

CHAPTER 1

Introduction

Judiciary has been finally separated from executive at the beginning of November look and expectation of people is mounting day by day. Ensuring justice for vulnerable people, Particularly women and children. would be a priority lost for independent judiciary. Although the task is challenging, but morning shows the day. In order to achieve a good result, there must be a good start.

Our legal system has immense impact on the rule of law. The fabric of a legal system is very complex and interrelated laws are the legal materials and the legal intuitions are the fabricators of a legal system upon which the building of a legal system is constructed. legal system has been spilt in attempt to give an exact definition of the term laws because of several difficulties.

Firstly, the term is embodied is philosophical perplexities.

Secondly, the traditional method of definition is totally adequate for our purpose.

Thirdly, the term possesses a high emotive contents.

Fourthly, it deals with both just and unjust.

Fifthly, as widest sense, it modules any rule of action. Law is the main material of a legal system upon which the entire legal system resolves. The subject of legal history comprises the growth, evolution end development of the legal system of a country, The legal system of a country at a given time is not the creation of one of one day; it represents the cumulative fruit of the endeavor, experience, thoughtful planning and patient labour of a large number of people through generations. To comprehend understand and appreciate the present legal system adequately, it necessary, there tone to acquire a background knowledge of

course of its growth and development. The truth is that the traditions of the past have made our modern legal system what it is and still live on it. Without proper historical back ground, it may be difficult to appreciate as to why a particular feature of the system is as it is. The historical perspective throws light on the anomalies that exist here and there of the systems. The judicial system on the whole, is tolerable adequate. A hierarchical network of court spreads in the country to dispense justice. Law is mostly codified, and uniform throughout the courting in basic branches of human relationship. How ever, to say all this is not to say that the legal systemic perfect.

1.2 Objective of the Study

Object of the study legal systems or a country is to maintenance of administration of a justice within the political community so that the night shall be exercised by the might of the state.

The legal system has structure. It constantly changes, but different parts change at different speeds. The structure is the skill for of the system. As for example the constitution of Bangladesh is along with the status give shape to there a gains of government as a Skelton or structure, namely the essonite legislature and the judiciary. Through this structure the state function.

1.3 Scope and limitations of the study

Scope and limitation is a very important things of a study. We discuss this research monograph civil and criminal courts and their structure and jurisdictions, various kinds of tribunals its structure and jurisdictions. Not outside this. Because research monograph has a some scope and limitation. Outside of the topic i don't discuss it.

CHAPTER 2

Historical background of the judiciary in Bangladesh

This the instinct of man to know the past. Because the existence and the present condition of a man is inseparably connected with the past. Ends of the creation man and his consequent linked with the past events with a view to lead a good and disciplined life. Man has established various institution, society is one of them. A legal system of a country has its own legal history which comprise the growth evolution and development. Bangladesh, as an independent state has own glorious legal history, which might to know to the person interested and connected with it.

During the palmy days of the Mughal Empire, in India the Mughal period begins with the victory of Zahiruddin Babar in 1526 over the lost Lodi Sultan of Delhi. His son Humayan through he lost his kingdom to Sher-Shah in 1540, regained it other defeating and descendents of Sheer-Shah in July- 1555. The Mughal dynasty continued from 1555 to 1750.

2.1 Administrative Divisions

The Mughal administration was on the basis of the same political division as existed during reign Sheer-Shah civil administration the whole empire was divided into imperial capital, Provinces, Parganah's and villages. Just live Sultans of Delhi, Mughal Emperors were also Obsolne Monarchs. The Mughal Emperor was the supreme authority of executive, legislative, judicial & military power.

2.2 The Administrative of Justice

During Mughal Period. The emperor was considered the "fountain of justice". Emperor grates separate department of Justice. On the basis of administrative divisions , the original head quarters of each province, district, Parganahs & village, separate court were established decided civil, criminal and revenue cases.

2.3 The imperial capital

Delhi was the capital of Mughal Emperors and Indians most Important courts were established. The emperor's courts presided over by the emperor and it was the highest court of the empire. The court had jurisdictions for original civil, criminal cases instant Dargha-e-Adalat, Mufti Mir Adils. In criminal cores Mohtasib-e-Munalik or chief, like Attorney general in Bangladesh.

