

# A YEAR OF REFORMS



Special Supplement

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প্রেসিডেন্ট  
PEOPLE'S REPUBLIC OF BANGLADESH

## Message

On the occasion of completing one year of the present Caretaker Government, I extend my sincere felicitations to the Government as well as the countrymen living home and abroad.

Rule of law and stability are the important pre-conditions for overall development of a country. The present Caretaker Government has been playing pivotal role in establishing rule of law and making country free from corruption and deprivation since its assumption of power in January, 2007. The activities of the Caretaker Government during the last one year especially, the separation of the judiciary from the executive, strong stance against corruption, voter enrollment with photograph and preparing for national ID card, eliminating terrorism, strengthening relations among the friendly countries etc. have been acclaimed by all at home and abroad. It is also appreciable that the Government has successfully faced the repeated floods and devastating cyclone and provided all-out assistance for the affected people of the country. It is my conviction that a free, fair and credible General Election would be held by 2008 announced by the Bangladesh Election Commission. I believe it would expedite and consolidate our democratic process. I call upon the countrymen to devote themselves from their respective fields in building a happy and prosperous country for making our hard-earned independence more meaningful.

I wish continued success of the Government and the nation.

Allah Hafez, Bangladesh Zindabad.

Professor Dr. Iajuddin Ahmed

## Success of the Present Government at a Glance

The present caretaker government took office to offer relief to people from chaos and disorder, political unrest and anarchy and unmitigated spell of darkness of despair. Insecurity of life and properties, violence in the streets, strikes and ghazas and destruction of property reigned supreme and stalked the lives of ordinary citizens.

The caretaker government has completed its first year. Although it is a very brief period of time, a lot of extraordinary reforms have taken place in national life. Unbelievable changes for the better have been brought about in the country. Many positive changes are in place in many sectors, including politics, economy, education, health and agriculture. So, 1/11 have not only considered as a day of deliverance but also marks watershed of significant changes for people's welfare and bright future of the country by good governance.

People of the country were waiting for a breather. At last peace and calm was restored to people's life after the 1/11 changeover. Initiatives were taken to free politics from corruption and black money and the grip of musclemen. Transparency, honesty and accountability have been ensured in all financial sectors including industries, business, commerce and banking. The government reformed almost all major institutions including the independent Election Commission, Anti-Corruption Commission and Public Service Commission. Judiciary was separated from the executive for ensuring justice for all. Preparation of flawless voter list and identity cards is underway and making steady progress to fulfill the road map to holding a free and fair general election scheduled at the end of 2008 to ensure unfettered democracy. Qualitative changes have been brought to service sectors including ports and communication. The government has ensured transparency in the service delivery system of the state institutions to reduce public sufferings. Besides, the present caretaker government has faced two consecutive floods and the devastating cyclone SIDR with remarkable efficiency. These natural calamities have damaged agriculture and economy of the country. But the nation is determined to begin a new life.

One period is not enough to evaluate the success and failure of a government. Despite various difficulties the present caretaker government has been able to bring significant improvements in different sectors. It is expected the country will move ahead after implementation of various reform programs. The highlights of development in the country are as follows in brief

- The separation of the judiciary from the executive was made effective from November 1, 2007. A total of 83,091 cases were settled in two months. 41 ordinances were announced.
- The road map of the newly constituted Election Commission was announced. Meanwhile, two crore citizens of the country have been enlisted as voters with photographs as per the road map. Amendments to the Public Representatives Ordinance-1972, electoral code of conduct and draft of rules

The concept of the "Independence of Judiciary" was primarily developed by the world famous French political scientist/ philosopher Montesquieu. In order to make the functions of state more progressive and effective, he has given the idea of dividing the structure of the state into three branches, Executive, Legislature and Judiciary. Indeed, he originated this concept to maintain the balance of power among the three branches of the government so that one branch couldn't stretch undue influence over the other branches.

