

The Doctrine of Reception of Law and Its Significance in Legal Development of Bangladesh

Rokshana Shirin Asa¹, Kazi Abdur Rahman²

¹Lecturer, Department of Law, Prime University, Dhaka, Bangladesh and currently is perusing her postgraduate studies at the International Islamic University Malaysia (IIUM)

² Postgraduate Students, Faculty of Economics and Management at the National University of Malaysia (UKM)

Abstract : *Legal transplantation is the process of how laws and legal institutions actually develop and progress in a given country. The past few decades have shown an upward trend in the volume of legal transplantation. For most of the time and in almost all places, borrowing has become a reliable source of legal change. Borrowing comes in many forms. It may be from within a system, by means of analogy, negligence in torts, negligence in contracts, or from another legal system. Borrowing may be perceived as a complex entity. Receptions come in the form of taking over single rules to sometimes a whole system. Despite the limited literature present about the process of legal transplantation, most of it presumes that the efficacy of the law is the determining and dominant factor in identifying which laws has been transplanted and from one place to another. This paper aims to look into the legal transplantation theories specific to the experience of Bangladesh. The article begins with an examination on the colonial experiences then progresses to the present practices and how the processes and policies have created effects on the rule of law of the country. This is also done in line with the acknowledgement of the legal origins thesis which the British did the transplantation of the common law to its colonial territories that discussed the receipt of such in societies as necessary and adequate institutional tools that promote the succeeding achievements of a strong development. The methodology employed includes the ramifications of real experiences that take into consideration the historical, social, and cultural contexts.*

Key Words: *Legal transplantation, doctrine of reception, Common Law system, colonial experience, Bangladesh.*

I. INTRODUCTION

Legal scholars have come up with several terms to explain the term law. This includes the context of the law as rules, system, culture, tradition, and social fact (Orucu, 2002). They have also included law in a context, paired it with history, economics, and legal theory (Bartie, 2014). Comparative experts are familiar with these explanations. Some of them have accepted that the law can be flexible given the law reforms done in a number of legal systems while using legal transplants as the reason for doing law reforms (Van Hoecke, 2014). Law history can be seen as a history of legal transpositions. Legal systems are in a constant motion of intercourse and amalgamation in order to take a new shape and such an act progresses continuously (Nouel, 2007). New movements, rearrangements, and modification will always be present in law because the law has become a product of a series of receptions (Yntema, 1949). Reception is the transplantation of one type of law to another law. Reception has become a rich source of changes in the legal system because it comes in multifarious forms and degrees from a single ruling to an entire system (Abdo, 2007). The study of the doctrine of reception of law belongs essentially to the historical experiences of colonialism (Castles, 1963). Events of colonialism shaped not only the direction and physical manifestations of law, but also contributed to many of what is perceived today as ‘deficiencies’ in the legal system. Not least of these is the accusation that our law and legal system still suffer from ‘a colonial mentality’ that is not independent, assertive, and relevant enough for our particular social circumstances (Antoine, 2008).

The ‘history of a system of law is largely a history of borrowings of legal materials from other legal systems and of assimilation of materials from outside of the law’ (Perju, 2012). The advancement of the English common law and the Roman-Canonic jus Commune are examples of the movement of legal norms and ideas that transformed not only legal systems but also the course of history. Sacco (1991) mention that, ‘Borrowing and imitation is of central importance to understanding the course of legal change’, and ‘the birth of a rule or institution is a rarer phenomenon than its imitation’. This opinion is in concurrence with Orucu (2013) who states that “the moving of a rule or a system of law from one country to another has now been shown to be the most fertile source of legal development since most changes in most systems are the result of borrowing”. As

laws and legal institutions develop in one country, it is gradually adopted by another. Law develops mainly by receipt. In the Western world, reception has been the most common and vital source of legal change for the past thousand years (Yntema, 1949). It has always been common for lawmakers to use foreign models with minor modifications, rather than to invent entirely new rules. There are only a few statutes and codes that are original in the sense that they have been newly enacted for the territory in which they operate without great dependence on foreign law (Wieacker, 1981).

As Milsom (2014) says “private law is nearly always taken from others. Twice only have the customs of European peoples been worked up into intellectual systems. The Roman system has served two separate civilizations. The common law, governing daily relationships in very various modern societies, has developed without a break from its beginnings in a society utterly different from any of them”. Reception of foreign law may be partial, or gradual, or indirect. Reception of foreign law may be partial, gradual, or indirect. The source that is mined need not itself have binding force in the donor system. What is borrowed may be terminology rather than substance, and systematic rather than specific rules (Gaitan, 2014). This is because since borrowing is common throughout social life, the prevalence of borrowed elements in law is hardly explicable. The need to base law on the authority of distant, if not local exemplars is an instance of borrowing that is particular to law (Monateri, 2001). This paper examines the legal transplantation theories with specific reference to the Bangladesh experience. The article begins with examining the colonial experiences and later goes on to present practices and how the processes and policies affect the country’s rule of law outcomes.