The court of chief Justice 2nd important court of Delhi & Presided by the chief justice. it had the power to try original civil and criminal case to has appeal from provincial court. Chief justice court was known as Mufti-e-Azam. She chief justice was appointed by the emperor. ¹

The chief Revenue court was 3rd important court established at Delhi. It was highest court of appeal deciding venue cases. It was presided by the Diwan-e-Ala. Two lower courts at Delhi to decide local cases: There two courts were ,

The court of Qazi of Delhi

The court of Qazi -e- Askar⁴

2.4 Provinces (Subha's)

In each province there were 3 courts namely:

The Government own court of Bench,

The chief justice Appellate court,

The chief Revenue court.

2.5 Districts (Sarkars)

In each District there were a court: namely the chief civil & criminal court of the district Faujdar Adalat, Kotwali court & Amalguzari Kachari.

2.6 Parganah's

In each Parganah's were 3 courts namely,

¹ Abdul Halim & N, E, Siddiki, *Legal System of Bangladesh*. p.55.

Adult Parganah's had jurisdiction of all civil & criminal case arising. Kotwali was Presided Kotwali-e- Parganah decide found in modern police act and appeal to the court of district Qazi. Kacheri which decided revenue cases.

2.7 Villages

The village was the smallest administrative unit from ancient times and villages council (Panchayat) were authorized to administer justice all civil and criminal matter. Panchayat meeting were held public places. The village headman was generally president no appeal against the decision of Panchayat.

2.8 Institution of lawyers

Litigants were represented before the courts by professional legal experts. They were popularly known as Vakils (now Advocate). The legal profession flourished during the Mediaeval Muslim period like 'Bar Association' exists. Two Muslim Indian Codes namely, Fiqh-e-Firoz Shahi and Fatwa-e-Alamgiri of clearly state duties of Vakils. Government Advocates 1st time appointed in sign of Shajahan defends is States.

2.9 Judicial Procedure in Mughal Period.

A systematic indicial procedure was followed by courts during Muslim Period. It was regulated by 2 Muslim codes namely Fiqh-e-Firoz and Fatwa –e-Alamgiri in civil and criminal cases.

During Muslim Period Islamic law or sharia was followed all sultans & emperior. The sharia is based on principals enunciated by the Quran. Three forms of punishments as recognized by Muslim law, were Hadd , Tazir and Qisas.

2.10 British Period (1600-1947)

The present development of legal System in Bangladesh mainly came from British Period Starting in 1600AD. So this period encompasses 1600 to 1947.The British constituted a fundamental break in our traditions of the hoary past.

The British realizing the importance of having a sound judicial system in the territories following under their's way, started on the touch of involving a judicial system practically from the every outset of their administrative career. The administrative develop on 1st with respect to the three presidency town which were founded by them to facilities trades and commerce. The East India Company establish presidency towns at Bombay, Madras and Calcutta. The other territories around the presidency town were indicated on Mufassil. The British period thus opens with an extremely elementary and executive ridden judicial system in the presidency town.

King George (-I) know as the charter of 1726 and was the first gateway to introduce English Legal and Judicial system in the sub-continent under the charter of Mayors courts was establish in each presidency town deals with the civil suits arising subordinate factories. Party aggrieved Majors Courts was allowed to make an appeal Governor Council. Second appeal law with the privy council in England. But criminal matter's Govern in Council exercised in judicial powers only.

Later on, king George II with a view to removing the defects of the charter 1726 established the Mayor's court at Madras, Calcutta & Bombay. It also introduce with some reforms is in charter 1726 conflicting situation removing their headships in the Presidency town. In the matter taking with the charters made clear main purpose was to oblige with us to break the truth before court. Particular oath for Christians and for Hindus.

The charter also created a Court of Request of each presidency town of Bombay, Madras & Calcutta decide civil cases involving a sum not exceeding 5 pagodas (Rs-15). Its chief ambition was to give cheap and quick justice to poor. It consisted of commissioner numbering from 8 to 24 and they were required to sit in a quorum of 3 in rotation once a week. Court established by the charter 1753 following namely,

The Court of Request

The Mayor's Court

The courts of the president and Council

The king-in- council or the privy council

The civil courts Acts- 1887 and the Criminal Procedure code-1898. Then sec -3 of the civil courts Act. created the following for classes of civil court.

