

## **Abstract**

The present research work, a comparative study as to the existing systems of appointment of judges in Malaysia and Bangladesh which is undertaken to examine its strengths and under-strengths and to recommend a suitable mode for appointing judges of the superior courts for excluding patronage appointment and ensuring the appointment of men 'of stern stuff and tough fibre, unbending before power' in the higher judiciary, is divided into five chapters. The essence of each of the chapter is as follows:

**Chapter I** deals with the 'Introduction' in which role of the judiciary, development of the concept of the independence of the judiciary, traditional and modern meanings of judicial independence and importance of an independent judiciary in a democratic state have been examined. Then judicial independence as enshrined in the Constitutions of Malaysia and Bangladesh has been outlined.

**Chapter II** examines critically the constitutional (with reference to relevant amendments) and legal provisions concerning appointment of judges to the superior courts of Malaysia.

**Chapter III** considers analytically the constitutional (with relevant amendments) and legal provisions relating to the appointment of judges of the Supreme Court of Bangladesh with special reference to the leading decisions of the apex court in this regard.

**Chapter IV** makes a comparative study of the constitutional and legal provisions relating to appointment of judges of the superior courts in Malaysia and Bangladesh.

**Chapter V**, titled 'Conclusion', summarises the discussions carried out in the preceding four chapters and puts forward recommendations for a) the abolition of the system of appointment of additional judges/judicial commissioners, b) exercising the executive power of increasing the number of judges of the superior courts either on the recommendation of a judicial service commission or upon the request of the Federal Court/the Supreme Court and c) the

establishment of a judicial appointments commission, consisting of majority ex-officio members from the judges of the Supreme Court, as a recommendatory body, the recommendation of which shall be binding on the appointing authority.