

RESEARCH ARTICLE



A Comparative Study of Parliamentary Control and Judicial Councils in Regulating Judges: Lessons for Bangladesh

Mst. Jahida Mithila

LL. B (Hons.), European University of Bangladesh, Dhaka, Bangladesh

*Corresponding: mithilamehorab@gmail.com

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ABSTRACT

The independence, accountability and integrity of the judiciary are the foundational pillars of any democratic constitutional order. Jurisdictions have adopted different types of institutional practices to regulate the behavior of judges, notably parliamentary control and specialized judicial councils. This article compares the two models and assesses their constitutional legitimacy, structural form, and functional impact on judicial independence. Using doctrinal and comparative examples from South Asia, Europe, and other countries this article assesses the risks of political influence on parliamentary control, the study also analyzes how judicial councils are fashioned to temper such pressures. Using Bangladesh as the focal point, this article evaluates the SJC (Supreme Judicial Council) in its particular political and constitutional setting. The analysis concludes that debates over judicial accountability in Bangladesh should move beyond binary replacement narratives and instead focus on the conditions under which existing mechanisms can be strengthened to better safeguard judicial independence.

Keywords: *Judicial independence, judicial accountability, judicial councils, Parliamentary control, Supreme Judicial Council (Bangladesh)*



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1. Introduction

Judicial regulation remains one of the most controversial topics in constitutional governance because it has a direct impact on the balance between judicial independence and accountability. Judicial councils and parliamentary control are the two institutional models that are most prevalent in this discussion worldwide. Judicial councils represent institutional specialization meant to protect judges from political influence, while parliamentary oversight reflects the idea of legislative supremacy.

In South Asia, Bangladesh provides a particularly instructive example. The original Constitution of 1972, inspired by the Westminster tradition, granted Parliament the power to enforce judicial discipline.¹ However, this system quickly revealed its flaws because it weakened judicial independence and gave partisans authority over judicial removal. The Constitution (Fifth Amendment) of 1977 created the Supreme Judicial Council (SJC), which is made up of senior judges, as the disciplinary body to deal with these problems.²

The debate intensified after the Fifteenth Amendment of 2011 abolished the SJC and reinstated parliamentary control.³ However, the Supreme Court's Appellate Division re-established the SJC in 2017 after ruling in *Government of Bangladesh v. Advocate Asaduzzaman Siddiqui* that this amendment was unconstitutional.⁴ The deeper institutional conundrum of how to govern judges while maintaining their independence and accountability is reflected in this model oscillation.

In order to situate Bangladesh's experience within a broader constitutional framework, this study undertakes a comparative examination of parliamentary control and judicial councils across jurisdictions. Rather than presuming the institutional superiority of either model, the article analyses their constitutional legitimacy, structural design, and functional implications for judicial independence and accountability.⁵

2. Research Questions

The following research questions serve as the basis for this investigation:

1. To what degree does accountability without compromising judicial independence result from parliamentary control over judicial discipline?

¹ Constitution of the People's Republic of Bangladesh 1972, art 96 (original text).

² Constitution (Fifth Amendment) Act 1979.

³ Constitution (Fifteenth Amendment) Act 2011.

⁴ *Government of Bangladesh v Advocate Asaduzzaman Siddiqui and others* [2017] 17 BLT (AD) 1.

⁵ United Nations General Assembly, Basic Principles on the Independence of the Judiciary (29 November 1985, UN Doc A/CONF.121/22/Rev.1) para 17.

2. In what ways do judicial councils across various jurisdictions protect impartiality and reduce political meddling in the oversight of judges?
3. What can Bangladesh learn from the comparative experiences of nations that have tried both judicial and parliamentary council models?
4. What makes the Supreme Judicial Council which was restored by the Appellate Division in 2017, the most efficient and suitable mechanism for Bangladesh in this particular context?

3. Research Methodology

Using a qualitative and doctrinal approach, this study focusses on academic commentary, court decisions, and constitutional texts. With a focus on Bangladesh's experience, the objective is to critically assess the efficacy of judicial councils and parliamentary control as systems for policing judges.

