



opinion and power alignments. There are occasions, however, when the union council chairman may reject an official petition to constitute a village court or when one party desires a higher opinion. In these cases, the dispute goes to a government court at the subdistrict level. Cases may wind their way up from district courts to permanent benches of the High Court Division. Once cases leave the village courts, they become expensive affairs that may last for years, and few citizens have the financial resources to fund a lengthy court battle.

Rapid political changes in independent Bangladesh have compromised the court system. The Constitution originally stated that the president could remove members of the Supreme Court only if two-thirds of Parliament approved, but the Proclamation (Amendment) Order of 1977 included a clause that eliminated the need for parliamentary involvement. The clause set up the Supreme Judicial Council, consisting of the chief justice and the next two senior judges. The council may determine that a judge is not "capable of properly performing the functions of his office" or is "guilty of gross misconduct." On their advice, the president may remove any judge. In addition, executive action has completely eliminated judicial authority for long periods. For example, under martial law regulations enacted in 1982, the Supreme Court lost jurisdiction over the protection of fundamental rights, and all courts operated under provisions of law promulgated by the chief martial law administrator; special and summary martial law courts handed down judgments that were not subject to review by the Supreme Court or any other court. Furthermore, the Fifth Amendment and the Seventh Amendment placed martial law proclamations and judgments outside the review of the court system. In these ways, the courts have been forced to serve the interests of the ruling regime, rather than standing as an independent branch of government.

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