The Court of the District Judge

The Court of the Additional District Judge

The Court of the Sub-ordinate Judge and

The Court of the Munsif

The criminal procedure code -1898 provided following 5 Classes of criminal courts.

Courts of Session

Presidency Magistrates

Magistrate of the First Class

Magistrate of the Second Class

Magistrate of the Third Class

However, in 1935 Government of India Act was passed and changed the structure, consequently the Federal Courts of India was established on 1st October 1937. Major judicial reform during British Period:

Warren Hastings plan of 1772.

New plan or Warren Hastings 1774

Judicial Reforms of Lord Cornwallis 1787-1793

Reforms of Sir John Shore 1793-1799

Reforms of Lord Wellesley 1799

Reforms of Lord Cornwallis -1805 2nd time

Reform Lord Minto 1807

Reforms Lord Amherst -1823

Reforms Lord Amherst-1823

Reforms Lord Bentinck -1828 2nd time

Dual System of Courts 1834 to 1861

Judicial Reform between 1861 to 1935

Judicial Reform by the Govern of India Act 1935.

The Huaraches of Court under the plan of 1793.

Pakistan Period (1947-1971)

Legal system in Pakistan

During the Pakistan period except abolition of the jurisdiction of the Privy Council and conferment of the same on the federal court established under the Government of India Act 1935, there was no change in the structure and constitution of the court. By an amendment of the Act of 1935 the high courts were given power to issue writs, but subsequently that amendment was declared invalid by the federal court. The Constitution of Pakistan 1956 empowered the high courts to issue writs not only to enforce fundamental rights, but also to declare any action of public authorities to be without lawful authority and of no legal effect and other remedies.

The supreme court which replaced the federal court was given power to issue writs to enforce fundamental rights in addition to the power to hear appeals from the decision of the High Courts. The supreme court and the high courts could also declare null and void any laws which was inconsistent with the fundamental rights. The laws made during British rule continued with minor modifications. However, after the promulgation of martial law in 1958, the Constitution was abrogated. Trial by jury was abolished in June 1959, and in 1961 conciliation courts were constituted with the chairmen of the union parishads and representatives of the disputing parties to decide petty civil and criminal cases. The Constitution of 1962 as amended in 1964 gave power to the high courts to enforce fundamental rights in addition to power to issue writs, and the supreme court to hear appeals from the decisions of the high courts. But the constitution was again abrogated in 1969 after the promulgation of second martial law.²

Bangladesh Period

Legal system is very important for all independent countries. As a independent country Bangladesh has own history of its legal system.

² www.bdlaw.gov.bd

Separation of judiciary

Article 22 of the Constitution of Bangladesh 1972 says,

The state shall ensure the separation of the judiciary from the executive organs of the state 13. But the provision was neglected. However, the non-party Caretaker govt. Started initiatives steps in January 2007 & it was successful on November 1. 2007. Judicial system of Bangladesh Consists with a supreme court subordinate courts & tribunals. The supreme court of Bangladesh is consisted with the Appellate Division & the High Court Division.

The Appellate Division has Jurisdiction to hear & determine appeals, of the High Court Division . The High Court Division has both appellate & original Jurisdiction. It has Jurisdiction to hear appeals from Subordinate & tribunals. The High Court Division has also power to hear writ application.

The supreme court of Bangladesh

The supreme court of Bangladesh was established in accordance with the provision of the Article 94 of the constitution of Bangladesh which provide that there shall be a supreme court of Bangladesh comprising the appellate division and the high court division. It is the highest court of Bangladesh supervise courts of Bangladesh is the last resort of the aggrieved person. Supreme court are divided in to appellate division and high court division:

The High court division

Article 101 of the constitution provides that the HCD shall have original and appellate jurisdiction and such other jurisdiction as may be authorized by law. The jurisdiction of the high court division may be divided in to two:

Ordinary or general jurisdiction

Constitutional jurisdiction

I. The appellate Division

The appellate division of supreme court have no original jurisdiction but it has appellate jurisdiction. The Appellate division has two types of jurisdiction .They are as follows-

Ordinary or General Jurisdiction.

Constitutional jurisdiction.

Chapter 3

Different kinds of civil Courts including special courts & tribunals exercising civil jurisdiction in Bangladesh.

Sub-ordinate courts shall be consisted with the district & magistrate courts. It has power to observe both civil and criminal matters and situated in different district and metropolitan area.

