

In the Indian sub-continent the first Law Commission was established in 1834 under the Chairmanship of Lord Macaulay under the Charter Act of 1833. Thereafter the second, third and fourth Law Commissions were consecutively established in 1853, 1861 and 1879 respectively. The first Law Commission in addition to other recommendations made recommendations for codification of the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1898. The consecutive three Law Commissions enriched the treasure of the laws of the Indian sub- continent by initiating a large number of diversified laws. Besides, the Indian Penal Code and the Code of Criminal Procedure, the Code of Civil Procedure, 1908, the Evidence Act, 1872, Indian Contract Act, 1872 and the Transfer of Property Act, 1882 etc. are the outcome of labor of the aforesaid four Law Commissions.



During the Pakistan period two Law Reform Commissions; first one under the Chairmanship of Mr. Justice S.A. Rahman in 1958 and the second one under the Chairmanship of Mr. Justice Hamoodur Rahman in 1967 were established. Justice S.A. Rahman Law Reform Commission examined the causes of delay in disposal of Civil and Criminal cases and also made recommendations for making suitable amendments in the related laws. Justice Hamoodur Rahman Law Reform Commission submitted an exhaustive report in the matter of delay of disposal of Civil and Criminal cases.

After emergence of Bangladesh the first Law Reform Committee was formed in 1976 under the Chairmanship of Mr. Justice Kemal Uddin Hossain. Later on a Law Reform Committee was formed in 1979 under the Chairmanship of Mr. Justice Altaf Hossain. The aforesaid Law Reform Committees amongst other issues examined the procedural aspects of Civil and Criminal Code and made some recommendations of relevant laws for speedy disposal of Civil and Criminal cases. In 1990 another Law Commission was set up under the Chairmanship of Barrister Ashrarul Hossain. This Commission existed for a short period and it made recommendations on the reforms of the Code of Civil Procedure, 1908 and some other laws. A temporary Law Reform Commission was established on May 25, 1996, in pursuance of the executive resolution dated 7-4-1994 vide No 120-Law/vetting/33/93 with Mr. Justice Naimuddin Ahmed as a Member as well as Acting Chairman. On 4th August, 1996 the former Chief Justice of Bangladesh Mr. Justice Dr. F.K.M.A Munim was appointed the Chairman of the Law Reform Commission.



Establishment of the Law Commission

The Government felt it necessary to make the Commission a permanent one under a regular statute. Steps were taken and the Law Commission Bill of 1996 was passed by the Parliament. Upon receipt of assent of the Hon'ble President on September 9, 1996 it became



an Act of Parliament (The Law Commission Act 1996 Act no. XIX of 1996). Thus the former temporary Law Reform Commission stood converted into a permanent Law Commission. After the establishment of permanent Law Commission Mr. Justice Amin-Ur-Rahman Khan was appointed another Member of the Commission on September 22, 1996. While being Member of the Commission Mr. Justice Amin-Ur-Rahman died and after his death Professor Shah Alam, Dean of the Law Faculty of the University of Chittagong was appointed Member of the Commission. The first Chairman of the Law Commission although was appointed for three years but prior to expiry of his tenure he tendered his resignation and then another former Chief Justice of Bangladesh Mr. Justice Kemal Uddin Hossain was appointed the Chairman of the Commission for three-year-term. Professor Shah Alam, prior to completion of his term tendered resignation and some time after his resignation Mr. Justice B. B. Roy Choudhury was appointed the Member of the Law Commission. The former Chief Justice of Bangladesh Mr. Justice A.T.M. Afzal was appointed the Chairman of the Commission on August 1, 2001 for the next three years. Member of the Law Commission Justice B.B. Roy Choudhury on being appointed Advisor of the Non Party Caretaker Government of 2001 tendered his resignation and in his place on August 9, 2001, Mr. Justice A.K.M. Sadeque was appointed the Member of the Commission. Mr. Justice Md. Shirajul Islam, former justice of High Court was appointed another member of the commission on 19 February, 2004 in place of Mr. Justice Naimuddin Ahmed. Mr. Justice A.T.M. Afzal has completed his three years tenure as chairman and immediately after that Mr. Justice Md. Shirajul Islam took over the charge of the chairman. On 29 November, 2004 Mr. Justice Mostafa Kamal the former Chief Justice of Bangladesh was appointed the Chairman of the Commission. After the expiry of the tenure of the member Mr. Justice A.K.M. Sadeque the former Inspector Jeneral of Police Mr. Dr. M. Enamul Haq was taken as the member of the commission 29 November, 2004. The term of the other member Mr. Justice Md. Shirajul Islam was extended for one year more which was end up on 21 February, 2008. His tenure was further extended for one year with effect from 9 March 2008. Mr. Sunil Chandra Paul Former District Judge Joined on 25 may 2009 as Member of Law Commission for 3 Years. Another Member Professor Dr. M. Shah Alam Joined on 24 June 2009. Mr. Justice Motafa kamal's tenure as the Chairman of the Commission ended on 05 December 2007 and Mr. Justice Mohmmad Abdur Rashid Former Judge of The High Court Division of the Supreme Court of Bangladesh Appointed as the Chairman of the Commission for 3 years and joined on 21 April,2009 and he reigned on 7 october, 2010.