3.1 Analysis of Doctrinal

The Constitution of Bangladesh, constitutional amendments, and seminal rulings of the Appellate Division, such as *Government of Bangladesh v. Advocate Asaduzzaman Siddiqui*, are among the primary legal sources that the study draws upon.⁶ The development of judicial regulation from parliamentary supremacy to the Supreme Judicial Council (SJC) model is traced through the analysis of these materials.

3.2 A Comparative Method

The study includes comparative case studies of nations that use judicial councils (such as Pakistan, Italy, and Spain) and parliamentary mechanisms (such as India and the United Kingdom) in order to place Bangladesh in a global context.⁷ By using a comparative lens, the study is able to evaluate the relative benefits and drawbacks of each model and pinpoint best practices that are pertinent to Bangladesh.

Comparative jurisdictions were selected to reflect a diversity of constitutional traditions, geographic regions, and institutional models. Pakistan was included for South Asian proximity and legal-historical similarity⁸; India and the UK were chosen to represent parliamentary oversight in common law systems⁹; Italy and Spain illustrate judicial council models in civil law systems.¹⁰ While other jurisdictions such as South Africa, Kenya, or Latin

⁶ *Government of Bangladesh v Advocate Asaduzzaman Siddiqui and Others* (2017) 69 DLR (AD) 241.

⁷ Mauro Cappelletti, *The Judicial Process in Comparative Perspective* (Clarendon Press 1989) 115–132.

⁸ *Judicial Populism and Executive Overreach: A Comparative Study of Constitutional Courts in South Asia (2020–2025)* (2025) Research Consortium Archive.

⁹ Shivakumar MA, *Judicial review powers in India and the UK: A comparative analysis* (2025) 5(2) *International Journal of Law, Justice and Jurisprudence* 284–288.

¹⁰ *The Functioning of the High Judicial Councils in Italy and in Spain* (Council of Europe, Nov 2021).

America could offer additional perspectives; this study focuses on cases with sufficient legal documentation and comparative relevance to Bangladesh.¹¹

In this study, ‘efficacy’ refers to the ability of a judicial regulation model to safeguard judicial independence while ensuring effective accountability. Efficacy is assessed using the defined comparative variables across each jurisdiction. The comparative analysis evaluates each model using a set of variables: institutional independence, procedural transparency, accountability mechanisms, procedural efficacy, and indicators of public trust or legitimacy. This ensures a systematic comparison rather than a descriptive summary.

3.3 Review of Secondary Literature:

Scholarly publications, journal articles, and institutional reports on judicial independence and accountability are also consulted in this analysis.¹² These secondary sources offer theoretical frameworks for evaluating judicial discipline and aid in placing the discussion in context.

3.4 Framework for Analysis:

The study employs a normative-legal framework that is informed by the UN Basic Principles on the Independence of the Judiciary and other international instruments that support the concepts of judicial independence and separation of powers.¹³ With the help of this framework, the study can evaluate whether Bangladesh's SJC meets international standards while taking into account local political realities.

Combining doctrinal and comparative approaches guarantees both breadth and depth: comparative insights offer normative standards and reform-focused viewpoints, while doctrinal analysis guarantees constitutional and legal accuracy.

3.5 Scope & Limitations

While this study frames the analysis as a comparison between parliamentary control and judicial council oversight, it recognises that many jurisdictions employ hybrid arrangements combining professional self-regulation with varying degrees of legislative or executive involvement. Bangladesh’s framework, although centred on the Supreme Judicial Council, includes constitutional and executive actors in certain procedures, reflecting a hybrid design rather than a purely judicial council model. This study therefore evaluates the SJC within this broader institutional context, highlighting both its strengths and the limitations posed by multi-actor governance.

¹¹ R Aarli, ‘Judicial Councils Everywhere? Judicial Administration in Europe and Beyond’ (2023) 14 International Journal of Court Administration 3.

¹² Kate Malleson, ‘Judicial Councils and the Independence of the Judiciary’ (1997) 60 Mod L Rev 655.

¹³ United Nations, ‘Basic Principles on the Independence of the Judiciary’ (Adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August–6 September 1985).

Due to space and limitations, some jurisdictions with relevant experiences, such as South Africa, Kenya, and Latin American countries, were not included; however, the selected cases provide sufficient variation for normative and comparative insight.

