#### **Bibliography**

### Acts

- The Constitutional Reform Act, 2005 (UK).
- The Constitution (Amendment) Act, 1976, (Act A 354) (Malaysia).
- The Constitution (Amendment) Act, 1994 (Malaysia).
- The Constitution (Fourth Amendment) Act, 1975 (Bangladesh).
- The Constitution (Eleventh Amendment) Act, 1991(Bangladesh).
- The Constitution (Twelfth Amendment) Act, 1991 (Bangladesh).
- The Constitution (Thirteenth Amendment) Act, 1996 (Bangladesh).
- Indian High Courts Act, 1911.
- Judicial Appointments Commission Act, Malaysia, 2009.
- The Government of India Act, 1915.
- The Government of India Act, 1935.

### **Articles**

- Charles Hector, 'Fortifying the Independence of the Judiciary', *Human Writes Issue* (An Infoline Pull-Out), 2 July 2003.
- Datuk George Seah, 'Crisis in the Judiciary- Part 4 & 5, the Suspension of the Supreme Court,' *Infoline*, 1 May 2004.
- Felix Frankfurter, 'The Supreme Court in the Mirror of Justice', (1957) 105University of Pennsylvania Law Review 781.

- Francis J Larkin, 'The Variousness, Virulence, and Variety of Threats to Judicial Independence', (1997) 36 *Judges' Journal* 1.
- Guy Green, 'The Rationale and Some Aspects of Judicial Independence', (1985) 59 Australian Law Journal 135.
- HP Lee, 'The Malaysian Constitution after 50 years- Retrospective, Prospective and Comparative Perspectives', (2007) 9 *Australian Journal of Asian Law* 307.
- Jalal Alamgir, 'Bangladesh's Fresh Start', (2009) 20 Journal of Democracy 41.
- M. Ershadul Bari, 'Importance of An Independent Judiciary', (1993) 4 Dhaka University Studies Part-F 1.
- Maurice Rosenberg, 'The Qualities of Justice- Are they Strainable?', (1966) 44 Texas Law Review 1063.
- Pamela S Karlan, 'Two Concepts of Judicial Independence', (1999) 72 Southern California Law Review 535.
- Wu Min Aun, 'The Malaysian Judiciary: Erosion of Confidence', (1999) 1(2) Australian Journal of Asian Law 124.

## <u>Books</u>

- Abdul Aziz Bari and Farid Sufian Shuaib, *Constitution of Malaysia: Text and Commentary*, 3<sup>rd</sup> edn (Kuala Lumpur: Pearson- Prentice Hall, 2009).
- Alexander Hamilton, John Madison and John Jay, *The Federalist or the New Constitution* (Oxford: Basil Blackwell, 1948).

- Andrew Harding and HP Lee, Constitutional Landmarks in Malaysia: the First 50 Years, 1957-2007 (LexisNexis, 2007).
- Aristotle, *The Politics (translated by Ernest Barker and RF Stalley)* (Oxford: Oxford University Press, 1995).
- B. Shiva Rao (ed), *The Framing of India's Constitution: Select Documents*, Vol. 4 (Delhi: Universal Law Publishing Co., 2004).
- B. R. Ambedkar, *The Constituent Assembly Debates*, vol. 8 (New Delhi: Lok Sabha Secretariat, 1949).
- Benjamin N. Cardozo, *The Nature of the Judicial Process* (New Haven: Yale University Press, 1921).
- Cecil Henry, *The English Judge* (London: Stevens and Sons, 1970).
- E. Campbell and HP Lee, *the Australian Judiciary* (Cambridge: Cambridge University Press, 2001).
- Francis Bacon, *Essay on Judicature* (1612).
- Garry Sturgess and Philip Chubb, *Judging the World: Law and Politics in the World's Leading Courts* (Sydney: Butterworths, 1988).
- Gerald Gall, *The Canadian Legal System* (Toronto: Carswell Legal Publications, 1995).
- Harold J. Laski, *Studies in Law and Politics* (London: George Allen & Unwin Ltd., 1932)
- Harold J. Laski, A Grammar of Politics (London: Harper Collins Publishers Ltd, 1967).