## Independence of Judiciary: Historical Context and Aspiration of the People

Kazi Habibul Awal

Separation of judiciary started its journey in British-India in 1831 through the division of the function of civil and criminal justice system. At that time initiative was also taken for administrative reform. Secretary to the Bengal Government C.W Bolton formally presented a plan of action to separate the Judiciary from the executive in 1900. Subsequently, after the enactment of the Government of India Act, 1935, the matter had been laid before the Central Legislative Assembly. It was expected that the provincial government would take steps to separate judiciary. But due to Second World War no step was taken at that time. After the partition of India in 1947 no step had been taken to separate judiciary in Pakistan. But the agenda no.15 of well acclaimed Agenda no. 21 raised by Cabinet of the United Front in 1954 was to separate the judiciary from the executive. Later on, East Pakistan Legislative Assembly enacted the Code of Criminal Procedure (Amendment) Act, 1957 (Act No. 36 of 1957) to separate the judiciary from the executive. But Notification to give effect the Act was never published.

After emergence of Bangladesh, in 1972 the Government of Bangladesh made the Constitution of the People's Republic of Bangladesh. Article 22 of the Constitution laid down the provision that the judiciary should be separated from the executive. Articles 115 and 116 stated that the appointment, promotions, posting and other service conditions of the judicial service should be done by Rules, but necessary Rules were never made for 36 years. Provisions regarding Appointment and Promotion of the Judges of the Subordinate Judiciary in consultation with the Supreme Court are provided in Article 115 and 116 of the Constitution. In 1975, The Fourth amendment of the Constitution made the judiciary an integral part of the Executive and Judiciary was taken under the control of the Executive. Through a Martial Law Proclamation in 1978, the provision of consultation with the Supreme Court was revived. Separation of Judiciary was one of the major agenda in the charter of three alliances of the major political parties in 1990.

Separation of Judiciary got a different dimension in 1995 which originated in 1989 when the government increased the Pay Scale of the posts of BCS (Administration) Cadre. In response to the claim of officers of the Judicial Cadre, Government raised the Pay Scale of the Judges in 1994. But due to pressure of the Administration Cadre, the Government suspended the increased Pay Scale of the Judges by a Notification, Masdar Hossain, the then sub-judge of Dhaka Judge Court and secretary general of the judicial service association, along with 441 judges of the subordinate judiciary filed a writ petition No. 2424/95 in the High Court Division. The Judgment has gone in favour of those judicial officers. The High Court Division declared the Notification Ultra Vires and declared that it will be unlawful to regard Judicial Cadre as a cadre of Civil Service. It would not be necessary to amend the Constitution and the name of BCS (Judiciary) would be renamed "judicial service". Moreover, the Order of reaffirmation of Pay Scale of the judicial officers is declared valid. In 1997 Government filed a Leave to Appeal in the Appellate Division. In 1999 by the historic judgment on separation of judiciary was delivered by the Appellate Division in Appeal case No.79/1999 and through this judgment 12 directives were given to the government to implement the separation process. Afterwards, different

for registration of political parties have been prepared.

- Minimum Wage Board has been reconstituted. Minimum wage of Taka 1,500 has been fixed for workers. Minimum wages have been implemented

- 4,968 garment factories out of total 5,000 units in the country.
- The newly constituted Anti-Corruption Commission has so far filed cases against 141 important persons, including former ministers, former state ministers, former parliament members and former government officials. Of the cases, verdicts on 18 cases have been delivered, 53 cases are under trial and charge sheets against 69 cases have been submitted to the courts.
- A Search Committee has been constituted for appointment of vice-chancellors, pro-vice-chancellors and treasurers for the public universities.
- Zila Parishads of three hill districts have been reconstituted. Implementation of the Chittagong Hill Tracts Peace Agreement is going on.
- Bangladesh Public Service Commission (PSC) has been reformed. Development of Human Resources:
  - 5,70,593 workers have been exported to various countries of the world.
  - 16 technical training centres have been set up. 6,479 workers were given training in a year.
  - 1.20 lakh youths and female youths have been provided with training on