According to the section 3 to the civil courts act 1887 five types of civil courts namely:

- 3.1 The court of the district judge
- 3.2 The court of Additional district judge
- 3.3 The Court of Joint district judge
- 3.4 The Court of Senior assistant judge
- 3.5 The Court of assistant judge.³

3.1 The court of district judge

District judge is the head of civil judiciary in each district. It has administrative control over all civil courts situated in local limits⁴. They are appointed through promotion from the amongst additional district judge. Its pecuniary jurisdiction is unlimited.

Its jurisdiction are as follows

- Pecuniary jurisdiction
- Appellate jurisdiction
- Administration and transfer jurisdiction.
- Revisional jurisdiction
- Double capacity

³ Sec-3 of the civil courts act 1887.

⁴ Patwary Dr. Mofizul Islam, *Legal System of Bangladesh* p. 54.

3.2 Courts of additional district judge

The courts of additional district is comprised with the additional district judge who is appointed through promotion amongst the joint distinct judge. His pecuniary jurisdiction is unlimited. Usually he tries those cases which are transfer to his court from the court of the district judge. Sometimes he is appointed as additional session judge.

3.3 The court of the joint district judge

They are appointed through the promotion from the amongst the senior assistant judge. Its pecuniary jurisdiction states with taka 4 lakhs sometimes it acts as a small causes court and assistant session judge.⁵

3.4 The courts of senior assistant judge

This court is consisted with a senior assistant judge they are appointed through promotion of amongst assistant judge. Its a pecuniary jurisdiction does not exceed 4 lakhs taka.

3.5 The court of assistant judge

This court shall be consisted with an assistant judge. Its pecuniary jurisdiction does not exceed 2 lack taka. It has small revisional power in all petty civil cases coming from various places.⁶

Special tribunal in civil courts

Special tribunal established in a our legal system in to two ways.

Established by constitution.

Established by statute.

The formation and functions of the administrative tribunal deals with the constitution.

3.6 Administrative tribunal

Administrative tribunal deals such dispute which are relating to employment between the government and its employers. Each administrative Tribunal Consist of one member who is appointed by the government from amongst person who are or have been district judge.⁷ It has exclusive jurisdiction to have and determine

⁵ *Ibid* sec. P.25.

⁶ Village courts ordinance 1976.

⁷ Sec 3 of the Administrative tribunal Act 1980

application made by any persons in the service of the people republic of an statutory public authority in respect of the terms and conditions of his service.⁸

3.7 Labour Court

The Government may by notification in the official gazette established labour court as it necessary. A labour court shall be consisted with a chairman and two members but in respect of any matter under chapter ten and twelve of labour code . it shall be consisted by chairman alone. The chairman may be appointed from the amongst of the judges or additional district judge. According to the labour court act 2006 sec 214 sub (10). A court shall have exclusive jurisdiction on the following matters namely:

To adjudicate and determine industries dispute on to try any offence under this code.

To examine and adjudicate any implementation on violations of a settlement which is referred by the government.

To exercise any power referred by this code.

And provision contains in chapter 35 of the CrPC shall apply to labour court. According to the Sec 215 of the labour court 2006 this court shall follow as namely as parable summary procedure for CrPC to try any offence. It has the same power as like the fist class magistrate under the CrPC to trying any offence and for the purpose of punishment it has the same power as like court of session. According to section 216 of the labour court act 2006 except the adjudicating and determining any criminal cases this court shall be deemed as a civil court.⁹

3.8 Labour appellate tribunal

According to the sec 218 of the Bangladesh labour law 2006 labour appellate tribunal shall be consisted by chairman and such number of members. And such chairman shall be appointed from among person who is one has been a judge or an additional judge of the supreme court labour tribunal shall followed as namely as possible the provision of code of civil procedure to hear appeal. This tribunal has power to modification awarded decision, judgment or sanction given by the labour

⁸ *Ibid* Sec. 4

⁹ Halim Abdul & Rahman Masud Siful; *Bangladesh Labour code 2006* p.320-322.

court. If any person aggrieved on the decision of the labour appellate tribunal than the aggrieved person may appeal to the high court division.¹⁰

3.9 The Artha Rin-Adalat

The Artha Rin Adalat was established under section 104 of the Artha-Rin-Adalat Ain act 2003. Every financial institution as listed in section 2 will file suits for recovery of money against a loan under this Act. This Adalat follow its own proceeding as well as the proceeding of CPC and application will be file to the court through affidavits. A joint district judge will be appointed as judge of this court.¹¹