- Henry Sidgwick, *The Elements of Politics* (London: Macmillan, 1897).
- J.A.G Griffith, The Politics of the Judiciary (London: Fontana, 1977).
- James Bryce, Modern Democracies, vol. II (New York: Macmillan, 1921).
- John Agresto, *The Supreme Court and Constitutional Democracy* (Ithaca: Cornell University Press, 1984).
- John Honnold (ed), *The Life of the Law: Readings on the Growth of Legal Institutions* (New York: The Free Press, 1964).
- Kanishka Jayasuria (ed), *Law, Capitalism and Power in Asia, the Rule of Law and Legal Institutions* (London and New York: Routledge, 1999).
- Karl Loewenstein, *Political Power and the Governmental Process* (Chicago: University of Chicago Press, 1957).
- Lord Hailsham, The Door Wherein I Went (London: Collins, 1975).
- Latifur Rahman, *The Constitution of the People's of Bangladesh, With Comment and Case Laws* (Dhaka: Mullick Brothers, 2004).
- L.N. Brown and J. F. Garner, *French Administrative Law* (London: Butterworth, 3<sup>rd</sup> edition, 1983).
- Lawyers Committee for Human Rights, *Malaysia: Assault on the Judiciary* (New York, 1990).
- Mahmudul Islam, *Constitutional Law of Bangladesh* (Dhaka: Mullick Brothers, 2007).
- Montesquieu, The Spirit of the Laws (Cambridge: Cambridge University Press, 1989).

- Mustafa Kamal, Bangladesh Constitution: Trends and Issues (Dhaka: Dhaka University Press, 1994).
- O. Hood Phillips and Paul Jackson, *Constitutional and Administrative Law* (London: Sweet and Maxwell, 1987).
- Parliamentary (House of Commons) Debates (Hansard), Vol. 525 (1954).
- R.M. Dawson, *The Government of Canada* (Toronto: University of Toronto Press, 1954).
- R.M. Jackson, *The Machinery of Justice in England* (New York: Cambridge University Press, 3<sup>rd</sup> edn, 1960).
- Shimon Shetreet and Deschenes, Judicial Independence: the Contemporary Debate (Dordrecht: Martinus Nijhoff, 1985).
- Shimon Shetreet, Judges on Trial: A Study of the Appointment and Accountability of the English Judiciary (Amsterdam, New York, Oxford: North Holland Publishing Co., 1976).
- Sultan Azlan Shah, 'The Role of Constitutional Rulers and the Judiciary Revisited' in Sinnadurai, V (ed.), *Constitutional Monarchy, Rule of Law and Good Governance* (Kuala Lumpur: Professional Law Books, 2004).
- Tunku Sofiah Jewa, Salleh Buang and Yaacob Hussain Merican (eds), Tun Mohammed Suffian's An Introduction to the Constitutional of Malaysia, 3<sup>rd</sup> edn (Petaling Jaya, Selangor: Pacifica Publications, 2007).
- Tun Dato' Seri Abdul Hamid Omar, *The Judiciary in Malaysia* (Kuala Lumpur: Asia Pacific Publications Sdn Bhd, 1994).

- The Constituent Assembly, vol. 2 (issue 1-19) (Dhaka: Assistant Controller of Publications, 1972).
- V.R. Krishna Iyer, 'Judiciary: A Reform Agenda' in Constitutional Miscellany (Lucknow: Eastern Books, 2003).
- William O Douglas, 'From Marshal to Mukharjee: Studies in American and Indian Constitutional Law' (Tagore Law Lectures, 1956).
- Wu Min Aun (ed), Public Law in Contemporary Malaysia (Selangor: Addison Wesley Longman Malaysia Sdn. Bhd., 1999).
- W.A. Robson, *Justice and Administrative Law* (London: Stevens, 1951).

### **Cases**

- Al-Jehad Trust v Federation of Pakistan, PLD 1996 SC 324.
- Anwar Hossain Chowdhury and Others v Bangladesh, 41 DLR (AD) (1989) 165.
- Anwar Hossain Khan v Speaker of Bangladesh Sangsad Bhabon and Others, 47 DLR (1995) 42.
- Asad Ali v Federation of Pakistan, PLD 1998 SC 161.
- Bangladesh Italian Marble Works Limited v Government of Bangladesh and others, 34 CLC (HCD) 2005.
- Bangladesh and Justice Syed Md. Dastagir Hossain and others v Md. Idrisur Rahman, 38 CLC (AD) 2009.
- Commissioner of Taxes v Justice S. Ahmed, 42 DLR (AD) (1990) 162.
- Dato v Kanagalingam v David Samuels & Ors, [2006] 3 CLJ 909; [2006] 5 AMR 402.

