

### evsj vt`tki wePvi e`e`vq evsj v fvlv-cwi w`wZ

bmn`tdi`šmx<sup>1</sup>

1. mnKvix Aa`vcK, `z Ae j 0, evsj vt`k Dbk` wekpe`ij q

**Abstract**

Bengali language has been declared as the state language of the Republic in Article 3 of the Constitution of Bangladesh. Bengali is our mother tongue and we have achieved this at the cost of much blood. Moreover Bangla Bhasha Procholon Ain (Bengali Language Implementation Act) was made in 1987 for ensuring compulsory use of Bengali in courts and offices of Bangladesh. In spite of these provisions, English is still used in the judicial system (Higher Courts) in Bangladesh. Often delivering of judgments in English creates various problems for poor and illiterate person. People in our country speak in Bengali. Language of courts should follow the language of the common people. An attempt has been made in this article to assess the status and the enforceability of Bengali language with historical background, limitations of bringing into practice and some necessary measures for effective use of Bengali language in the courts.

**Key words:** Bengali language, judgments in English, impact on the people

1. fvgKv

AvRtKi AvaybK we`tk| wePvi wefvM GKwU Ri`wi I kw`kvj x c0Z0vb| Gi gva`tg RbMY AvBtbi tmev tfvM Kti| dtj ivto`a bMwi`tki tgSij K AwaKvi AmRZ nq Ges mgvtR AvBtbi kvmb c0Z0v NtU| tmRb` wePvi e`e`vq cPvj Z fvlvi mivq fvgKv itqtQ| Av`vj tZ wePvti i Rb` Avte`b Kiv t`tk i`i` Kti

wePvtKi ivq t`lqv Ges tmB ivq KvhKi Kiv me wKQD fvlvi gva`tg nq| wePvi K, Avte`bKvix I Avmvgi fvlv ci`uti i tevaMg`bv ntj mvePvi wv0Z ntZ cvti bv| wKŠ`gvZ fvlv evsj v nlqv mtEj| evsj vt`tki wePvi e`e`vi mKj chiq evsj v fvlvi cPj b tbB| wæAv`vj tZ evsj v fvlvi e`envi `vKtj I D`P Av`vj tZ AvRI Zvi e`envi c`jvcw| mæci nqub| D`P Av`vj tZ gvgj vi Kvh0uj cwi Pj bv I ivq c0vtbi t`tt c0q Bsti`wR fvlv e`envi Kiv nq| AvŠ`R0ZK fvlv wntmte Bsti`wR fvlvi `i`Zi Ab`Kvh`ntj I tmU GKwU t`tki w0Zxq fvlv ntj KLbl c0g fvlvi `vb ev gh`vq Awaw0Z ntZ cvti bv (Awbm0yavgvb, 2008 : 1)| ivto`i Ab`vb` wefvM mvt\_ Z`z bv Kij t`Lv hvq, AvBb, kvmb I wePvi -GB wZb wefvM gta` c0vbgSij Kvh0j q I mvevj qmn kvmb wefvM mKj t`tt evsj v fvlv cPvj Z AvtQ| Ab`w`tk, AvBb wefvM A`v`RvZxq msmt`i Awatekbmn mKj Kvh0g mæu`vte evsj v fvlvtZB nq| wKŠ` ivto`i wePvi wefvM mve0j tKvUfn AtbK Av`vj tZ AvRI Av`vj tZi GKgvI fvlv wntmte evsj v cPvj Z nqub (g0xi, 2006 : 18)| Gi w0tbi t0v0cU nt`Q, evsj vt`tki wePvi e`e`v c0Pxb fvi ZetI`P w`y g0yij g, weUk I cwk`vb kvmbvgtj i wePvi e`e`vi Dci wfiE Kti Mto D`vtQ| GLb chS`tmB avivB Ae`vnZ AvtQ| GB `xN`mgtqi e`eavtb t`stMwvj K, ivR`0wZK, Av`mvgwRK Ges RbMtYi wPŠv`tPZbi cwieZ0 ntj I wePvi e`e`v Avkvbjc mgtqvc`thvMx nqub| A\_P evsj vt`tki tenki fvm gvbly Ankw0Z I `wi`a nIqv Zt`i Avkv fimvi tkl Avk0`j nt`Q Av`vj Z| wKQye`wZm0g Qov hviv cKZ.I c0ŠK wePvi c0`x`Zviv mKtj B evsj v fvlv| G mg`-`wZM0`e`w` h`w` Zt`i gvgj vi bw`cI I ivq Bsti`wR tZ tj Lvi Kvi`y e`stZ bv cvti, Zte AvBtbi tmevgj-K w`KvB A`xv ntq cto (Aw0y, 2003 : 28)| MYc0RvZŠt evsj vt`tki msweavtb, 1987 mtj i evsj v fvlv cPj b AvBtbi me`ti evsj v fvlv cPj tbi w0t`Rbv t`lqv `vKtj I me` evsj vi e`envi wv0Z Kiv mæci nqub| KviY evsj vt`tki `faxbZv evsj v fvlv cPj tbi `bwZK evav `t`Kij I gvbwmKZv, AvBb I Ab0xj bMZ wKQyc0ZeÜKZv GLt`bv itq tMtQ| MZ kZtKi beYB `ktK D`P Av`vj tZi KwZcq wePvi cwi evsj vq ivq tj Lvi th mT`cvZ Kti w0tj b Zv AvRI me` Ab0yZ ntZ cvti w|

2. evsj vt`tki wePvi e`e`vq evsj v fvlv e`envi i HuznwmK wP

evsj v fvlv mgtqi cwieZ0bi mvt\_ weKwikZ ntqtQ| gvb0j i wPŠv, tPZbv, Pwv`vi Dci mgvR I iv0`e`e`vi c`vtei cwieZ0bi mvt\_ mvt\_ wePvi e`e`vi fvlv e`envi i cwieZ0 NtUtQ| fvi`tZi Z\_v ev0j vi me`c0Pxb fvlv w0j Aw0K tMv0xi fvlv| wL0ce` 327-325-G tmKv`vi kvfni w0Z DcZ`Kv