3.10 Land survey tribunal

Land survey tribunal has been established under chapter (xvii A) section 145 (A) of the State Acquisition and Tenancy X act (1950) SAT act. This chapter has been added in 2004 by an amendment in the Act.¹²

3.11 The Arbitration tribunal

According to the section 11 of the arbitration Act. The parties shall be free to determine the number of arbitration. And under the provision of this Act the parties are able to consist of arbitration tribunals. According to the provision of sec 12 of the arbitration tribunal act 2001 parties may be appointed arbitrator to follow the requirement of the arbitration under this act. According to the provision of sec 17 of the arbitration act 2001 provided that if the party is disagreed then the tribunal may exercise it's own jurisdiction-

There is existence of a valid Arbitration agreement.

The arbitration tribunal is properly constitute.

Whether the arbitration agreement against the public policy.

The arbitration is unable to preformed .

What matter have been submitted to arbitration is accordance with the arbitration of agreement.¹³

¹⁰ *Ibid* p. 324-325.

¹¹ *Ibid* 140

¹² *Ibid* 153

¹³ Islam Shafiqul, *the Arbi. Tribunal 2001*; sec. 11-12, 17.

3.12 Family court

Family court have been established under Family Courts ordinance 1985. The assistant judge is the judicial officer of this court. The court have jurisdiction over the following matters: Dissolution of marriage, Dower, Restitution of conjugal rights, Maintenance, Guardianship and custody of children.

3.13 Small causes court

According to sec 25 of the civil courts Act 1887 small causes court was established for the settlement of small and petty matters between parties. There is no separate court for small cause but some regular judges, such as the joint district judge, Senior assistant judge or assistant judge have jurisdiction to try cases of small cases. According to the section 15 of the civil courts act 1887 all suits of civil nature of which values does not exceed 25 thousand taka shall be cognizable by the court of small causes and it is the highest pecuniary jurisdiction of this court. According to the sec 25 of the civil courts act 1887:

Small causes suit up to such valued not exceeding taka six thousand is to be filed in the court of assistant judge.

Suit valuation up to not exceeding taka 10 thousand to be filed in the senior assistant judge court of the local area.

Suit valuation up to not exceeding taka 20 thousand is to be filed is the joint district judge court of the local area vested with small causes.

Chapter 4

Different kinds of Criminal Courts and Tribunals exercising jurisdiction in Bangladesh

The code of criminal procedure 1898 is the legal basis of the criminal courts in Bangladesh. According to the section 6 of the code of criminal procedure beside the supreme court there shall be two kinds of criminal court in Bangladesh. They are given below:

4.1 Courts of Session ; and

4.2 Magistrate Court.

Magistrate courts are divided in to two classes:

Judicial magistrate; and

Executive magistrate.

According to the sec 6 (3) of code of criminal proceeding judicial magistrate are classified in 4 class:

1. In the metropolitan area chief metropolitan magistrate. Out of metropolitan area chief judicial magistrate.
2. In the metropolitan area metropolitan magistrate. Out of metropolitan area fist class Magistrate.
3. Second class judicial magistrate
4. Third class juridical magistrate.

According to the section 7 (1) of the Court of criminal procedure there shall be more session division in Bangladesh and according to the Court of criminal procedure every session division shall have one district or more district. According to the section 7 (2) of the Court of criminal procedure Government have been change to number or area in division or district.

According to the sec 9 of the Code of criminal procedure Government has been established one session court for every session division and one judge shall have appointed for this court. According to the section 31 of the Code of criminal procedure session judge and additional session judge give any sentence which is approve in law. It will be need approved of high court division when session judge or session judge give death sentence. Beside this according to the section 31 of CrPC joint session judge give any beside death sentences or up to 10 years imprisonment. Given a table below about jurisdiction of court of session.

4.1 Session court ¹⁴

In every district there is a court of session. District judges has power to worked as court of session. Basically district judge and additional district judge in same person when he operate civil suits he called district judge. When session are located in what reposition area then is called metropolitan court. The jurisdiction of the session court may be divided in to following categories.

1. Original Jurisdiction

This court try any criminal offence authorized by code of criminal procedure this court given death sentence subject of confirmed by the High court division.