4. Conceptual Framework

This study's main focus is on the institutional framework of judicial accountability, specifically whether Parliament or an independent Judicial Council should be in charge of policing judges. These models must be defined and their underlying principles made clear in order to lay the conceptual foundation.

4.1 Control by Parliament

Parliamentary control is a system where judges can still be removed or disciplined by the legislature. It is rooted in the Westminster tradition and embodies the idea of parliamentary sovereignty, which holds that Parliament is the supreme constitutional authority.¹⁴ Because elected officials have the authority to serve as a check on judicial misconduct, democratic oversight ensures accountability in this system.

Though this model theoretically supports democratic legitimacy and transparency, it runs the risk of becoming politicised. Under parliamentary control, judicial independence and impartiality may be compromised as the judiciary is subject to the wishes of the majority party. Academics have observed that parliamentary procedures frequently fall short of protecting judges from partisan pressure in emerging democracies.¹⁵

4.2 Control of the Judicial Council and Supreme Judicial Council

On the other hand, judicial councils are specialised organisations that have the power to discipline the judiciary. These councils are typically made up of senior judges. This body is the Supreme Judicial Council (SJC) of Bangladesh, which was founded in accordance with Article 96 of the Constitution (as modified by the Fifth Amendment in 1977).¹⁶ The Chief Justice and the two Appellate Division senior judges make up this body, which seeks to minimise political meddling and promote professional self-regulation. The fundamental idea behind judicial councils is institutional independence, which holds that judges are in the best position to assess judicial behaviour rather than politicians. This is in line with international norms like the UN Basic Principles on the Independence of the Judiciary, which emphasise that an impartial body should handle disciplinary actions against judges.

¹⁴ Cheryl Saunders, *The Constitution of Australia: A Contextual Analysis* (Hart Publishing 2011) 211.

¹⁵ Mark Tushnet, *Weak Courts, Strong Rights* (Princeton UP 2008) 101.

¹⁶ The Constitution of the People's Republic of Bangladesh 1972, art 96 (as amended by the Constitution (Fifth Amendment) Act 1977).

4.3 The Conceptual Framework of Analysis

The main analytical concern of this study is to investigate of how various models of judicial regulation, via institutions, strive to balance judicial independence and accountability within constitutional and political settings. In the Bangladeshi setting, this skeletal framework would lend an assessment of the Supreme Judicial Council and parliamentary control while testing their potential efficacy through doctrinal and comparative perspectives. The comparison is intended to determine the circumstances in which the current mechanisms can work more efficiently.

4.4 Empirical Overview of SJC Functioning (Post-2017)

To substantiate claims regarding the operational functioning of the Supreme Judicial Council in Bangladesh after its restoration in 2017, the table below summarizes publicly reported indicators of SJC activity:

Indicator (Post-2017 Reinstatement)	Documented Figures / Evidence
Judicial Investigations Initiated	Multiple High Court judges under investigation (e.g., six judges investigated since 2024) ¹⁷
Resignations during SJC Proceedings	At least several judges resigned during SJC inquiries ¹⁸
Judges Removed / Not Retained	Judges removed or not regularised while under SJC inquiry (e.g., Khizir Hayat, Khandaker Diliruzzaman) ¹⁹
Complaints Filed Against Judges	Publicly reported complaint filed against a Supreme Court judge ²⁰
Ongoing Investigations (2025)	Four High Court judges remain under active investigation ²¹
Evidence of Institutional Activation	SJC reinstated and considered operative with procedures for complaints and inquiries ²²

Table: Empirical Indicators of SJC Functioning in Bangladesh

¹⁷ New Age, 'HC judge resigns amid SJC probe' (1 September 2025) <https://www.newagebd.net/post/country/274781/hc-judge-resigns-amid-sjc-probe> accessed 17 January 2026; SJC probe against 5 HC judges continues' Banglapress24 (23 September 2025) <https://en.banglapress24.com/article/sjc-probe-against-5-hc-judges-continues> accessed 17 January 2026