AvrgtYi mgqKvtj Mzv-Fw× t`tk evsj v`tki wj wLZ BwZnm i`i`| GB m`yN<sup>©</sup> c`q AvovB nrvvi eQti Gt`tk wZbwU cifvlv ivofvlv wntmte e`eüZ ntq GtmtQ- ms`z, dvm<sup>©</sup>Ges Bsti wR| evsjv fvlv mgZwöZ nl qvi ce<sup>©</sup>chS- mvmwZ`K fvlv wntmte evsj v`tk ms`z, wefwbæc`kZ. Ges Acâsk cPwj Z wQj (bxnvi, 1412 : 575)| w`yAvgtj wePvi I ivRKvR ms`z. I c`kZ. Ges g`yng kymbvgj dvm<sup>©</sup>fvlvi e`envi ntj I cieZx<sup>©</sup>mgq weUk fviZi kvtKiv meE`g wePvi e`e`vq dvm<sup>©</sup> cvkvcnk evsjv cPj tbi c`t`c MhY Kti wQj | ejv hvq weUk kymbvgj t`tkB wePvi e`e`vq evsjv fvlvi cPj b`i`i` ntqtQ| cieZx<sup>©</sup>v`vj 1947 mtj weUk kvtKiv Aemv ntj I wePvi e`e`vi tKv`bv D`j E`hM` cwi eZB NtUwb (kvqOz, 1997 : 10)|

evsj v`tki wePvi e`e`vq evsjv fvlvi e`envi i`i` w`KwU`K KtqKwU kymbvgj fvlv Kiv hvq-

| kymbvgj            | mgq   | wePvi e`e`v   | fvlv  |
|--------------------|---|---|---|
| fviZ w`y kymbvgj   | wL <sup>2</sup> -ce <sup>©</sup> 4_ <sup>©</sup> kZvax t`tk 1206 wL <sup>2</sup> -vã chS- | wefwbæ`vaxb ivR` wef <sup>3</sup> wQj Ges c`Z`KwU ivR` msnk` ivRvB wQj b me`gq gZvi AwKvix                | ms`z. I c`kZ. fvlv e`envi Kiv ntZv  |
| fviZ g`yng kymbvgj | 1206 wL <sup>2</sup> -vã t`tk 1857 wL <sup>2</sup> -vã chS-                               | c`Z`K c`k, tRjv, ciMYv Ges Mõt g c`K Av`vj Z c`ZwöZ wQj   | dvm <sup>©</sup> fvlv e`envi Kiv ntZv   |
| fviZ weUk kymbvgj  | 1600 wL <sup>2</sup> -vã t`tk 1947 wL <sup>2</sup> -vã chS-                               | myc`g tKvU <sup>©</sup> nvBtKvU <sup>©</sup> t`l qwb I tdSR`wii Av`vj Z wQj                               | dvm <sup>©</sup> cvkvcnk evsjv fvlvi cPj b wQj  |
| cvk`vb kymbvgj     | 1947 wL <sup>2</sup> -vã t`tk 1971 wL <sup>2</sup> -vã chS-                               | myc`g tKvU <sup>©</sup> nvBtKvU <sup>©</sup> t`l qwb I tdSR`wii Av`vj Z wQj                               | evsjv fvlvi tPtq Bsti wR fvlvi cPj b teuk wQj   |
| evsj v`k kymbvgj   | 1971 wL <sup>2</sup> -vã t`tk eZg`v mgq chS-  | myc`g tKvU <sup>©</sup> nvBtKvU <sup>©</sup> t`l qwb, tdSR`wii, k`g Av`vj Z, c`kvm`bK UvBelyj cPwj Z AvtQ | myc`g tKvU <sup>©</sup> nvBtKvU <sup>©</sup> I Awcj wefv`M Bsti wR cPwj Z   tRjv I w`b`f Av`vj tZ evsjv Ges Bsti wR fvlv cPwj Z |

GB Avgj t`jv wePvi e`e`vi t`t`t` m`uY`c`K wQj | we`kl KtqKwU t`t`t` Qrov w`yAvgtj i wePvi e`e`vi meB g`yng Avgtj MpxZ nqwb | Avevi g`yng Avgtj i wePvi e`e`v weUk fviZi m`ub`e`f`c MpxZ nqwb | wefwbækymbvgj wePvi e`e`vq c`K fvlv cPwj Z wQj | Zte weUk fviZ wePvi e`e`v cieZx<sup>©</sup> `B Avgj emwZ ntq GtmtQ| evsj v`tk wePvi e`e`vi Kwv`gv I Kv`e`wZ weUk fviZi wePvi e`e`vi mv`\_ A`bKv`k`B mv` k`cY` th`nZ`z`emki fvlv AvBb weUk fviZ weaex ntq `vaxb evsj v`tk m`st`kwaZ AvKv`ti we`g`v, t`m`nZ`z`ePvi e`e`vi fvlvi ce`avi vi B AbyZ`bgv |

2.1. fviZ w`y kymbvgj : wePvi e`e`vi fvlv

- w`y`h`Mi e`v`B wQj c`q 1600 eQi (wL<sup>2</sup>-ce<sup>©</sup>4\_`c`kZvax t`tk 1206 wL<sup>2</sup>-vã chS-)|
- c`P`b fviZ wefwbæ`vaxb ivR` wef<sup>3</sup> wQj Ges c`ZwU ivR` ivRvB wQj b me`gq gZvi AwKvix | wePvi e`e`vi `w`qZ ivRvi Dci AwcZ wQj |
- G mgq wePvi I ivRKvR ms`z. I c`kZ. fvlv e`envi Kiv ntZv (Kulshreshtha, 1987: 4)|