II. RESEARCH METHODOLOGY

There was no questionnaire in order to collection data for pragmatic or empirical study on it. However, it is a conceptual analysis on doctrine of reception and its significance in Bangladeshi laws. The other sources relied on text books, journals, and comment from legal jurists and authors.

III. LIMITATION OF THE STUDY

This article is not written by the primary evidence and there is no set of questionnaire or a written list of questions to be answered by a large number of people to provide information for a survey or report. It is limited only with the secondary sources and examines the legal transplantation theories with specific concentration of the colonial experiences with Bangladesh.

IV. CONCEPTUAL FRAMEWORK OF THE DOCTRINE OF RECEPTION

Based on the total range of events which are referred to as reception, it can be found that the general characteristic that a certain legal phenomenon developed in a given legal climate is consciously put into effect in another legal climate (Pillai, 1983). The doctrine of reception of law describes the process whereby legal phenomena which were developed in a given environment are consciously exported to another environment (Antoine, 2008). Reception means the transplantation of one type of law onto another. The basic condition of reception is that one law should penetrate another law on a wider legal area. An important feature of reception is the combination of the reception of an existing great code with that of a new method of legal thought. This is brought about by the replacement of one group of legal honoratiorees with another (Cottier & Drolshammer, 1956). A similar effect can be expected to occur in Islamic countries where the adoption of Western codes has occurred as well as the substitution of jurists trained in the scholarly methods of Western legal thought for an older group of theological- legal honoratiorees of the Islamic tradition (ibid).

Elements of the Doctrine of Reception

Reception is not subversive of legitimate authority. Three things are required for a law to exist.

- a) It to be instituted,
- b) It to be promulgated,
- c) It to be approved by the practices of its users; and if one of these missing, then the law is not established (Coriden, 1990).

Reasons for the Reception of Law

Since the doctrine of imposition is closely related to the historical background of the region, it is important to make a distinction between those territories which were conquered or ceded and those which were settled (Antoine, 2008). The following are the main reasons for the reception of law:

- ✓ A colony procured by means of settlement is one of the reasons for reception of law. The settlers who had with them English law became the first law of a colony.

- ✓ A colony that was procured by means of conquest is the second reason for reception of law. The law of the conquered people was allowed to continue only up to a certain degree in order to set up the institutions of British colonial rule.
- ✓ It is probable to adopt certain laws of England for colonial legislature as of a specific date.
- ✓ The English laws that were imposed by an imperial power as of a certain date is the reception of law that took place in Quebec through the Royal Proclamation of 1763, the pre-conquest French civil law was put back by the Quebec Act which is an imperial statute in 1774.

Another reason for doing reception could be that the adaption energies of an existing law have been fully exhausted. To illustrate this, the law needs to be changed by either putting it back to its original form like what happened after the French Revolution or by means of reception as what took place in the Roman law in Europe, in some areas of Islam specifically in Turkey and in some countries in Africa after their independence. English law reception has been done in many parts of the world. The jurist sometimes influences the reception given the recipient country and its training methods. An example of this is the Lausanne Groups of the Turkish and how they were connected to the Romanian Jurists with the French at the time of the codification in 1864. Technical factors also play a role to a certain extent. An example of this is the failure of the United States to receive French law due to difficulties in translation (Kocourek, 1935).

Aspects of Reception of Law

The four aspects of legal transplants and legal autonomy that are discussed here are already familiar elements; however, they are not often given emphasis whenever discussions of legal change arise. First, the aspects give emphasis on the influence of legal education on legal attitudes. South African students get education in law at Edinburgh then get carried to Botswana, Lesotho, Swaziland, and some Scots Law. Second, the aspects that even if the patterns of development can be seen, developments in the future are hard to predict because chance plays a big role. Third, Huber's comity serves an example showcasing the difficulty in formulating theories and ideas that show comprehensive understanding. For example, when high priority is given to foreign law, new situations happen. The jurists may find difficulty in having to develop a new law based on irrelevant and even sources that are non-existent. Lastly, subordinate lawmakers affirm the central role of authority in law-making. Judges quote and take on authorities, which they deem appropriate but are actually insignificant and trivial. However, judges seem to take their lead when making their own path (Watson, 1996).

Types of Reception of Law

Non-Organic and Organic Reception:

Imposed or voluntary are forms of reception. It is important to note that the decision from the aspect of legal development distinguishes between non-organic and organic reception (Faiz, 2007).