¹⁸ Ibid

¹⁹ Ibid

²⁰ Daily Sun, 'Complaint filed against senior SC judge Ashfaul in SJC' (15 December 2025) <https://www.daily-sun.com/bangladesh/846241/complaint-filed-against-senior-SC-judge-Ashfaul-in-sjc> accessed 17 January 2026

²¹ Dhaka Tribune, 'Investigation ongoing into four High Court judges' (13 September 2025) <https://www.dhakatribune.com/bangladesh/court/391361/investigation-ongoing-into-four-high-court-judges> accessed 17 January 2026

²² The Business Standard, 'Supreme Judicial Council effective again to remove judges' (20 October 2024) <https://www.tbsnews.net/bangladesh/way-address-grievances-students-public-opened-through-reviving-sjc-law-adviser-971301> accessed 17 January 2026

Source: Author's compilation from News Portals

5. Historical Context in Bangladesh

Bangladesh's changing political and constitutional environment is reflected in the development of judicial regulation in that country. Through a series of constitutional amendments and court rulings since independence in 1971, the debate over whether Parliament or an independent judicial body should regulate judges has been debated and reframed.

5.1 Parliamentary Supremacy in the 1972 Original Constitution

The 1972 Constitution gave the Jatiya Sangsad (National Parliament)²³ the authority to dismiss Supreme Court justices. This was in line with the Westminster model, which linked parliamentary sovereignty and judicial accountability. The original intent of Article 96 was to guarantee democratic oversight of the judiciary by allowing judges to be removed by a resolution of two-thirds of Parliament on the grounds of misconduct or incapacity.²⁴ But the parliamentary model quickly showed significant shortcomings. Parliamentary control sparked worries about partisan abuse and threats to judicial independence because of the dominance of ruling parties in Bangladeshi politics.²⁵

5.2 The Supreme Judicial Council was established by the Fifth Amendment in 1977

The Constitution (Fifth Amendment) Act of 1977 substituted the Supreme Judicial Council (SJC) system²⁶ for parliamentary removal in the wake of the political shifts that occurred after 1975. A significant step towards institutional independence and professional self-regulation was taken when the Chief Justice and the two next senior judges of the Appellate Division formed the SJC, which was given the authority to investigate claims of judicial misconduct and suggest removal to the President.²⁷

5.3 2011's Fifteenth Amendment: Reply to Parliament

The Constitution (Fifteenth Amendment) Act of 2011 eliminated the SJC and reinstated parliamentary authority decades later.²⁸ Advocates contended that elected officials, not judges, must supervise judicial accountability in order for it to have democratic legitimacy. However, the amendment was viewed by some as a conscious attempt to undermine the independence of the judiciary and politicise it.

²³ The Constitution of the People's Republic of Bangladesh 1972, art 96 (original version).

²⁴ *ibid.*

²⁵ Ridwanul Hoque, *Judicial Activism in Bangladesh: A Golden Mean Approach* (Cambridge Scholars Publishing 2011) 87.

²⁶ Constitution (Fifth Amendment) Act 1977, inserting art 96A–96C

²⁷ The Constitution of Bangladesh, art 96 (as amended by the Fifth Amendment 1977).

²⁸ Constitution (Fifteenth Amendment) Act 2011, s 31.

5.4 The 2017 ruling: Supreme Judicial Council revival

The Appellate Division invalidated the Fifteenth Amendment's provisions restoring parliamentary control in the case of *Government of Bangladesh v. Advocate Asaduzzaman Siddiqui*.²⁹ The Court ruled that giving Parliament the authority to remove judges went against the fundamental framework of the Constitution, especially the idea of judicial independence.³⁰ This ruling reaffirmed the SJC's constitutional centrality in Bangladesh's legal system and restored it as the operational mechanism.

5.5 Current Situation

As of right now, the Supreme Judicial Council is still the constitutional body in charge of overseeing judges in Bangladesh. It is the most protected mechanism against political capture, returning to the Fifth Amendment's ideal balance between independence and accountability, even though discussions about its efficacy and transparency continue.

6. Comparative Models in Common Law Jurisdictions

Depending on political contexts, constitutional frameworks, and historical traditions, common law jurisdictions' regulations of judges have changed over time. Parliamentary control systems and judicial council systems are the two main models. Analysing both strategies provide insightful information about the benefits and drawbacks that apply to Bangladesh.