2.2. fviZ g`yng kymbvgj : wePvi e`e`vi fvlv

- fviZ Dcgnv`tk Z`k`g`yng g`i Awfv`b w`yivRiv cwiwRZ ntj g`yng kvtKiv mPbv NtU |
- g`yng h`Mi e`v`B wQj 1206 wL<sup>2</sup>-vã t`tk 1857 wL<sup>2</sup>-vã chS` |
- mgM`g`yng h`M m`jZw`b I g`yng kymb ej er wQj |
- g`yng kymbvgj c`kvm`bK wef<sup>3</sup> Abyv`ti c`Z`K c`k, tRjv, ciMYv Ges Mõt g c`K Av`vj Z c`ZwöZ wQj thLv`b t`l qwb, tdSR`wii Ges ivR`g`vgj vi wePvi ntZv (k`w`k`z, 2006 : 11)|
- g`yng h`M m`jZw`b I g`yng Df`q kymbvgj Av`vj tZ dvm<sup>©</sup>fvlv e`envi Kiv ntZv |
- dvm<sup>©</sup>fvlv mvariY gv`b`i teraMg` wQj bv | i`ayivRKg`I wePvi KvtR RwoZ e`w`3 iv Pvk`wi i Rb` GB fvlv w`kLZ |

2.3. fviZ weUk kymbvgj : wePvi e`e`vi fvlv

fviZ weUk kymbvgj wePvi e`e`vq evsjv fvlv cPj tbi Rb` wefwbæ`t`c MhY Kti wQj |

2.3.1 mB`k kZK

weUK fviZi kvmtKiv me@\_g wePri e`e`vq dwmP cvkucwk evsj v fvlv cPj tbi c`f`c MhY KtiwQj b| c@\_g MFYF tRbvij lqvib tnv`stmi kvmbvgj th mKj c`f`c MhY Kiv ntqWj | Zv ntj v-

- me@\_g evsj v fvlv AvBtbi Abgv` Kiv nq|
- 1774 wL`v`v`v` Kj KvZvq myc@ tKVU@c@Z@vi ci hLb bZb Kti t` l qwb, tdSR` wii l iVR`AvBb cVxZ nq, ZLbB dwmP l evsj v fvlv G mKj AvBtbi Abgv` Kivi c@qvRbxqZv AbfZ nq|
- 1797 wL`v`v`v` G t`kxq`i t`f`f` c@hvR` AvBb, weva, Aa`v`k l c@eavbmgv evsj v fvlv Abgv` Kti tm`tj v t@tc cKvk Kivi wbgg Kiv ntqWj (Ger`j, 1998 : 91)|

2.3.2. Aor`k kZK

- 1837 wL`v`v`v` t`\_tK dwmP cwi etZ@BstiwRtK iVRfvv vntmte tNvl Yv Kiv nq|
- Aor`k kZtKi tkl c@S`\_t`\_tKB wgbwii MY evsj v fvlv AAj mgfn evsj vq BstiwR w`f`vi cPvi `i` Kti (Avajv, 2005 : 122)|
- evsj v AAj mgfn tRj v Av`j Z`\_tj vZ dwmP cwi etZ`evsj v fvlv Pvj yKiv nq|

2.3.3. Ebiesk kZK

- Dbiesk kZtKi c@\_g t`\_tKB AvBb w`l qK M@Si evsj v Abgv` `i` nq |
- G mgq evsj v fvlv AvBb w`l qK M@Si msL`v l Rbwc@Zv ew`\_tctZ`\_vtK|
- t` l qwb Kvh@vai 137 avivq t` l qwb Av`vj tZ BstiwR fvlvi mvf`\_ evsj v fvlvi e`envi `f`KZ.nq|
- tdSR` wii Kvh@vai 558 avivq Aa`b tdSR` wii Av`vj tZi e`envh`fvlv wba@ tYi f`lqv mi Kvi tK t` l qv nq|

2.3.4. weUK wePri e`e`vq evsj v fvlvi cPj b

- 1837 wL`v`v`v` t`\_tK dwmP cwi etZ@BstiwRtK `vBwi K fvlv Kiv ntj l Av`vj tZ evsj vi cPj b A`f`Yv`\_tK hvq|
- wbgv Av`vj tZ AviwR, Reve, `iLv`-BZ`w` evsj vq tj Lv ntj l mv`f`xi Revbew` l Av`vj tZi ivq BstiwR fvlv tZ tj Lv ntZv|
- m`i Av`vj Z A`f` D`P Av`vj tZ gvj vi mKj ch`f`q BstiwR fvlvi e`envi ntZv (Ger`j, 1998 : 220)|

2.4. cwk`wb kvmbvgj : wePri e`e`vi fvlv

- 1947 wL`v`v`v` weUK kvmtbi Aemv ntj l wePri e`e`vi tKvfbv D`j E`hvm` cwi eZB NtUwb| c@Z`K c@`tk wePri e`e`vi fvlv weUK kvmbvgj e`e`vZ fvlvi Abj`c wQj |
- cwk`wb BstiwR fvlv tZ AviwR Reve UvBc Kti `wLj Kiv ntZv| evsj v fvlv AviwR `iLv`-`Z`Zwi Kiv thZ bv etj AtbtKB BstiwR fvlv mnR gtb Kitzv|
- 1947 wL`v`v`v` XvKv gd`\_j kni t`\_tK c@`wkK ivRavbtZ DbwZ nl qvi ci l XvKv bMxi Aa`bt` l qwb l tdSR` wii Av`vj tZi evsj v fvlvi tPq BstiwR fvlv cPvj Z`\_vtK tenk (Ger`j, 1998 : 324)| 1956 wL`v`v`v` ai cwk`wb c@\_g msweavb Abjvq t`\_tK GKwU myc@ tKVU`Ges c@Z`K c@`tk GKwU Kti nvtKvU`Qj | myc@ tKvUi`f`K`\_tq mi Kvi ev c@`wkK mi Kvti i wev` mspvS`-w`l qw` m`utK`ivq t` l qvi f`lqv vQj | GmKj Av`vj tZ BstiwR fvlv ivq t` l qv ntZv |