- Government of Balochistan v Azizullah Memon, PLD 1993 SC 341.
- Government of Sindh v Sharaf Faridi, PLD 1994 SC 105.
- Insas Bhd and Megapolitan Nominees Sdn Bhd v Ayer Molek Rubber Co Bhd and others, [1995] 2 MLJ 734 (CA).
- Insas Bhd and Megapolitan Nominees Sdn Bhd v Ayer Molek Rubber Co Bhd and others, [1995] 2 MLJ 833 (FCM).
- *Khondker Delwar Hossain & Others v Bangladesh Italian Marble Works Limited,* CIVIL PETITION FOR LEAVE TO APPEAL NOS. 1044 & 1045 OF 2009.
- Liaquat Hossain v Federation of Pakistan, PLD 1999 SC 504.
- Lt. Col. G. L. Bhattacharya v State, 13 PLR (Dacca Series) 377.
- Mainul Hosein & others v Sheikh Hasina, 53 DLR (2001) 138.
- Majlis Peguam Malaysia and Ors v Raja Segaran, [2005] 1 MLJ 15 (CA).
- *Moazzem Hossain v State*, 35 DLR (AD) (1983) 290.
- Mujibur Rahman v Bangladesh, 44 DLR (AD) (1992) 111.
- Port Louis Corpn v Attorney-General, Mauritius, 1965 AC 1111 (PC).
- Public Prosecutor v Dato' Yap Peng, [1987] 2 MLJ 311 SC.
- *R. Pushpam v State of Madras*, AIR 1953 Mad 392.
- Raja Segaran v Bar Council of Malaysia (No. 1), [2000] 1 MLJ 1 (HCM).
- Raja Segaran v Bar Council of Malaysia (No. 2) [2001] 1 MLJ 472 (HCM).
- Re Berubari's Case, AIR 1960 SC 845.

- Re Dato' Seri Anwar Ibrahim, [2000] 2 CLJ 570.
- *R.V. Secretary of State for Social Service, ex parte Association of Metropolitan Authorities,* (1986) 1 All ER 164.
- Samsher Singh v State of Punjab, (1974) 2 SCC 831.
- Secretary, Ministry of Finance v Md. Masder Hossain and Others, 52 DLR (AD) (1999) 82.
- Sharaf Faridi v the Federation of Islamic Republic of Pakistan, PLD 1989 Karachi 404.
- S.N. Goswami Advocate v Bangladesh, 55 DLR (2003) 392.
- S. P. Gupta and others v President of India and Others, 1981 Supp SC 87; AIR 1982 SC 149.
- Special Reference No. 1 of 1998, (1998) 7 SCC 79.
- Sugumar Balakrishnan v Pengarah Imigresen Negeri Sabah & Anor, [1998] 3 MLJ 289 (CA).
- Supreme Court Advocates-on-Record Association v Union of India, AIR 1994 SC 268; (1993) 4 SCC 441.
- State v Chief Editor, Manabjamin & Others, 31 CLC (HCD) (2002).
- Subhas Sharma v Union of India, 1990 Supp (2) SCR 433.
- Union of India v Sankalchang Himmatlal Sheth, (1977) 4 SCC 193.

# **Constitutions**

• Basic Law: the Judicature, 1984.

- The Constitution of Armenia, 1955.
- The Constitution of Albania, 1998.
- The Constitution of Algeria, 1989.
- The Constitution of Bangladesh, 1972.
- The Constitution of Barbados, 1966.
- The Constitution of Belgium, 1970.
- The Constitution of the Commonwealth of Puerto Rico, 1952.
- The Constitutional Charter of the State Union of Serbia and Montenegro, 1990.
- The Constitution of the Co-operative Republic of Guyana, 1980.
- The Constitution of the Democratic Republic of Ethiopia, 1994.
- The Constitution of the Federal Republic of Nigeria, 1999.
- The Constitution of the Federation of Russia, 1993.
- The Constitution of the Federal Rwanda, 2003.
- The Constitution of France, 1958.
- The Constitution of Georgia, 1995.
- The Constitution of Greece, 1975.
- The Constitution of India 1949.
- The Constitution of Ireland, 1937.
- The Constitution of Italy, 1947.
- The Constitution of the Islamic Federal Republic of the Comoros, 1978.
- The Constitution of Japan, 1946.