Before the actual Separation of Judiciary, a part of Criminal Justice system was administered and controlled by officers of the Bangladesh Civil Service (Administration) those who have no legal institutional knowledge and experience. The officers of Administration Cadre were mainly busy with their administrative functions. They couldn't spend enough time in their judicial functions and similarly, they couldn't concentrate as well as apply their judicial mind in their judicial function to meet the claim and need of the litigants. But after the Separation of Judiciary, the present Criminal Justice System are solely administered by the officers of Judicial Service who have LLB (Hon's) degree from a recognised university along with adequate judicial knowledge. Moreover, after the Separation of Judiciary, the judges and judicial magistrates are fully independent in delivering their judgement especially, in criminal matters like, bail, remand, imposing punishment/penalty etc.

political governments did not take any realistic and effective steps rather prolonged the process of separation of judiciary. And altogether they have taken 26 times of extensions. Some interested group opposed the matter. But the present Caretaker Government after assuming their responsibility took some courageous and effective steps in this matter so that people can enjoy the blessings of separation of judiciary.

In order to ensure the separation of judiciary, the present caretaker government has taken some speedy and efficient arrangements. To achieve this purpose primarily four rules has been promulgated in 2007, namely,

- (a) Bangladesh Judicial Service Commission Rules, 2007; (b) Bangladesh Judicial Service (Pay Commission) Rules, 2007; (c) Bangladesh Judicial Service (constitution of service, appointment into entry post, temporary termination, termination, and removal) Rules, 2007; (d) Bangladesh Judicial Service (posting, promotion, grant of leave, control, discipline and other conditions of service) Rules, 2007. Additionally, necessary amendments were made in the Code of Criminal Procedure through Ordinance in 2007. After completion of all these tasks, on 1st November, 2007 the Chief Adviser formally declared the separation of judiciary. Through this landmark event, the long awaiting separation of judiciary has been accomplished and the main objective of Article 22 of the Constitution of Bangladesh has been achieved.

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Chief Judicial Magistrates, Additional Chief Judicial Magistrates and other Magistrates are appointed from and among the judicial officers. Therefore, they are involving themselves in the judicial functions with full devotion and time. For this reason, litigants are benefited by the separation of judiciary and this way, public involvement is increasing in the overall administration of justice system and hopefully in future.