2.4.1. cwk`wb msweavb evsj v fvlvi `f`KwZ

atgP w`f`f`Z cwk`wb bigK ivt@f` Rb` ntj l `f`wb cwk`wb ivofvlv wbeP`tbi c@kavawef`<sup>3</sup> ntq cto| cwk`wb msL`v Mui`o Awaevm (56.4%) evOvj i gvZfvlv D`c`f`v Kti D`\_K (3.27% t`\_tKi gvZfvlv) cwk`wb evOvj i gvZfvlv Kivi nxb c@Pov ntZ`\_vtK (gvne@ri, 2006 : 86)| 1956 mtb cwk`wb msweavb evsj v fvlv Ab`Zg ivofvlvi vntmte msweavbK `f`KwZ jvf Kti | msweavb ivofvlv mspvS`-214 (1) Abj`Q` evj nq, @cwk`wb ivofvlv nte D`\_gl evsj v| msweavb D`\_gl evsj vtK ivofvlv vntmte `f`KwZ t`\_qv ntj l cieZP`20 eQi Avd`tm BstiwR Pij yivLvi weavb \_vtK (t`\_tRiqv, 2006 : 316)| Avevi 1962 mtb msweavb D`\_gl evsj vtK RvZxqfvlv vntmte `f`KwZ t`\_lqv ntj l evj nq, GB Abj`Q` BstiwRi e`envi tK wbtiva Kite bv Ges 1972 mtb ivocwZ `vBwi K fvlv BstiwR cwi Z`vMi e`vciUv cix`f`v Kti w`t`vU`f` l qvi Rb` GKwU Kvgkb wbtqvM Kiteb (vnevj, 2005 : `wbK c@\_g Av`jv)| 1967 mtb XvKv w`k`e` `ij`\_tq BstiwRi cvkucwk evsj vtK l w`f`vi gva`g vntmte `f`KwZ t`\_lqv ZrKvjxb AvBb gnme` `ij`\_tj vZ evsj vq AvBb w`f`v t` l qvi c`\_mMg nq| dtj Aa`b Av`vj tZi evsj vi e`envi mgk evotZ`\_vtK| Gfite evOvj i gvZfvlvi `me c@Z@vi Rb` Rieb t`\_q Ges cwk`wb ce`l c@og Astk wZ`<sup>3</sup> Zv mptZ fvlv mgm`v gl` f`ngKv cij b Kti (Ave`j, 1991 : 86)|



hv wkQy vKk bv tKb, GB AvBtbi weavb KvhRi nte0 Ggb wbt`Rbv bv vKvq Av`vj tZi KvhRitg evsj v e`envti i eva`evaKZv mup nqub|

2.5.1.3. t`l qmb KvhRwai weavb

1908 mvjtj i t`l qmb KvhRwai 137 avivq Aa`b Av`vj tZi fvlv m`utK`ejv ntqt0, th chS-miKvi Ab` tKvtrv wbt`R c0vb bv Kti tm chS-nvBtKvUP Aaxb` th Av`vj tZ th fvlv c0vj Z Avt0, tm Av`vj tZ tmB fvlvB c0vj Z vKte|

GQovv t`l qmb KvhRwai 138 avivq mv` BstiwR fvlvq wj wceX Kivi Rb` nvBtKvU`efvM Avt`k c0vtbi gZv c0vb Kiv ntqt0| tKvtrv wePvi K hv` Dch3 KviY D3 wbt`R cvj b Ki tZ bv cvtib, Zte wZvb tm KviY wj wceX Kti Av`vj tZ mv`xi Revbew` wj wceX Kivteb|

2.5.1.4. tdSR`wi KvhRwai weavb

1898 mvjtj i tdSR`wi KvhRwai 221(6) avivq AwfthvM fvlv m`utK`ejv ntqt0, AwfthvM BstiwRtZ A\_ev Av`vj tZi fvlvq tj Lv nte| 356 avivq ejv ntqt0, Z`st` t`tt` g`wRt`U I`vqiv RR c0Z`KwU mv`xi mv` Av`vj tZi fvlvq wbt`R wj tL tbtb| mv`xi mv` BstiwR fvlvq t`l qv ntj g`wRt`U I`vqiv RR Zv wR nvZ D3 fvlvq wj tL tbtb Ges Avmwg BstiwR fvlv bv Rvbtj ev Av`vj tZi fvlv BstiwR bv ntj Av`vj tZi fvlvq D3 mv`xi GKwU Abtgw` Z Abgv` bw\_i Askifc MY` nte|0

357 avivq mv` wj wceX Kivi fvlv wltq ejv Avt0| G aviv tgvZvteK g`wRt`U I`vqiv RR Revbew` BstiwR ev Av`vj tZi fvlvq wj wceX Kivi Rb` miKvi wbt`R w`tZ cvti| 360(3) avivq ejv ntqt0, mv`xi th fvlvq mv` w`tqt0, Zv wfbwAb` tKvtrv fvlvq mv` wj wceX Kiv ntj Ges mv`xi Zv eStZ bv cvtij, tm`tt` th fvlvq mv`xi mv` w`tqt0 tm fvlvq ev th fvlv tm eStZ cvte tm fvlvq evStq w`tZ nte| 371 avivq Avt0 th, Avmwg Avt`b Kitj ivtqi GKwU bKj Zvi wbt`Ri fvlvq ev Av`vj tZi fvlvi GKwU Abgv` ZvtK w`tZ nte| 372 aviv tgvZvteK gvj vi gj- ivq Av`vj tZi fvlv Qovv Ab` fvlvq wj wceX Kiv ntj Zv Av`vj tZi fvlvq Abgv` Kti msh3 Ki tZ nte| nvBtKvU`e`ZxZ Ab`vb` Av`vj tZi fvlv Kx nte Zv GB KvhRwai 558 aviv gtZ miKvi wbaFY Ki tZ cvtib| Gfvte tdSR`wi Av`vj tZ Avmwgi Revbew`, mv` wj wceX, Z`S-BZ`w` Av`vj tZi fvlvq ev BstiwRtZ e`envti i wbt`k` t`j l evsj v fvlv kawU GKwU evi l D`j l-nqub|

t`l qmb l tdSR`wi KvhRwaiZ Av`vj tZ fvlv m`utK` wevfbwaviq th weavb evY` ntqt0, tmLvtrv evsj v fvlv K\_wU GKevi l D`j l- Kiv nqub| GQovv Av`vj tZi fvlv ej tZ tKv fvlv tevSvtrv ntqt0, tm m`utK` tKvtrv` u0 wbt`Rbv t`l qv nqub| AvBvbtvq fvlv m`utK` weavb KvhRi Ki tZ ntj miKvi tK c0Avcb Rwi Ki tZ nte| tdSR`wi KvhRwai Abtgw` miKvi Gifc c0Avcb Rwi i gZvc0B ntj l ev`te Gmtei c0qM j gYxq bq|