Composition of the Law Commission

As per section 5 of the Law Commission Act, 1996, the Commission consists of a Chairman and two Members. Under the law the Government has got the power to increase the number of its Members, if it deems necessary. The Chairman and Members of the Commission hold their respective offices for a term of three years from the date of their respective appointments. The Chairman or a Member may be re appointed by the Government for the prescribed term after the expiry of the said term. From the very beginning the Chairman of the Commission has been appointed from amongst the retired Chief Justices of Bangladesh and Members have been appointed from retired judges of Supreme Court of Bangladesh except on one occasion on which a Member was appointed from amongst legal academics. Very recently another Member from the legal academics is appointed in the Commission. The Commission is presently supported by two Senior Research Officers, one Senior Assistant Secretary and one Research Officer. There are also some Ministerial Staff to support administrative works of the Commission.



Present Strength of the Commission:

SI. No.	Post	Number of Post	Persons Working
1	Chairman	1 (one)	1 (one)
2	Member	2 (Two)	1 (one)
3	Honorary Member	0 (zero)	0 (zero)
4	Secretary	1 (one)	1 (one)
5	Programmer	1 (one)	0 (zero)
6	Personal Secretary	1 (one)	1 (one)
7	Assistant Secretary	1 (one)	0 (zero)
8	Principal Research Officer	1 (one)	1 (one)
9	Senior Research Officer	3 (Three)	1 (one)
10	Research Officer		1 (one)
11	Legislative Draftsman	1 (one)	1 (one)
12	Translation Officer	2 (Two)	2 (Two)
13	Stenographer	3 (Three)	3(Three)
14	Computer Operator	3 (Three)	2 (Two)
15	Accountant	1 (one)	1 (one)
16	UDA	1 (one)	1 (one)
17	LDA	2 (Two)	2 (two)
18	Photocopier and Gestatner Operator	1 (one)	1 (one)
19	Driver	5 (five)	4 (Four)
20	MLSS	6 (Six)	6 (Six)
21	Night Guard	2 (Two)	2 (Two)
22	Sweeper	1 (one)	1(one)
	Total	43 (forty three)	26 (twenty six)

Proposed Strength of the Commission:

SI. No.	Post	Number of Post
1	Chairman	1 (one)
2	Member	2 (two)
3	Secretary	1 (one)
4	Principal Research Officer	1 (one)
5	Senior Research Officer	3 (three)
6	Legislative Draftsman	2 (two)
7	Programmer	1 (one)
8	Assistant Secretary/ Senior Assistant Secretary	1 (one)
9	Personal Secretary	1 (one)
10	Translation Officer	2 (two)
11	Stenographer	3 (three)
12	Accountant	1 (one)
13	UDA	1 (one)
14	Steno typist/ Computer Operator	6 (six)
15	LDA	2 (two)

16	Photocopier and Gestatener Operator	1 (one)
17	Driver	5 (five)
18	Dispatch Rider	1 (one)
19	MLSS	10 (ten)
20	Night Guard	2 (two)
21	Sweeper	1 (one)
	Total	48 (forty eight)

