Research Monograph
On
A Critical Analysis of Judicial Enforceability of the Constitutional Right in Bangladesh.

Research Monograph Submitted for the partial fulfillment of the award of the degree

in

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Department of Law
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Letter of Transmittal

To

Md. Sagor Hossain

Lecturer

Department of Law

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Subject: Submission of Research Monograph on "**A Critical Analysis of Judicial Enforceability of the Constitutional Right in Bangladesh. "**

Dear Sir,

This is a great pleasure to submit the Research Monograph on **"A Critical Analysis of Judicial Enforceability of the Constitutional Right in Bangladesh."** as a partial requirement for the fulfillment of my LL.B. course under the Department of Law of the Sonargaon University (SU).

I have given due efforts to make this Research Monograph as fruitful one and to make it as informative as possible. I hope that this paper will not be the formality of academic course completion rather, it will be a source of information for other purpose on this topic.

Yours sincerely

.....

Md. Sakibul Hasan

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Declaration

I do hereby declare that the Research Monograph Title **"A Critical Analysis of Judicial Enforceability of the Constitutional Right in Bangladesh."** prepared solely by me and which has been submitted to the department of Law, Sonargaon University (SU) for achieving the LL.B. (Hon's) Degree. This is an original work of nine. No part of this research, in any way of or in from, has been submitted to any University or Institution for any Degree, Diploma or for other similar purposes.

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Supervisor Certificate

This is to certify that the work presented in this dissertation is based on the work, carried out by the author herself under my supervision in Department of Law, Sonargaon University (SU).

It is also certifying that the work presented here is original and suitable for submission as the style and contents, for fulfillment of LL.B. program.

.....

Md. Sagor Hossain
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Acknowledgement

In the name of Allah, the Beneficent, the Merciful. Praise by Allah & thanks to Allah for patronizing me to finish this Research Monograph. I am very happy to finish it. It is a great Research of my life. It is a long cherished hope of my life to become a great lawyer. That's why I have admitted in the Department of Law in Sonargaon University (SU) to fulfill my dream. But through my whole study life in this field, I did not get much more opportunities to examine and show my knowledge and skill in this wide field. Lastly I have got a great chance to make my study meaningful when I got the chance to prepare a Research Monograph on **A Critical Analysis of Judicial Enforceability of the Constitutional Right in Bangladesh.**

I acknowledge my grateful to respected course teacher **Md. Sagor Hossain** for instructing me how to prepare a Research Monograph and on this subjects he helped me to complete my task sincerely.

I am also thankful to my classmate as they help me to complete the Research Monograph. I am extremely paying my solitude to all the authors and writers whose works help me to draft this original Research Monograh.

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Thank you

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Abstract

Independent judiciary is the sin qua non-of a democratic Government. And separation of judiciary is the precondition of the sound and independent judiciary. Since the beginning of the British colonial rule, the question of separation of judiciary from the executive has been a continuing debate, though Bangladesh has been past forty four years of its independence, she has failed to separate the judiciary from the executive. Today it is a burning question of our country. This paper attempts to explore to what extent initiatives, have been taken to separate the judiciary from the executive and what are the obstacles available to implement the initiatives in this path. I have also discussed in briefly the conceptual side and lastly concluded with some recommendations, so that policy of separation of judiciary from the executive would be effective and helpful for the policy makers and implementations. Independence of judiciary is the backbone of a nation for ensuring justice towards the people. Bangladesh judiciary is independence according to our constitution. In 2007, judiciary separated from the executive from a dynamic and land marking decisions of the Supreme Court of Bangladesh. Judiciary can play a vital role in maintaining law and order. The Supreme Court of Bangladesh pronounced some tremendous judgment which becomes a land mark not only for Bangladesh but also for the many other states. But still now we have a doubt regarding the independence of judiciary in practice though the constitution ensured its independence. My proposed study aims to show that how for the judiciary independent in Bangladesh. If the judiciary is independent and do not face any pressure or influence from any other organs then it may work honestly may provide justice to the parties. So my study will provide a clear conception at its concluding part that is the judiciary independent truly in practice and what are the weakness and so recommendation regarding the proposed study. But at present the judges and magistrates are being pressurized by the Executive organs of the state. The transfer of the judges and magistrates are highly dependent upon the will of the executive organ. State needs to take proper steps regarding the independence of judiciary. The paper is based on secondary sources of information, like books, journals and research reports. Relevant literature has also been collected through Internet browsing.

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