3. wePvi e`e`vq evsj v fvlv-cwi w`wZ

evsj vt`tki mteP` ch`q A`f` m`c0 tKvUP Awicj wefvM G chS-tKvtrv ivq evsj v fvlvq nqub, Zte nvBtKvU`efvM wkQygvj vi ivq evsj v fvlvq c0vb Kiv ntqt0| beYB` k`k D`P Av`vj tZi KwZcq wePvi cwiZ evsj vq ivq c0vtbi D`t`wM MhY Kti wTj b| 1998 mvjtj wePvi cwiZ KvRx Gev`j nK Ges wePvi cwiZ tgv nwg`j nK nvBtKvU`efvM evsj vq ivq c0vb Kti evsj vt`tki AvBtbi BvZnvM GKwU bZb gvIv thwM Kti tQb| nvBtKvU`efvM th mKj wePvi cwiZ evsj vq ivq c0vb Kti tQb Zvivuntj b- wePvi cwiZ KvRx Gev`j nK, wePvi cwiZ tgv nwg`j nK, wePvi cwiZ G tK e`i`j nK, wePvi cwiZ Avaj` K`z`y, wePvi cwiZ G we Gg Lvqi`j nK, wePvi cwiZ Gd Gg wRqvDj Kwig, wePvi cwiZ Avaj` AvDqv Ges wePvi cwiZ tgv AvevZwv K| D`P Av`vj tZ Dvj w`Z wePvi cwiZ M`Yi gta` wePvi cwiZ G we Gg Lvqi`j nK evsj vq buri m`okvix ivq metPtq tenk c0vb Kti tQb| nvBtKvU`efvM evsj vq c0E` ivqmgr wbt`Pi mvi wYtZ D`j l- Kiv ntj v|

GK bRti nvBtKvU`efvM evsj v fvlvq c0E` ivq (XvKv j wi tcvU`wGj Avi), evsj vt`k j UvBgm (weGj wU) w` tgbbw`-g j wi tcvU` (GgGj Avi), t`t`K mSmxZ)

| wePvi cwiZi bvg                                     | gvj vi c`l   | ivtqi Zwi L      | c`KvKvj                                  |
|---|--|------------------|--|
| 1. wePvi cwiZ KvRx Gev`j nK wePvi cwiZ tgv nwg`j nK | bRi`j Bmj vg ebgv iv0` (tdSR`wi wi wfkbgvj v)      | 12 tde`qwi, 1998 | XvKv j wi tcvU` LE 50, 1998, c., 103-109 |
| 2. wePvi cwiZ KvRx Gev`j nK wePvi cwiZ tgv          | Avaj` AvwRR ebgv tmKv` l Avj x Ges Ab`vb` (tdSR`wi | 12 tde`qwi, 1998 | XvKv j wi tcvU` LE 50, 1998, c., 111-115 |

| wePvi cwZi bvg  | gvvj vi c`l  | ivtqi Zwi L                   | cKvkKvj   |
|---|--|-------------------------------|---|
| nmg`j nK  | wi wFkb gvgj v)  |                               |   |
| 3. wePvi cwZ KvrX Gev`j nK wePvi cwZ G tK e`l`j nK          | Avāj i v <sup>3</sup> 4vK Zvj k`vi ebgv i vó <sup>a</sup> (tdSR` wii wi wFkb gvgj v) | 26 tde <sup>a</sup> qwi, 1998 | XvKv j wi tcvU, <sup>o</sup> LÉ 51, 1999, c., 83-90   |
| 4. wePvi cwZ KvrX Gev`j nK wePvi cwZ Avāj Kžrj              | mej Avj g Ges Ab`vb` ebgv i vó <sup>a</sup> (tdSR` vi x wi wFkb gvgj v)              | 16 Rly, 1998                  | XvKv j wi tcvU, <sup>o</sup> LÉ 51, 1999, c., 16-23   |
| 5. wePvi cwZ KvrX Gev`j nK                                  | nweej i ngvb L`Kvi ebgv tmi vRj Bmj vg L`Kvi (t`l qmb wi wFkb gvgj v)                | 21 RjvB, 1998                 | XvKv j wi tcvU, <sup>o</sup> LÉ 51, 1999, c., 147-149   |
| 6. wePvi cwZ G we Gg Lvqi`j nK wePvi cwZ Gd Gg wRqvDj Kwi g | tgv <sup>3</sup> vi tnvmb ebgv evsj t`k l Ab`vb` weev`x (mvsweavmbK gvgj v)          | 7 Rly, 2007                   | XvKv j wi tcvU, <sup>o</sup> LÉ 59, 2007, c., 535-539 evsj vt`k j UvBgm, fwi qg 15, RjvB, 2007, c., 349-350 |
| 7. wePvi cwZ G we Gg Lvqi`j nK wePvi cwZ Gd Gg wRqvDj Kwi g | G GBP Gg bj`j Bmj vg ebgv `lxwZ `gb Kvgkb Ms (`lxwZ `gb msvš-wi U gvgj v)            | 9 AvM÷, 2000                  | XvKv j wi tcvU, <sup>o</sup> LÉ 60, 2008, c., 472-480   |