2. Appellate jurisdiction

This court have jurisdiction to hear appeal:

A Sessions Judge hear appeal from the conviction and sentences passed by the Joint Session Judge , Metropolitan Magistrate ,or any Judicial Magistrate of the first class (sec. 408) .

If any magistrate passed any order under section 118 to give security for keeping the peace or for good behavior, appeal against such order has to be made before the Sessions Judge (sec. 406).

No second appeal lies from the judgment and order of a Sessions Judge given in an appeal though revision may be filed against it to the High Court Division (section 404 and 561A, CrPC)

¹⁴ Halim Abdul and Siddiki N.E. *Legal System of Bangladesh* , after separaton university publication, Dhaka, July 08 p.134.

3. Revisional Jurisdiction

This court have Revisional power according to the section 435 of the Code of Criminal Procedure. According to sec 526 as well as 528 of the Code of Criminal Procedure.

4. Withdrawal Power: This court have power to withdraw of cases.

4.1 Additional session court

The court of additional session judge shall have exercised same powers like session judge court when additional session judge situate in metropolitan area is called additional metropolitan.

4.1 Joint session court

Joint session judge may exercise any power authorize by law except the sentence of death or a term exceeding ten years of imprisonment when join session judge located in metropolitan area is called joint that repository joint session court.

4.2 1st Class magistrate Court

According to the section 32 (1) of the CrPC metropolitan magistrate or 1st class magistrate may give any sentence up to 5 years and fine up to taka ten thousand.

4.2. 2nd class magistrate Court

According to the section 32 of the Code of Criminal Procedure 2nd class magistrate may pass imprisonment up to 3 years including solitary confinement and give fine up to five thousand taka.

4.2. 3rd Class Magistrate Court

According to the section 32 of the Code of Criminal Procedure 3rd class magistrate give imprisonment up to 3 years including two thousand taka.¹⁵

4.3 Executive magistrate: ¹⁶

According to the section 10 of the Code of Criminal Procedure the executive magistrate have following function and powers.

In every metropolitan area and district area the Government shall appoint any persons as an executive magistrate and among them shall appoint district magistrate.

¹⁵ Halim Abdul and Siddiki N.E. *Legal System of Bangladesh*, after separaton university publication, Dhaka, July 08 p.134.

¹⁶ Azad Md. Abul Kalam. *The Criminal procedure code* , Lipi Law book house. Dhaka 1st June, 2008 p.23.

The Government may appoint any executive magistrate to be an additional district magistrate and they have the same powers like district magistrate.

The Government or district magistrate define local area time to time within , which executive magistrate may exercises its power.

According to section 4(2)(b) the executive magistrate shall not exercise any judicial function. This court shall do such work as like administrative or executive nature such as granting of a license sanctioning a prosecution or withdrawing from a prosecution etc.

4.4 Special magistrate¹⁷

Section 12 of the Code of Criminal Procedure provide power and function of special magistrate. The Government may conferred upon any persons all or any of the powers conferred on an executive magistrate such person is called special executive magistrate the government may appoint such officer to do work for a certain period such meditative will be appointed out side metropolitan area. Such power will not conferred on such person who is in below grade of the any person like judicial magistrate of the 1st, 2nd and 3rd class magistrate.

4.5 District Magistrate ¹⁸

Ordinary power of the 1st class.

To hear appeal from orders of magistrate relating to accept or rejecting.

To hear on refer appeal from magistrate 2nd class and 3rd class.

¹⁷ Azad Md. Abul Kalam. *The Criminal procedure code*, Lipi Law book house. Dhaka 1st June, 2008 p.26.

¹⁸ Azad Md. Abul Kalam. *The Criminal procedure code*, Lipi Law book house. Dhaka 1st June, 2008 p.27.

4.6 Nari-o-shisu nirjatan Daman Tribunal ¹⁹

Nari-o-shishu Nirjatan Daman Tribunal has been established under the provision of the Nari-o-shishu Nirjatan Daman Ain 2000. According to the section 26 every district there must be a tribunal of such cases. If the government think necessary may consist more tribunal in each district. The tribunal shall be consisted by one judge who is appointed for amongst the district judge.

4.7 The speedy trial tribunal: ²⁰

According to the section 4th the speedy trial act 2002 the government may be notification in the official gazette, may consist one more tribunal if he think fits and may notify the local limit of each tribunal the president may appoint as session judge on retired session judge of be the judge of special tribunal.