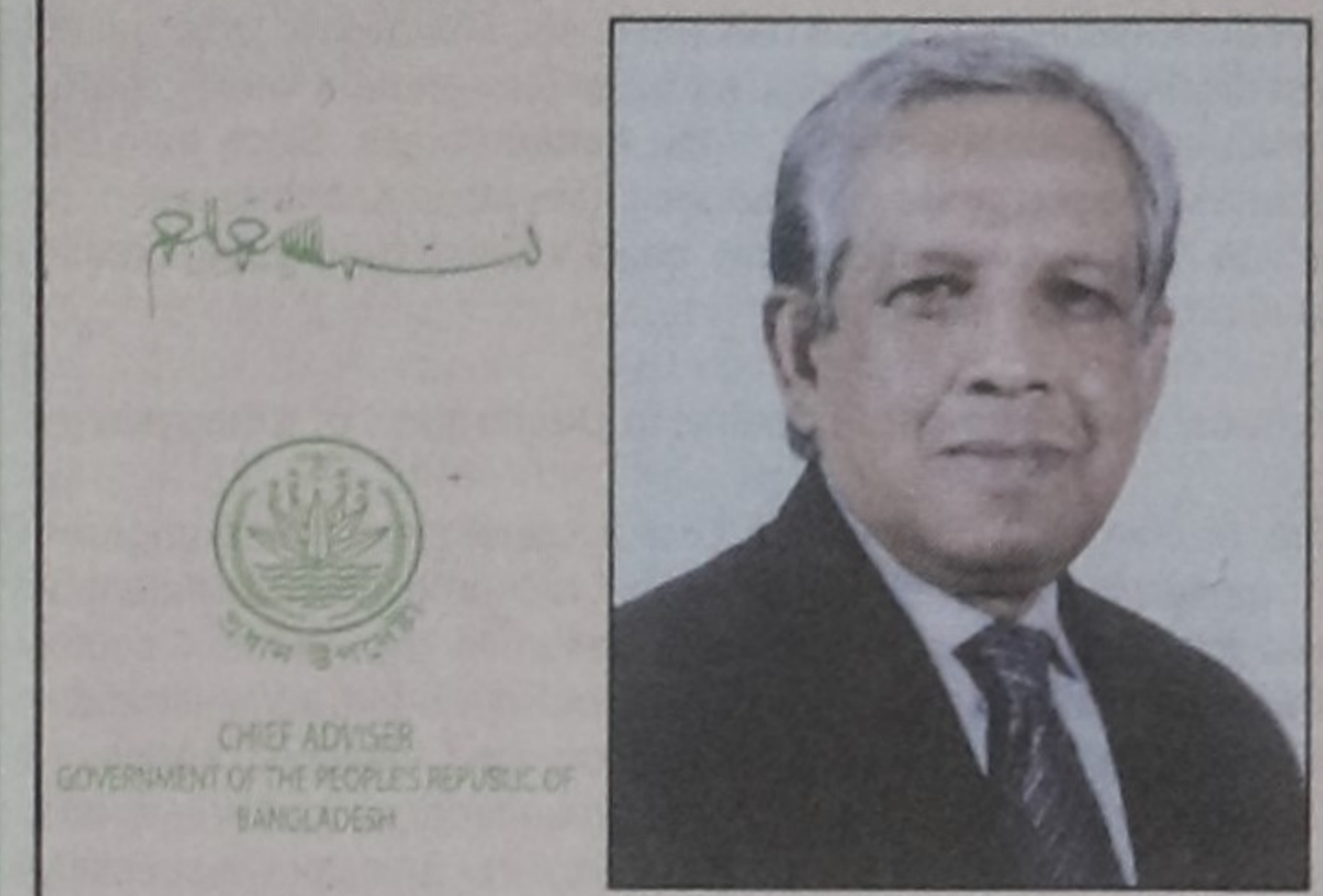
Judiciary is regarded the last resort for the protection of legal rights of five crore peoples of this country. Political, economic, social and other important issues may be involved in a case. A case may be filed between two adversarial/ inimical parties. Therefore, in order to protect the legal rights of general people, a Judiciary is desired which will be free from political, administrative and/or private influence. For a long time, due to undue influence, judiciary couldn't be separated from the executive and as a result, judges couldn't conduct their judicial functions properly and without influence. The general people were the sufferer of these illegal and immoral practices. Through the separation of judiciary, free from influence, more specifically, the way of proper administration of justice has been established. After hundred years of waiting, the whole nation is now looking at the judiciary and judges. On the other hand, this is the time for judges to meet the aspiration of the general people.

—Secretary In-Charge, Ministry of Law, Justice & Parliamentary Affairs

various trades as per new guidelines prepared for creating more jobs at home and abroad. About Taka 48 crore has been distributed among the trainees as loans.



- Preparation of the Secretariat Instructions-2007 is at the final stage. The number of OSD officials has been reduced to 98 from 468. A total of 2,685 officials have been provided with training at home and abroad for bringing dynamism to the administration.
- Service Sector:
  - The citizen charter has been put on the boards of all departments and ministries for disseminating information about from where, when and how the people will get government services.
  - Mouza map and khatian are being sold from the Directorate of Land Record and Survey besides the district administrations.
- The 6th Wage Board Award has been announced for increasing salaries and allowances of members of the newspaper industry. Film Censor Board has been reconstituted. Task Force has been formed for eliminating vulgarity from the film industry.
- Remains of Bishreshtha Flight Lieutenant Matur Rahman and Sepoy Mohammad Hamidur Rahman have been brought to Bangladesh. Honorarium for families of Bishreshthas, injured freedom fighters and shaheed families has been increased by 50 percent.
- Bangladesh has been unanimously elected Chairman of the Least Developed Countries (LDCs).



CHIEF ADVISER  
GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

## Message

I extend my sincere thanks and warm felicitations to my fellow citizens on the occasion of completion of one year by the present caretaker government.