|  |   |                               |   |
|--|---|-------------------------------|---|
| 8. wePvi cwZ G weGg Lvqi`j nK                                | tgvt gwZqvi i ngvb l i t d tgvt gwZqvi i ngvb wgvv ebgv tgvmsvšr Awmqv LvZb Ms (t`l qmb wi wFkb gvgj v) | 11 tde <sup>a</sup> qwi, 2007 | evsj vt`k j UvBgm, LÉ 15, RjvB 2007, c., 313-318          |
| 9. wePvi cwZ G we Gg Lvqi`j nK wePvi cwZ %mq` wRqvDj Kwi g   | W. kvnšxb gwj K, A`wWfvtKU&ebvg evsj vt`k mi Kvi l Ab`vb` (mvsweavmbK gvgj v)                           | 4 l 5 Rly, 2007               | w`tgBbw÷tj j wi tcvUf, btf÷t 2007, fwi qg-12, c., 369-389 |
| 10. wePvi cwZ G we Gg Lvqi`j nK wePvi cwZ Gd Gg wRqvDj Kwi g | A`wWfvtKU i`uj Kžrj Ges Ab`vb` ebgv wePvi cwZ Gg Gd Gg wRqvDj Kwi g (mvsweavmbK gvgj v)                 | 12 wWtm÷t, 2007               | XvKv j wi tcvU, <sup>o</sup> LÉ 60, 2008, c., 511-573     |
| 11. wePvi cwZ G we Gg Lvqi`j nK wePvi cwZ Avāj AvDqvj        | evsj vt`k wj M`vj GBW GÜ mwvfm U÷÷ Ms ebgv tmžpUvi x, AvBb wePvi l msm` w l qK gš`vj q Ms (wi U wcvUkb) | 20 tde <sup>a</sup> qwi, 2008 | w`tgBbw÷tj j wi tcvUf, LÉ 13, btf÷t, 2008c., 413-417      |
| 12. wePvi cwZ G we Gg Lvqi`j nK wePvi cwZ Avāj AvDqvj        | evsj vt`k mi Kvi ebgv `t vó <sup>a</sup> gš`vj q Ms (tgvUi hvevntbi MvZmvgv wvqš`y msvš-wi U gvgj v)    | 10 gvP <sup>o</sup> 2008      | XvKv j wi tcvU, <sup>o</sup> LÉ 60, 2008, c., 694-700     |
| 13. wePvi cwZ G we Gg Lvqi`j nK wePvi cwZ tgvt AvevZwi K     | cxi Rv`v`mq` kwi qZžv Ms ebgv evsj vt`k Ms (wi U wcvUkb)  | 13 RjvB, 2008                 | w`tgBbw÷tj j wi tcvUf, LÉ 14, Rvbgvi x 2009, c., 1-29     |

˘axbZvi GZ ˘tj v eQi AvZewwZ ntj I D˘P Av˘vj tZ nvtZ tMvbv KtqKwU ivq evsj vq ˘ t l qv ntqtQ| Zte wɔ̃æ Av˘vj tZ gvgj vi Revbew ˘, mvtɕi i mvɕi, ivqmn mKj Kvhɕrg evsj v fvlvq cwi Pwuj Z nq| wKŠ˘ hLb wɔ̃æ Av˘vj tZi tKvɔ̃bv gvgj v D˘P Av˘vj tZ i ayBstiwRtZ ivq c0vɔ̃bi Kvi tY Awctj i ivq mavi Y RbMtYi Rb ˘ ˘jvɔ̃ ntq cto|

4. wɛPvi ẽẽvq evsj v fvlv c0j tbi ct\_ AŠt˘vq

eZ0vɔ̃b evsj vɔ̃ tki Rwg-Rgv ev ivR˘^msɕvš-˘wj j, weevɔ̃ni Kwebbvqv BZ˘w̃ evsj v fvlv tZ wj wLZ| AvBtbi Abɔ̃v Ges cwi fvlv AtbKvstK mgx ntqtQ| wKŠ˘ Av˘vj tZ evsj v fvlv e˘envɔ̃i AvBbRixt˘i AtbtKi Abxvi Kvi tY BstiwR fvlv c0j Z AvtQ| 1987 mvtj i evsj v fvlv c0j b AvBtbi wɔ̃t Rbv tgvZvteK mwɛRfvte Av˘vj tZ evsj v e˘envi Kivi tɕi t˘ th me AŠ-ivq AvtQ Zv mstɕi t c Dɔ̃j ˘ Kiv ntj v ũ

- 1987 mvtj i evsj v fvlv c0j b AvBt b Ab ˘ hv-B ˘vKk bv tKb, 0GB AvBtbi weavb KvhRi nte0 ai tYi evtK˘i tKvɔ̃bv Dɔ̃j ˘ tbB| dɔ̃j Av˘vj tZi Kvhɕrg evsj v e˘envɔ̃i eva˘evaKZv mɔ̃ nqvb, eis evsj vi cvkvcwk BstiwR e˘envɔ̃i c\_ tLvj v i tqtQ|
- 1908 mvtj i t l qvb Kvhɔ̃wai 137 aviv tK AKvhRi Kiv nqvb| 137 avivq ˘ uo ej v AvtQ th, th chS-miKvi Ab ˘ tKvɔ̃bv wɔ̃t R bv t b tm chS-nvBtKvɔ̃v Aaxb ˘-th Av˘vj tZ th fvlv c0j Z AvtQ, tmB Av˘vj tZ tmB fvlvB c0j Z ˘vKt| dɔ̃j evsj v I BstiwR Df q fvlv i ˘eaZv itq tMtQ| evsj v fvlv c0j b AvBb Rwi i AvtM AviwR, ˘iLv ˘-c0j Z evsj v Ges BstiwR Df q fvlv tZB t j Lv ntZv Ges tm ˘ wj tZ tKvɔ̃bv AvcwE Kiv ntZv bv|
- t l qvb Kvhɔ̃wai 137(2) aviv Abɔ̃vɔ̃t miKvɔ̃t i wɔ̃t R c0vɔ̃bi ɕgZv tgvZvteK Av˘vj tZ BstiwR fvlv i e˘envi ˘wMZ tNvYv Kti miKvi G chS-tKvɔ̃bv c0vɔ̃b Rwi Kti v| A\_P t dŠR˘w̃i Kvhɔ̃wai 558 aviv Abɔ̃vɔ̃x miKvi Gifc c0vɔ̃b Rwi i ɕgZv c0B (Aw0jy, 2003 : 29)| t l qvb Kvhɔ̃wai 137 aviv Abɔ̃vɔ̃x fvlv mɔ̃tK˘ tKvɔ̃bv tNvYv bv t l qvq Av˘vj tZ BstiwR fvlv e˘envi eU nqvb| tm Kvi tY BstiwR fvlvq wj wLZ AviwR A˘ea bq| t l qvb I t dŠR˘w̃i Kvhɔ̃wai Dɔ̃j ˘ Z avivmgɕ ōAv˘vj tZi fvlv kã ˘ 0j e˘eüZ ntj I Gi A\_˘-uo bq| Av˘vj tZi fvlv ej tZ tKv fvlv tevSvɔ̃bv ntqtQ, Zv mYuo nqvb| GgbwK tKvɔ̃bv aviv tZ mɔ̃v 0fvte 0evsj v fvlv i I Dɔ̃j ˘ tbB|