6.1 Systems of Parliamentary Control

UK: Parliamentary Oversight and Impeachment

In the past, the UK has given Parliament the authority to remove judges through the impeachment process or by having both Houses of Parliament address the Crown.³¹ Although infrequently employed, this system represented the authority of Parliament and the responsibility of democracy. However, in reality, senior judges have rarely been removed; the last successful judicial impeachment took place in the early 19th century.³² Conventions and statutory reforms, especially the Constitutional Reform Act 2005, which greatly diminished executive control over judicial appointments and discipline,³³ instead guarantee modern judicial independence in the UK.

²⁹ *Government of Bangladesh v Advocate Asaduzzaman Siddiqui and Others* (2017) 69 DLR (AD) 241.

³⁰ *ibid* [115].

³¹ David Feldman, *English Public Law* (2nd edn, OUP 2009) 259.

³² J. Hostettler, *Impeachment in the United Kingdom* (Cobden Trust 1991) 73

³³ Constitutional Reform Act 2005 (UK).

India: The 1968 Judges' Inquiry Act

The Judges Inquiry Act of 1968 Operationalized Article 124(4) of the Constitution, which establishes India's parliamentary system.³⁴ A two-thirds majority in both Houses of Parliament can remove Supreme Court and High

Court judges on the grounds of proven misconduct or incapacity.³⁵ Although this guarantees democratic legitimacy, in reality, it has proven to be laborious and highly politicized. Although motions for impeachment have been filed, no judge has been successfully removed through this process to date.³⁶ Researchers contend that while the procedure discourages abuse, it also erodes accountability by making removal all but impossible.³⁷

6.2 Systems of Judicial Councils

Supreme Judicial Council (SJC) of Pakistan

Given that their constitutional histories are similar, Pakistan offers a more accurate comparison to Bangladesh. The Chief Justice, two senior Supreme Court judges, and two senior High Court Chief Justices make up the Supreme Judicial Council, which is established by Article 209 of the Pakistani Constitution.³⁸ The SJC can suggest removal to the President after looking into claims of misconduct. Critics point out that although the SJC of Pakistan was established to protect judges from political meddling, it has occasionally been charged with evading judges' accountability, particularly in politically delicate cases.³⁹

Canada: The CJC, or Canadian Judicial Council

One example of a judicial council system that is reasonably transparent is Canada. The Chief Justice of Canada and senior judges from various provinces and territories make up the Canadian Judicial Council, which was established by the Judges Act of 1971.⁴⁰ The CJC can suggest removal to Parliament⁴¹ after looking into complaints against federally appointed judges. The process strikes a balance between accountability and independence, with Parliament having the final say over judge removal and the council

³⁴ Constitution of India 1950, art 124(4).

³⁵ Judges Inquiry Act 1968 (India).

³⁶ G Subramanian, 'Judicial Accountability in India: Current Debates' (2012) 24 Nat'l L Sch India Rev 15.

³⁷ S P Sathe, *Judicial Activism in India* (2nd edn, OUP 2002) 67.

³⁸ Constitution of the Islamic Republic of Pakistan 1973, art 209.

³⁹ Osama Siddique, *Pakistan's Experience with Formal Law* (Cambridge UP 2013) 345.

⁴⁰ Judges Act 1971 (Canada), s 59.

⁴¹ Canadian Judicial Council, 'Annual Report 2022–23' (CJC 2023).

conducting investigations. Academics emphasise that Canada's model blends democratic legitimacy with professional expertise.⁴²

6.3 Comparing Themes

Parliamentary systems (such as those in the UK and India) place a strong emphasis on democratic oversight, but they run the risk of political capture or practical inefficiency because of procedural obstacles. Although judicial council systems in Canada and Pakistan encourage autonomy and professional responsibility, they may not be transparent or are seen as exclusive.

Although the SJC framework provides a closer alignment with international standards,

Bangladesh's oscillation between these two models illustrates the challenge of balancing independence and accountability.

