

## The Judiciary of Bangladesh

The judicial structure in Bangladesh consists of a hierarchy of courts, including the Supreme Court, which is divided into the Appellate Division and the High Court Division. Below these are the subordinate courts, which handle civil and criminal cases at various levels in their civil and criminal courts. This system ensures that legal interpretations and decisions are consistent with both statutory laws and customary practices. Bangladesh follows common law. There is a strong influence of English common law in the basic laws of Bangladesh, including the penal code, civil code, criminal code, contract laws, and company laws. In contrast, laws regarding marriage, divorce, and inheritance differ according to each religious community as they are based on religious scripts. Bangladeshi laws often take statutory forms and are enacted by the legislature and interpreted by the higher courts in accordance with our written constitution. Ultimately, Bangladesh's legal system reflects the hybridity of its culture and religions, while still remaining true to its common law roots.

### Supreme Court

The Bangladesh Supreme Court is the highest court in Bangladesh. It has two divisions:

1. Appellate Division (AD): According to the Constitution, the Appellate Division is given the following powers: Appellate Jurisdiction, Issue and Execution of Processes, Power of Review, Advisory Jurisdiction, Rule Making Power.
2. High Court Division (HCD): According to the Constitution, the High Court Division is given the following powers: Original Jurisdiction, Appellate Jurisdiction, Revisional Jurisdiction, Review Jurisdiction, Supervision and Control of Courts Subordinate to it, Transfer of cases from subordinate Courts to the High Court Division.

The courts subordinate to the Supreme Court are the Sub-ordinate Civil & Sub-ordinate Criminal Courts. An in-depth description of each is given below.

### Civil Courts

**District Judge Court:** It has original jurisdiction, appellate jurisdiction, revisional jurisdiction, transfer jurisdiction, review jurisdiction, and reference jurisdiction. A suit whose valuation exceeds 5 crores in Bangladeshi taka is subject to appeal or revision before the High Court Division.

**Additional District Judge Court:** These courts have the same powers as the District Judge; however, they may only exercise these powers upon referral by the District Judge.

**Joint District Judge Court:** They have jurisdiction over suits whose value is greater than 25,00,001 in Bangladeshi taka.

**Senior Assistant Judge Court:** The court has jurisdiction over suits with a value between 15,00,001 and 25,00,000 in Bangladeshi taka.

**Assistant Judge Court:** This court has jurisdiction if the suit's value is less than 15,00,000 in Bangladeshi taka.

## **Criminal Courts**

Criminal courts are divided into two categories: A. Sessions Courts and B. A. Magistrate Courts

### **A. Sessions/ Circuit Courts:**

District/ Metropolitan Sessions Judge Court

Additional District/ Metropolitan Sessions Judge Court

Joint District/ Metropolitan Sessions Judge Court

### **B. Magistrate Courts:**

-Executive Magistrate: Serves primarily as an administrative Magistrate and has limited trial authority in Mobile Courts.

-Judicial Magistrate: There are four types of Judicial Magistrate courts at the district level.

a. Chief Judicial Magistrate Court: This is the highest court within the Magistracy. The court can generally impose a punishment of up to five years in prison and ten thousand taka on an offender convicted of any criminal offense.

b. Additional Chief Judicial Magistrate Court: This court deals with cases referred by the Chief Judicial Magistrate.

c. Senior Judicial Magistrate Court: The court is a first-class magistrate's court, which can normally sentence a punishment of five years' imprisonment and a fine of ten thousand taka.

d. Judicial Magistrate Court: Second- or third-class magistrates sit in this court. A second-class magistrate can sentence you to three years of imprisonment and a fine of five thousand taka, while a third-class magistrate can sentence you to two years of imprisonment and a fine of two thousand taka.

Additionally, in the Metropolitan areas there are three Metropolitan Magistrate courts: Chief Metropolitan Magistrate Court, Additional Metropolitan Sessions Judge Court and Metropolitan Magistrate Court. Metropolitan Magistrates are magistrates of first class.

## Special Courts

The following special courts handle cases that are exceptional and dedicated.

- Labour courts handle labour rights and disputes.
- Administrative Tribunals have the authority to resolve cases of service disputes involving public employees.
- Income Tax Appellate Tribunals have jurisdiction over income tax disputes, customs and excise matters.
- VAT Appellate Tribunal is responsible for deciding disputes involving customs, excise duties, and VAT.
- The Money Loan Courts, also known as Artha Rin Adalat, decide money claims made by banks and other financial institutions.
- Insolvency courts declare defaulting borrowers insolvent.

It is my hope that this reading will help us understand the hierarchy of the court system in our country. The court system is made up of different levels of courts, from the lower courts up to the Supreme Court. Each court has its own authority to hear cases and make decisions. The hierarchy of courts helps to ensure that justice is served in a consistent and equitable manner.

## References

- Bangladesh, S. C. (n.d.). *Jurisdiction of the Supreme Court*. Retrieved from [www.supremecourt.gov.bd: https://www.supremecourt.gov.bd/web/jurisdiction](https://www.supremecourt.gov.bd/web/jurisdiction)
- OGR Legal. (n.d.). *Legal System of Bangladesh*. Retrieved from [ogrlegal.com: https://resource.ogrlegal.com/legal-system-bangladesh/](https://resource.ogrlegal.com/legal-system-bangladesh/)

**Written by: Advocate Md Mahbubul Alam**

Director, Alam & Associates

Date: November 15, 2024