- wmvfj i j m GÜ AWvPm&Gi 11 wevatZ Dɔ̃j ˘ Kiv ntqtQ th gvgj vi cɕi MY AviwR, eY0v BZ˘w̃ Ges GvctWwvFU BstiwR fvlvq ˘ wLj Kite (Kivgɕv, 2001 : 11)| G ai tbi weavb msweavtbi mvt\_ AmsMwZcY˘ntj I GLt b c0j Z AvtQ|
- cwk˘vb Avgj c0xZ nvBtKvU˘weavgv v, 1958 GLbl c0j Z AvtQ Ges tm weavgv vi 2q LtEi PZZ˘cwi t˘Q˘ i 1 wevatZ nvBtKvU˘weavtM BstiwR fvlv e˘envɔ̃i th weavb Kiv ntqtQj Zv GLbl Ae˘vnZ AvtQ| G weavgv v nvBtKvU˘weavtM BstiwR fvlv e˘envɔ̃i tKvɔ̃bv wfvE ntZ cvti bv, Kvi Y GwU evsj v tki msweavtbi 3 Abɔ̃vQ˘ i cwi cŠx| msweavtbi mvt\_ AmsMwZcY˘AvBb ev weavb KvhRi ˘vKtZ cvti bv (Ger˘j, 2009: ˘ wK c0g Avtj i)|
- evsj v fvlv c0j b AvBb, 1987 c0Z0bi ci Av˘vj tZi fvlv GKgvI evsj vB nte wK bv tm wɔ̃tq nvBtKvU nvmgZ˘v v ebvg AvRgix wɛei ga˘Kvi gvgj vq (XvKv j wi tcvU˘ 1992 : 332) 28 bt f˘t 1991 Zwi tL ivq c0vb Kiv ntqtQ th, evsj vi cvkvcwk BstiwR I Pj te |

5. M0Yvq wK0yc ˘ tɕ

1952 mvtj i 21 tde˘qwi I cieZxKtqK w b XvKvi ivRct\_ ev0vj gvZ fvlv c0Z0vi Rb ˘ tK i ˘ tXtj w t qvQj | tm NUBvi 47 eQi ci 1999 mvtj i 17 bt f˘t BDtbt ˘ 21 tde˘qwi tK AvŠR0ZK gvZ fvlv w etmi ˘ 0KwZ. t q| dɔ̃j c0Z eQi wɔ̃t k j 158wU t t k 21 t k tde˘qwi 0 AvŠR0ZK gvZ fvlv w em0 ifc cwj Z nt˘Q| wKŠ˘ AZ˘š-cwi Zv tci wɔ̃q th, iv0xgvte evsj v fvlv GLbl Avek˘Kxq tɕi t˘ t j v tZ mg0Zw0Z nqvb| wɛPvi ẽẽvq Av˘vj tZi fvlv wntmte evsj v fvlv tK AvBbMZfvte eva˘Zvgj-K Kiv nqvb| GwU Ab ˘ 0Kv0th RvZxq ˘ ˘ mYɕi v Rb ˘ BstiwR RvbtZ nte wKŠ˘ Zv KLbB evsj v fvlv wɔ̃vgtq bq| evsj v tKej Avgv˘ i gvZ fvlv bq, iv0fvlv | Avek˘Kxq me˘ɕi Gi c0j t b mKj bvMwi K A˘vKvive x| GB m t B Av˘vj tZi tɕi t˘ GwU KvhRi x Kiv AZ˘š-Ri ˘ w̃i (Avby2001 : 40)| G Ae˘vq Av˘vj tZ evsj v fvlv c0j tbi Rb ˘ w0g wLZ ẽẽv M0Y Kiv t t Z cvti ũ

- MYcRvZŠx evsj vɔ̃ tki msweavb t tki mterP AvBb| me0g ZvB mswɛavbK weavb cYɕfc ev˘evq Ki tZ nte| msweavtbi weavb Abɔ̃vɔ̃x msweavtbi mvt\_ AmsMwZcY˘AvBb ev weavb KvhRi ˘vKtZ cvti bv| ZvB cwi cŠx AvBb ev weavb AKvhRi Ki tZ nte|

- 1987 mvtj i evsj v fvlv cPj b AvBb Ges cOmWzK weavbmgf ev`evqtbi t`tt th mKj cOZeUKZv AvtQ Zv wPuyZ Kti Zvi mstkvab Ges cOqRbgizv bZb AvBb, weva I weAwb Rvii Kiv cOqRb| weTKI Kti evsj v fvlv cPj b AvBtbi KvhRwi Zvi weavb mstkvab Kiv AZ`S-Ri`wi | GB AvBb cYfjc KvhRi Kivi Rb`B t`l qmb Kvhwea, 1908 Ges Ges tdSR`wii Kvhwea, 1898 Gi l cOqRbxq mstkvab Avek`K|
- t`tk mg`-AvBb evsj v fvlvq i Pbv l cKvk KitZ nte Ges weUk kvmbvgtj cYxZ mKj AvBbl evsj v fvlvq Abgy` KitZ nte|
- mycOj tKvUfP nvBtKvUoI Avmcj wefvMi wbggvej x mstkvab Kti evsj vq Avmcj, `iLv`-BZ`w` wL`tj i mgye`e`v MhY KitZ nte (Ge`y, 1998 : 325)|
- AvBtbi wefboaviv, weva ev ktai e`vLvi Rb` wePri Ke,` I AvBbRxeMY th mKi bwiRiMosi Dci wbfP Kti \_vtKb, tm mKj MBS` evsj v fvlvq Abgy` KitZ nte| AvBtbi cwi fvlv mgm`vi DEiY NUvtZ nte (Kivg`v, 2001 : 12)|
- mteve`wii evsj v fvlv e`envti i gvbwmKZvi Dbqb NUvtZ nte, KviY gvbtj i t`k tPZbvq fvlv Ab`Zg cAvb Drm|