- The Constitution of Kenya, 1963.
- The Constitution of the Kingdom of Bhutan, 2005.
- The Constitution of the Kingdom of Denmark, 1953.
- The Constitution of the Kingdom of Nepal, 1990.
- The Constitution of the Kingdom of Saudi Arabia, 1992.
- The Constitution of Malta, 1964.
- The Constitution of Poland, 1997.
- The Constitution of Pakistan, 1962.
- The Constitution of Pakistan, 1973.
- The Constitution of the Republic of Namibia, 1990.
- The Constitution of the Republic of Croatia, 1990.
- The Constitution of the Republic of Hungary, 1949.
- The Constitution of the Republic of South Korea, 1948.
- The Constitution of the Republic of Trinidad and Tobago, 1976.
- The Constitution of the Republic of Iraq, 2005.
- The Constitution of Singapore, 1963.
- The Constitution of Spain, 1978.
- The Constitution of Sri Lanka, 1978.
- The Constitution of South Africa, 1996.
- The Constitution of the Sovereign Democratic Republic of Fiji, 1990.

- The Constitution of Sudan, 1998.
- The Constitution of Ukraine, 1996.
- The Constitution of the USA, 1787.
- The Constitution of Western Samoa, 1960.
- The Federal Constitution of Malaysia, 1957.
- The Political Constitution of the Republic of Chile, 1980.

## **International Instruments**

- Beijing Statements of Principles of Independence of the Judiciary in the LAWASIA Region, 1995.
- International Congress of Jurists, Committee IV, The Report (New Delhi, 1959).
- Principles and Conclusions on Independence of the Judiciary in the LAWASIA Region, 1982.
- Judicial Independence Latimer House Guidelines for the Commonwealth, 1998.
- Lagos Conference of the International Commission of Jurists, 1961.
- The Bangalore Principles of Judicial Conduct, 2002.
- The European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950, CETS 005.
- The International Bar Association, The Code of Minimum Standards on Judicial Independence, 1982.
- The Universal Declarations on the Independence of the Judiciary, 1983.
- The UN Basic Principles on the Independence of the Judiciary, 1985.
- The Universal Declaration of Human Rights, GA Res 217A (III), 10 December 1948, A/810.

## **Internet Materials**

- Cabinet approves Judicial Appointments Commission <
   <p>http://www.themalaysiainsider.com/index.php/malaysia/12957\_cabinet\_approves\_jud
   icial\_appointments\_commission> (accessed on 10/11/2009).
- Zaki Azmi is Chairman of Judicial Appointments Commission www.themalaysianinsider.com/index.php/malaysia/1854-zaki-azmi-is-chairman-ofjudicial-appointments-commission (accessed on 10/11/2009).
- Lim Kit Siang, 'CJ Fairuz's poor taste in equating Judicial Appointments Commission to "nudity", 22 February 2007 < http://www.malaysianbar.org.my/general\_opinions/comments/cj\_fairuzs\_poor\_taste\_i n\_equating\_judicial\_appointments\_commission\_to\_nudity.html> (accessed on 10 November 2010).
- Lim Kit Siang Online, On Judicial Reform, 7 May 2008 < http://blog.limkitsiang.com/2008/05/07/on-judicial-reform/> (accessed on 9 February 2010).

## **Newspapers**

- Ashutosh Sarkar, 'Appellate Division running with fewer judges for long', *The Daily Star* (Dhaka), 18 December 2008, 1.
- Ashutosh Sarkar, 'SC may get new judges next month', *The Daily Star* (Dhaka), 23
   December 2010, 1.
- Asian Recorder, 26 March 1982- 1 April 1982, 16519 (corrected page 101435).
- *Frontline Magazine*, 10 October 1998.
- Hasan- Askari Rizvi, 'Constitutional Amendment and Judicial Appointments', *The Daily Times*, 16 May 2010.

