behind implementation”, the committee lauded JUST for its detail exercise in the history of Judiciary and underscored its implementation for timely and affordable justices. The meeting was also attended by Judicial Reform Committee Members Madam Justice Nazmun Ara Sultana, Justice Syed Mahmud Hossain, Justice Mohammad Anwarul Haque and Justice AHM Shamsuddin Choudhury.

The Supreme Court of Bangladesh had formed the Judicial Reforms Committee during the very beginning of the JUST Project. This committee consisted of the honorable Chief Justice of Bangladesh and the judges of the Appellate division of the Supreme Court, in order to make policy level decisions related to judicial reforms.

Mr. Kennan G. Kasady, International Case Management Expert and the Consultant of JUST, presented the gaps and bottlenecks in both procedural and practical aspects of case management at the meeting. During the presentation, he also addressed the problems of the existing typical file management system and court hierarchy of both the Supreme Court of Bangladesh and the district courts. He also provided recommendations to address those problems by redesigning policies and procedures to the development of the case management mechanism in ensuring access to justice for all. The presentation was highly appreciated by members of the reform committee.

JUST Team presented possible solutions based on existing problems and way forward with the reforms i.e., organization, work flow, case flow and rules reform. He suggested to the committee to initiate processes for improving Service Delivery System which will eventually ensure accessibility to the marginalized. He particularly focused on how to improve public trust towards judiciary.

The JUST Team was thanked for the dynamic leadership of Chief Justice and the Reform Committee and was recommended a Judge-led and Court owned inclusive and participatory approach for timely and affordable Justices as well as recommended to make continuous dialogue with Bar and legal academy, outreach to community etc.

The committee agreed to establish a research and coordination unit which will meet on a quarterly basis to track progress for expediting the reform agenda.

Backlog of cases is the single biggest impediment in the way of dispensation of quality justice in Bangladesh, which is placing considerable pressure on the court system and is hampering access to justice, especially for disadvantaged and vulnerable groups. UNDP has undertaken Judicial Strengthening project in 2012, implemented by Supreme Court of Bangladesh to strengthen its capacity to administer the court system and reduce the case backlogs. As such the reduction would provide a sustainable foundation to improve access to justice to the public, especially, vulnerable groups such as the poor, women and children.

It is expected that the successful implementation of case flow analysis and review of existing state of judicial reform will play a significant role in changing the existing business process to intervene in the modern case management mechanism and help to formulate policy and strategy to improve the justice system. The ownership of the programme is also critical to roll out the development model throughout the lower judiciary in order to truly ensure justice for the people of Bangladesh.

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