7. Challenges and Critiques of the Supreme Judicial Council (SJC)

The Supreme Judicial Council (SJC) of Bangladesh has been criticised despite being frequently thought of as the best system for guaranteeing judicial accountability. The arguments concerning its efficacy, legitimacy, and transparency draw attention to both practical and structural flaws that should be carefully examined.

7.1 A lack of openness

The SJC's opaque operation is one of the most common complaints levelled at it. There is little public disclosure of complaints, investigations, or results, and proceedings are carried out in confidence.⁴³ The public's confidence in the judiciary is weakened by this lack of transparency, which gives the impression that judges are shielding their colleagues from criticism.

7.2 Insufficient Democratic Accountability:

The SJC does not include elected representatives or outside oversight because it is made up entirely of senior judges from the Appellate Division.⁴⁴ This, according to critics, results in a "insulated judiciary" that is only answerable to itself. In a democracy, where all institutions must ultimately be accountable to the people, such insulation can undermine the legitimacy of the judiciary.⁴⁵

⁴² Peter H Russell, *Judicial Independence in the Age of Democracy: Critical Perspectives from Around the World* (University of Virginia Press 2001) 83.

⁴³ Ridwanul Hoque, *Judicial Activism in Bangladesh: A Golden Mean Approach* (Cambridge Scholars Publishing 2011) 152.

⁴⁴ Asif Nazrul, 'The Crisis of Judicial Accountability in Bangladesh' (2018) 30 *Dhaka University Law Journal* 45, 52.

⁴⁵ Peter H Russell, *Judicial Independence in the Age of Democracy* (University of Virginia Press 2001) 96.

7.3 Infrequent Use and Inefficiency

In reality, Bangladesh has hardly ever used the SJC. Since its creation in 1977, very few judges have been the subject of investigations or dismissed using this procedure.⁴⁶ These calls into doubt its efficacy as an accountability tool, implying that it has lain dormant due to political resistance to referring cases or the high bar for starting proceedings.

7.4 Judicial Bias and Solidarity Risk

Senior judges may be reluctant to hold their peers accountable due to "judicial solidarity," which is a risk associated with the SJC's all-judge membership.⁴⁷ This insularity raises questions about the objectivity of misconduct investigations, especially when politically delicate accusations are at stake.

7.5 Constitutional Discussions and Unrest

The legitimacy of the Council has been undermined by the frequent constitutional oscillation between parliamentary control and the SJC. The SJC's contentious status is reflected in its abolition by the Fifteenth Amendment (2011) and its resuscitation by the Appellate Division in 2017.⁴⁸ Critics point out that the SJC has not been able to achieve institutional stability because of ongoing legal and political disputes.

7.6 Insufficient Clarity in the Procedure

The Constitution only gives a vague outline of the SJC's authority, leaving many procedural details unclear, according to scholars.⁴⁹ Lack of specific legal guidelines leads to ambiguity, restricts complainants' access, and gives the Council broad latitude in how it operates.

8. Future Prospects and Reforms

In addition to the Supreme Judicial Council's (SJC) constitutional existence, the SJC's ability to adapt and overcome its structural flaws will determine the future of judicial accountability in Bangladesh. Even though the SJC has been ruled to be the protector of independence, significant changes are required to improve its legitimacy, openness, and efficiency.

8.1 Improving Openness and Public Trust

Increasing the transparency of the SJC's proceedings is one of the most pressing reforms. As the Canadian Judicial Council does, final decisions and justifications should be made public, even though confidentiality may be necessary in the early stages.⁵⁰ This would dispel ideas of judicial secrecy and increase public trust.

⁴⁶ Mohammad Shahabuddin, 'Constitutional Reform and Judicial Accountability in Bangladesh' (2019) 17 ICON 122, 135.

⁴⁷ Kate Malleson, 'Judicial Councils and the Accountability of Judges' (1997) 60 Mod L Rev 655.

⁴⁸ *Government of Bangladesh v Advocate Asaduzzaman Siddiqui and Others* (2017) 69 DLR (AD) 241.

⁴⁹ Md Rafiqul Islam, *Constitutional Law of Bangladesh* (Mullick Brothers 2012) 421.

⁵⁰ Canadian Judicial Council, *Annual Report 2022–23* (CJC 2023) 11.