According to the see 5 of the speedy tribunal act the government may by notification of the official gazette may confer any offence to try this tribunal.

4.8 Ain srinkhala Bigno-kari oporad druto bichar tribunal ain 2000/2002²¹

According to the section 8 of this act the government may by notification in the official gazette consist one or more speedy trial tribunal in each district and metropolitan area and mentions its jurisdiction. The court is comprised with the first class magistrate. According to the section of this act this tribunal shall try any offence under this ordinance.

4.9 The Environmental court²²

The environment court was established under section 4 of the environment court act 2000 consisting at one judge hold port as joint district judge and it will be situated in every head quarters of the division. The government may appoint special magistrate to try any offence for which the punishment is not exceeding 2 years imprisonment and 10 thousand taka fine the offence mentioned in section 15 of this act where the highest punishment is up to 10 years imprisonment and 10 lakhs taka fine or both.

¹⁹ Moniruzzaman A.K.M. *Nari-o-shishu Nirjatan Daman Ain 2000*; shamash publication, Dhaka. Dec. 07; p. 124-125.

²⁰ ²⁰ Moniruzzaman A.K.M. *Nari-o-shishu Nirjatan Daman Ain 2000*; shamash publication, Dhaka. Dec. 07; p. 236.

²¹ ²¹ Moniruzzaman A.K.M. *Nari-o-shishu Nirjatan Daman Ain 2000*; shamash publication, Dhaka. Dec. 07; p. 295.

²² Halim Abdul and Siddiki N.E. *Legal System of Bangladesh* after separaton university publication, Dhaka, July 08 p.163.

4.10 The environmental appellate tribunal²³

The environmental court act 2000 provided the provision of established on environment appellate tribunal under section 12 comprising of a judge court of district judge. The government may empowered a district and session judge to worth as a judge to the environmental appellate court as an extra change and they will follow the proceeding of criminal procedure code in criminal cases and proceeding to civil suit.

4.11 The special tribunal²⁴

The special tribunal has been established under the special power act 1974 with the session judge as special judge of the tribunal. It deals with the offence as special in the schedule of the act for offence punishable under the special power act 1974. The arms act 1818 the explosive substances act 1908. Rule made under the emergency power act 1975. Section 376 of the penal code 1860 etc.

²³ Halim Abdul and Siddiki N.E. *Legal System of Bangladesh* , after separaton university publication, Dhaka, July 08 p. 164.

²⁴ Halim Abdul and Siddiki N.E. *Legal System of Bangladesh* , after separaton university publication, Dhaka, July 08 p 152.

Chapter 5

Problems of Judiciary system

1. The prevailing law of Bangladesh was created by the British. This law sometimes harass the public seriously
2. Most of the general people of Bangladesh consider the law an freighting matters.
3. Law is not early obtainable for the poor in Bangladesh.
4. There is a scarcity of judge in lower court.
5. There is only one judge court in a district. So district people of concerned district face duffel to reach the court.
6. Lawyers and Judges intentionally delay the cause.
7. Bias of Judges.
8. Deprive from the Natural Justice .

Chapter 6

CONCLUDING REMARKS

Recommendations

The prevailing law of Bangladesh follows the British law. So avoid the British law and accept and apply our law in Bangladesh. Most of the general people does not have any concept about the law. So our legal system would be applied the nearest to the general people, Legal system to have the apply Govt. to obtainable for the general people, Appointed the assistant judge early needed.

Early start the upozlia court system, Our legal education need Reform, Since the separation of judiciary expectation is naturally soaring high as judicial magistrates are mostly from specific legal education background, The constitution of Bangladesh says about social justice which is the key pillar of the constitution. We must not fail to ensure our citizens right to access to law and justice. The need of legal education is must to achieve this goal, Judges, lawyers, law teachers, law students, professional groups, member of civil society and various legal institutions throughout the country should come forward to act for this.

Conclusion

Our judiciary has separated some days ago, now the judiciary running separately and it also showing the best inside it. The court structure is the result of a historic evolution. It improves day by day and time to time by various Dynasty. Now the court in as satisfied level but it is not perfect, so I Recommended some courts for the perfect judiciary like juvenile justice system, and some tribunals for ensuring the justice to the people of Bangladesh

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