Functions of the Commission

The functions of the Commission have been described in Section 6 of the Act. Under the Section the functions of the Commission will be as follows:

(a) to identify the causes of delay of civil and criminal cases in various courts and with a view to accelerate their disposal and ensure justice as quickly as possible:

- (1) to recommend amendment of laws concerned or enactment of new laws in appropriate cases after examination;
- (2) to recommend necessary reforms in order to modernize the judicial system;
- (3) to recommend training and other measures for the improvement of the efficiency of the persons involved with the judicial system such as judicial officers, staff, law officers and lawyers;
- (4) to recommend necessary measures for improvement of the entire judicial system and specially to prevent the abuse of the application of the laws concerned;
- (5) to recommend modernization of different aspects of court management, such as, distribution of works among judges, supply of copies, transmission and preservation of records, service of notices and other relevant matters;
- (6) to recommend, an acceptable measure regarding the feasibility of introducing a more efficient and accountable system in place of the present system for conducting the various government cases properly and establishing a separate investigating agency for the investigation of the criminal cases;

b) keeping in mind the attraction of domestic and foreign investment and necessity of free market economy-

- (1) to recommend amendment of relevant laws including company law or legislation of new law in appropriate cases in order to create competitive atmosphere in the field of trade and industry and to avoid monopoly;
- (2) to recommend, after examination, measures with regard to relevant laws especially copyright, trademarks, patents, arbitration, contract, registration and similar other matters;
- (3) to recommend necessary measures for the establishment of separate courts for disposal of cases arising out of commercial and bank loan matters;

(c) to recommend necessary and timely amendments and reforms of the existing electoral laws administered by the Bangladesh Election Commission;

(d) to recommend, after examination, necessary reforms of the existing laws and enactment of new laws in appropriate cases, in order to safeguard the rights of women and children and prevent repression of women;

(e) to recommend reforms of existing laws, enactment of new laws in appropriate cases and taking of other acceptable measures for the proper implementation of legal-aid programs;

(f) to identify the various laws which conflict with each other on the same subject and in probable cases, to recommend codification and unification of various laws on the same subject;

(g) to recommend repeal of existing laws which are inconsistent with the fundamental rights and in appropriate cases making amendments with regard thereto;

(h) to recommend, after identification repeal of obsolete and unnecessary laws and in case of necessity, legislation of laws on any subject;

(i) to recommend acceptable measures for the upgrading of legal education, and

(j) to recommend with regard to other legal matters referred by the government from time to time.

Working Methodology of the Commission

On the basis of Section 6A of the Law Commission Act 1996, the Commission prepares a work plan for each two-year on the conduct of its affairs in which laws are taken on priority



basis for review. The said plan is sent to the Government. The Government sends its opinion/recommendations if any on the work plan. The Commission after considering the opinion/recommendations made by the Government finalizes the work plan and informs the Government. The Commission in its meeting discusses the priorities of laws of the work plan and reference if any, made by the Government. In the Commission's meeting each member is assigned to prepare a working

paper/report with the assistance of a Research Officer. Then the Research team considering the nature and scope of the research of the law adopts different methodologies for collection of data and in appropriate cases studies foreign system of law to see how they meet similar problems. The team in the working paper delineates different deficiencies and drawbacks of the law and suggests provisional recommendations regarding removal thereof. The working paper prepared by the team is placed before the Commission for consideration and approval. After approval the paper is widely circulated among the different stakeholders for comments and suggestions. The team scrutinizes different views received from the stakeholders and thereafter the Commission prepares final report and draft bill if necessary, and sends them to the government for necessary action. In addition to the work plan the Commission also works and recommends on the matters referred by the government from time to time.

Conclusion

The Commission's recommendations for reform of law will bring the desired result only if they are made into Acts of Parliament. The Law Commission can make research and recommendations, but Parliament alone can change the law for the welfare of the people. As a result of the Commission's ongoing work, large areas of the law have been the subject of systematic research and improvement.

Location And Address of Law Commission

The Law Commission is situated in the city centre of Dhaka beside the Supreme Court of Bangladesh. It is 16 Kilo meters far from the Zia International Air Port. The official address of the Commission is :

Bangladesh Law Commission

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