This government took over responsibility at a critical phase of Bangladesh's history. You may recall that the country was pushed to an uncertain and anarchic situation due to intense rivalry, clashes and violence resorted to by major political parties centred on the general election scheduled for 22 January 2007. It was not possible to hold a free, fair and credible election under these circumstances. The flourishing of democracy and peace in public life were hindered for long due to misuse and limitless corruption by a section of people. The present government started its journey in this backdrop, with a pledge to bring about meaningful changes amidst great expectations of the general mass.

Peace and discipline have now returned everywhere in the country as a result of firm measures taken during the past one year. The main objective of the government is to hold a free, fair, neutral and credible general election. For achieving this goal, the Election Commission has been reconstituted. Electoral reform measures and preparation of an error-free voter list with photographs are making satisfactory progress in accordance with the roadmap announced by the Election Commission. The government has also undertaken reform measures in other major public institutions. The separation of judiciary from the executive was another epoch-making step implemented by the government.

The country faced two floods and the catastrophic cyclone within the span of a few months. The administration provided necessary relief and rehabilitation assistance to the people affected by those calamities with the help from all sections of citizenry, the armed forces and our friends from abroad.

I would like to make a clarion call to all fellow citizens to work together for building a modern, democratic Bangladesh in accordance with the dreams of our liberation war.

I take this opportunity to wish happiness, peace, prosperity and welfare of all our citizens.

Dr. Fakhruddin Ahmed

- Land acquisition for construction of Padma Bridge involving Taka 10,000 crore is continuing. Steps have been taken to turn the Dhaka-Chittagong Highway into four lanes at a cost of Taka 2,100 crore.
- 1,560 flats, instead of plots, have been allotted among the dwellers of Dhaka and Chittagong cities.
- 300 million cubic feet gas is being extracted from the Bibiana Gas Field every day. Outstanding bills of Taka 292 crore were realized from the gas sector. Production of electricity has been increased to 3400-3600 megawatt by generating 600 megawatt more power. Five power plants with the capacity of 690 megawatt have been set up.
- Drives against illegal VOIP companies were launched. Cases against the 20 illegal VOIP companies were filed and Taka 618 crore was realised. 55 economic ISD calling systems, including earlier 25, have been started.
- 11-day stay of ships at the Chittagong Port has been reduced to three days due to construction of Newmooring Terminal, starting of three shifts instead of two shifts, increase in container holding capacity of the port, reduction of stages of delivery of goods and proper management of workers.
- National Hajj Policy has been announced to remove irregularities and weaknesses in Hajj management, which has been brought under the information technology.
- Land has been acquired to establish a High Tech Park at Kaliakoir of Gazipur. The Bangladesh Shilpa and Gobeshana Parishad has invented tools kids for examining formalin.
- Activities have been successfully carried out to distribute adequate relief goods and rehabilitate victims of two successive floods and one Sidr.
- Passport and visa process have been simplified. Passports have been distributed from 17 districts besides 15 regional offices. Death sentences for six top JMB terrorists were executed.
- Average rate of child birth has been reduced to 3.0 from 2.7. The number of beds at hospitals of the country has been increased by 4,519. The number of students of four medical colleges has been increased by 100. Services for delivery have been extended at 105 upazila health complexes. 98 percent children were brought under the immunization programme.
- A project involving Taka 70 crore has been undertaken for permanent solution to the water-logging problem in Vabadah area in Jessore. Taka 1,000 crore was spent for flood protection, construction of dams and embankments, dredging of rivers and extension of irrigation facilities.

- Financial Sector:
  - Better Business Forum headed by the Chief Adviser has been constituted. 998 crore US dollars were earned from exports during the last 10 months, which was 12 percent more than the previous year.
  - 1.65 lakh tonnes of sugar were produced during the last season, which was 9.63 percent more than the target. Sugar is being produced with a fixed target for 1.74 lakh tonnes this season.
  - An initiative has been taken to make the jute mills profitable concerns by carrying out reforms in the jute sector.
  - Bangladesh Biman has been turned into a public limited company for making it a profitable organisation. Workforce of the Biman has been reduced to 2,801 from 4,599 by bringing reforms to its organogram.