*Dcmsnvi*

gvZfvlv RviiZi AvZcwiPtqi mPK| evsj vt`tki gvbtj i gvZfvlvi cOZ fvtj vevmv l`vqexZvi BwZnvm l`xNRvtj i| evsj v fvlvtK ivo`fvlv Kivi Rb` th msMog, Zv cU`exi BwZnvtm weij cOq GKwU Nubv| ivo` l` mgyR RxeTbi me`ti evsj v cOqM Gt`tki bwiMwi Kti i GKwU msvweambK AwaKvi Ges G AwaKvi fvlv Avf`vj b l` raxZv hxi tPZbvi m`u`i`K| bwiMwi tKi msvweambK AwaKvi ev`evqtbi wePri wefvM tK cvj b KitZ nq mwpq fvgKv| 1952 mvtj i fvlv Avf`vj tbi ci 57 eQi Ges raxZvi ci 37 eQi AwZewinZ ntqtQ| Z\_wic mycOj tKvUfP evsj vt`tki mKj Av`vj tZ evsj v fvlv cPj b eva`Zvgj-K Kiv hvqub| wePri e`e`vi mKj wefq bwiMwi tKi fevaMg` fvlvq cPj b Kiv ntj AvBb m`u`fK bwiMwi Kti i mPZbZv ewx` cvte Ges AvBtbi kvmb cOZov mnRZi nte| mvaviY RbM`Yi b`vqwePri cOBi t`tt wePri Kti i cikvcmk AvBbRxeT i l` itqtQ ht\_`o` i`ZcY`fvgKv| 2007 mvtj wefRix wefvM t`tk wePri wefvM c`KvKityi dtj cOq 130 eQi atj Ptj Avmv wePri e`e`vi tgsuj K cwi eZBl mwaZ ntqtQ| GLb AvKv`Lv` iayGi h\_v`ev`evqb| wePri e`e`vi meP evsj v fvlvi GKK e`envi ZvB AvBtbi cY` kvmb cOZovi Rb`B AZie Ri`wi | KvrwU hZ`\*Z Kiv m`eci nte, ZZB g`/j |

*MBS`wA*

Awbm`yavgvb. 2008. evsj vt`tki fvlv-cwiw`wZ | *evsj vt`k GirkqmUK tmvwiBuU cwi`Kv*. LE-26. msL`v-MB`S c; 1-10

Avbygvntgy. 2001. *GKzk tde`qmi : ivotq t`tk wekgq*| XvKv: mvj g eK` wltcv|

Ave`j Kwig. 1991. ev`zvj l` ev`zvj x| *evOvj xi AvZewi Pq* [m`uv. mdi Avj x AvK`] i vRkvnx: BbwiUDU Ae evsj vt`k =wWR (AvBweGm)| c; 67-87

KvRx Ge`y nK. 1998. *wePri e`e`vi weZB*| XvKv: evsj v GKvtWgx|

*N* 2009. D`P Av`vj tZ evsj v e`envti evav tKv`vq?| *wbK cOg Avtj v 21/02/2009/*

Kivg`v bv` tmb. 2001. Av`vj tZ evsj v fvlvi e`envi | *XvKv j w`tciU`@wGj Avi*) *RvbyP*. LE-53 c; 11-12

MvRx kvqOz i ngvb. 1997. *evsj vt`tki AvBtbi BwZnm*| XvKv: evsj v GKvtWgx|

tP`Saij gpxi Dwi`b gvntDR. 2006. D`P Av`vj tZ i`aB evsj v e`envi: Avevi wK knx` ntZ nte?| *XvKv j w`tciU`@wGj Avi*) *RvbyP*. LE-58 c; 18-19

bxvni i Ab`ivq. 1412. *evOvj xi BwZnm Am` ceP`tKuj KvZv: t`OR cvewj wks*|

gyv`S nvexej ingvb. 2005. fvlv cOke`ie`x`bv` MvUx l` wRbn| *wbK cOg Avtj v 20/02/2005*|

tgrt Av`jy Avj`-gvmg. 2005. A`wWgm`w`tciU`@1835-1838) l` evsj vi wK`v cwiw`wZ| *XvKv wekpe` ij q cwi`Kv*. msL`v-82 c; 122-132

tgrt gvneyi ingvb. 2006. *evsj vt`tki BwZnm 1947-71*| XvKv: mgq cKvk|

tgrt kvdKz ingvb. 2006. *evsj vt`tki AvBb wePri e`e`vi Ges msvweambK μgweKvk*| XvKv : Kigi`j eK` nvdM|

ti`Rqv wwi`Kx. 2006. *ce`evsj vi mis`wZK msvMb l` mis`wZK Avf`vj b 1947-1971*| XvKv: Avb weZi Yx|

mv Kv g AwbOj ingvb Lvb. 2003. evsj v fvlv cPj b AvBb Abkxj b mgm`v l` m`tebv| *XvKv j w`tciU`@wGj Avi*) *RvbyP*. LE-55 c; 28-29

nmvgZ`v ebvg AvRgxi x weve gvj v. 1992| *XvKv j w`tciU`@wGj Avi*). LE-44 c; 332-338

A.B.M. Mafizul Islam Patwari. 2004. *Legal System of Bangladesh*. Dhaka: Humanist and Ethical Association of Bangladesh.

Latifur Rahman. 2005. *The Constitution of the Peoples Republic of Bangladesh with Comments & Case-Law*. Dhaka: Mullick Brothers.

V.D. Kulshreshtha. 1987. *Landmarks in Indian legal and Constitutional History*. Lucknow: Eastern Bank Company.

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