- 'JAC Bill does not affect constitutional status of Sabah', *Daily Express*, 18 December
   2008 www.dailyexpress.com.my/news.cfm?NewsID=61757 (accessed on 11/11/2009).
- 'List of Superseded Judges', *The Dainik Sangbad* (Dhaka), 14 January 2001, 1.
- M. Abdul Latif Mondal, 'Averting controversy in appointment of Chief Justice', *The Daily Star* (Online), 10 October 2010 http://www.thedailystar.net/newDesign/news-details.php?nid=157772 (accessed on 15 November 2010).
- MM Rezaul Karim, 'Resorting to Rule of Law: By Stick and Terror!', *The Daily Star*, 4 May 2000.
- New Strait Times, 30 May 2000.
- New Straits Times, 21 February 2007.
- Rajeev Dhavant, 'The Transfer of Judges,' *The Hindu* (India), 29 October 2004.
- Roger Mitton, 'A Flurry of Questions about Malaysian Justice,' Asiaweek, July 1996.
- Shaila Koshy, Chelsea L.Y. Ng, Shahanaaz Habib, Cecil Fung, Teh Eng Hock and Jo Teh, 'Government moves to strengthen judiciary', *The Star*, 18 April 2008 < http://thestar.com.my/news/story.asp?file=/2008/4/18/nation/20992653&sec=nation> (accessed on 5 November 2010).
- Shakhawat Liton, 'Justice Aziz becomes CEC', *The Daily Star* (Online), 24 May 2005 http://www.thedailystar.net/2005/05/24/d5052401011.htm.
- Staff Correspondent, 'New CJ takes oath', *The Daily Star* (Dhaka), 2 June 2008, 1.
- Staff Correspondent, 'Tafazzul new chief justice', *The Daily Star* (Dhaka), 16
   December 2009, 1.
- Staff Correspondent, 'SC Appellate Division gets 2 new judges', *The Daily Star* (Dhaka), 5 March 2009, 1.

- Staff Correspondent, 'SC Appellate Division gets 4 more judges', *The Daily Star* (Dhaka), 15 July 2009, 1.
- Staff Correspondent, 'Outgoing CJ slated at farewell', *The Daily Star* (Dhaka), 30
   September 2010, 1.
- Staff Correspondent, 'Justice Khairul Haque new chief justice', *The Daily Star* (Dhaka), 27 September 2010, 1.
- Staff Correspondent, 'SC Appellate Division gets 4 more judges', *The Daily Star* (online), 15 July 2009, http://www.thedailystar.net/newDesign/newsdetails.php?nid=96998 (accessed on 15 November 2010).
- Staff Correspondent, 'What I [Prime Minister] said is the truth and I'll continue to say it', *The Daily Star*, 5 August 2000.
- Staff Correspondent, 'AL blows hot against higher judiciary', *The Daily Star*, 18 April 2000
- S. Kamaluddin, 'Bangladesh, the Generals are Posed to Take Over as Sattar Says, Changing of the Guard', *Far Eastern Economic Review* (Hong Kong), 19 March 1982.
- S. Kamaluddin, 'Bangladesh, Ershad's New Order', *Far Eastern Economic Review* (Hong Kong), 20 August 1982.
- *The Daily Ittefaq* (Dhaka), 18 January 2001, 1.
- *The Daily Manabzamin* (Dhaka), 11 November 2000, 1.
- The Dainik Sangram (Dhaka), 2 November 2000, 1.
- *The Daily Star* (Dhaka), 11 January 2001, 1.
- *The Daily Star* (Dhaka), 14 January 2001, 1.
- *The Daily Star* (Dhaka), 17 January 2001, 1.
- The Hindustan Times, 20 October 2008.

V. Venkatesan, 'Judiciary: A Flawed Mechanism', (2003) 20(II) *Frontline* (A Magazine Published by the Hindu Group of Publications).

# <u>Orders</u>

- Bangladesh Legal Practitioners and Bar Council Order, 1972.
- Second Proclamation (Tenth Amendment) Order 1977 (Second Proclamation Order No 1 of 1977), 27 November 1977.
- The High Court of Bangladesh (Amendment) Order, 1972.
- The Second Proclamation (Seventh Amendment) Order, 1976 (Second Proclamation Order No IV of 1976).
- The Proclamation Order No. III of 1983, 11 December 1983.
- The Second Proclamation (Tenth Amendment) Order, 1977 (Second Proclamation Order No I of 1977).
- The Proclamation (First Amendment) Order I of 1982, 11 April 1982.
- The Proclamation of Martial Law, 24 March 1982.

## **Ordinances**

• The Supreme Judicial Commission (Amendment) Ordinance, Bangladesh, 2008.

## **Reports**

- Arrears Committee, constituted by the Government of India, *The Report* (1989), para 7.20.
- Annual Report of the Inter-American Commission of Human Rights, 1985.
- Annual Report of the Judicial Appointments Commission, 2009 (Malaysia).
- Asian Human Rights Commission, 'Bangladesh: Culture of Supersession in Supreme Court will Undermine Rule of Law', 26 May 2008.