8.2 Presenting Procedural Explicitness

Only the SJC's general authority is delineated in the Bangladeshi Constitution. A Judicial Accountability Act could establish comprehensive protocols for filing complaints, conducting investigations, assessing evidence, and reporting.⁵¹ Codified regulations would increase process accessibility, decrease discretion, and lessen arbitrariness.

8.3 Including Minimal Outside Involvement

Limited external participation could be taken into consideration in order to address criticisms of "judicial solidarity." For example, some jurisdictions have judicial councils that consist of distinguished legal scholars or retired judges.⁵² Bangladesh could consider limited inclusion of distinguished retired judges or legal scholars in

advisory roles or consultative capacities. These participants would provide additional perspectives without compromising the SJC's self-regulatory character, ensuring that reforms strengthen accountability while preserving judicial independence.

8.4 Regular Reporting and Monitoring Systems

The SJC might be required to release yearly reports detailing the volume of complaints it receives, the investigations it conducts, and the suggestions it makes.⁵³ Such institutional reporting would improve public accountability and offer the required oversight while maintaining confidentiality. Reporting mechanisms should focus on aggregate statistics and anonymised outcomes rather than detailed case-level disclosures that could expose individual judges to political pressures.

8.5 Frameworks for Ethics and Training

Additionally, reform ought to be preventive rather than just punitive. Like the judicial councils in Canada and South Africa, the SJC could take the lead in providing judicial training on professionalism, ethics, and integrity.⁵⁴ Reliance on removal as the main accountability mechanism is lessened when ethics are ingrained in the judicial culture.

8.6 Stability and Constitutional Entrenchment

Last but not least, the SJC ought to be firmly established by the constitution to prevent the alternating between parliamentary and council-based systems, as demonstrated in the case of the Fifteenth Amendment. To

⁵¹ Md Rafiqul Islam, *Constitutional Law of Bangladesh* (Mullick Brothers 2012) 423.

⁵² Kate Malleson, 'Judicial Councils and the Accountability of Judges' (1997) 60 *Mod L Rev* 655, 671.

⁵³ Mauro Cappelletti, *The Judicial Process in Comparative Perspective* (Clarendon Press 1989) 142.

⁵⁴ Peter H Russell, *Judicial Independence in the Age of Democracy* (University of Virginia Press 2001) 101.

maintain institutional stability, judicial accountability should be shielded from frequent political reorganisations.⁵⁵

It must be emphasised that even modest reforms involving external actors or transparency measures introduce elements of a hybrid accountability system. While these adjustments can enhance legitimacy and public trust, they also require careful design to prevent encroachment on judicial independence. The SJC's strength lies in its insulation from partisan interference; reforms should therefore aim to strengthen procedural clarity and accountability without transforming the Council into a politically influenced body

While the Supreme Judicial Council (SJC) has been effective in safeguarding judicial independence, certain structural and procedural enhancements could improve legitimacy, transparency, and accountability. Any reform, however, must be carefully calibrated to preserve the SJC's core principle of judicial self-regulation and avoid undue political or executive influence.

9. Conclusion

The regulation of judges continues to be one of the key challenges that faces any democratic constitution, as it involves the conflicting goals of judicial accountability and independence. The research contrasted parliamentary control against judicial council supervision, and identified the merits and failures of each. Parliamentary procedures offer democratic legitimacy but are susceptible to politics, procedural log jamming and lack of transparency, and whereas judicial councils favor professional independence and depoliticized decision-making.

In Bangladesh, the SJC evidences reasonable institutional independence as confirmed by the Appellate Division verdict in 2017. Meanwhile, obstacles like procedural opacity, underuse and possible judicial solidarity persist. Reforms that ensure transparency, provide clear procedures, and permit limited outside participation in the process would enhance the SJC's ability to be a force for good when it comes to judges.

This article argues that, Within the hybrid institutional environment of Bangladesh, the SJC offers a workable model for reconciling judicial independence and accountability. Reinforcing SJC's procedural and institutional safeguards, rather than replacing it, could ensure the legitimacy of the judiciary in the context of Bangladesh.

⁵⁵ Government of Bangladesh v Advocate Asaduzzaman Siddiqui and Others (2017) 69 DLR (AD) 241.

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