Non-Organic:

This form of reception cannot be spontaneous and judicial as it needs a par of excellence legislative act. It has been imposed in the past, but not in each and every case (Petersen, 2009). For example, the Belgian reception of the French Code Civil was imposed and is still organic while the David's civil code accepted by imperial Ethiopia was voluntary and is still non-organic (Faiz, 2007).

Organic:

This form of reception, for present use, is an adaption reception whereby society responds to requirements raised by changed circumstances with reception in a voluntary or imposed way. Therefore, the received law becomes a law of its own by transforming what existed and thus getting itself modified (Beal, Coriden & Green, 2000). For example, the formations of the German and French bourgeois laws were greatly influenced by the Roman laws.

The difference between non-organic and organic reception is with the relationship of the receiving society and the received law rather than the relationship of other parts of the legal system and the received law, though it is not an entirely indifferent matter (Faiz, 2007).

Selective Reception:

An imposed law will not in all aspects be in accordance with the will of the ruling class of the colonizer. This fact often involves a so-called selectivity of reception. For example, selectivity in particular was realized in Indonesia where only valid Dutch laws were enacted by private companies. After reception, the received law will begin to take a life of its own. In the course of this process, the received law will either modify or fall to assert itself depending on: a) The legal area; b) Its adaptability; c) The size of the gap between the social, economic, cultural, and institutional development of the law of the 'donor' country and that of the recipient country in the case of organic reception; and d) The policy that is pursued by the recipient country (Faiz, 2007).

Rationale for Imposition

We should recognize the development of law and the citizenry imposition of law in the colonial territories where law was commonly imposed not as a result of imperialism or war, but from the rational desire of the citizen for justice and equity. The imposition of law was primarily done to either maintain an unjust social order or maintain proficiency for the benefit of the metropolitan parent country in our societies. It is then not surprising that the imposition law theory embodies the basic notion that only so much law was necessary and therefore transplanted into the colony, as discussed below. Unsurprisingly, the needs of such limited societies were few in comparison to those of egalitarian societies which were on a true development path. Laws imposed were based on convenience, but it was also an essential instrument for creating dominance and oppression and forcing a fit, regardless of the contrasting circumstances and without regard to the consequences. This imposition of law was not a participatory process as it strived to enslave the governed with no genuine attempt by the law to reflect political will, social need, or values. It was a process born out of a narrow and mean-spirited economic and political necessity. The jurisprudential debates that should inform law in every society were largely absent at the time of imposition. It is no wonder that the Commonwealth Caribbean societies appear reluctant to enter into such debates today, having grown accustomed to laws devoid of any real meaning and centered values to their own societies. Any meaningful law that existed, such as those of the indigenous people, was displaced contemptuously and with violence (Petersen, 2009).

V. RECEPTION OF ENGLISH LAW

The Westminster Parliament systems are followed by both British Parliament and the Imperial Parliament. When laws were made for the territories of the British Empire followed by the Westminster Parliament system, it was called the Imperial Parliament and its enactments were known as imperial statutes. The imperial statute's own force exhibited expressions of colonial power (doctrine of repugnancy) but not by virtue of reception of English laws nor by the adoption of the colonial legislature: this was only binding on colonies and un-amendable by their colonial governments (Cote, 1977). Instead, imposition of English law was achieved via the incorporation clause and by proclamation (Antoine, 2008). In theory there are three classes of statutes in force in any colony: a) Domestic statutes of the United Kingdom in force in England at the colony's reception date subject to amendment by colonial legislature; b) Imperial statutes in force on the date enacted, independent of reception date not subject to amendment by colonial legislature; and c) Statutes passed by the colony's own legislative assembly.

VI. THE RECEPTION AND STATUS OF ENGLISH LAW IN INDIAN SUB- CONTINENT

The present legal system of India is badly affected by the legal transplants that originated from Great Britain during the period of the Raj. India can be considered as a cornucopia for studying legal transplants. Included in this are the presence of the Portuguese and French legal transplants in corresponding constituencies, the development of the Anglo-Hindu Law and Anglo-Mohammedan Law, the techniques that were taken from the civil law tradition by the writers of the Indian Penal Code and the Indian Contract Law, the maintenance of the given laws including those from the colonial and contemporary Indian legal order (Pratap, 2015). India was considered as the most significant territory of the British Empire whereby the colonizers had the experience of the principle of personal laws, which is actually a principle that pretends to be giving respect to the legal traditions of the indigenous population (Srikantan, 2012). As we know, this principle was beforehand applied by Islamic rulers, in all the oriental areas where Muslim law was only imposed for the purposes of public order (especially in penal matters) and where special laws of the religious communities (for example, Christian and Jewish communities in the Ottoman Empire) were left in force (often, with specialized courts, composed of members of these communities and called millet courts in the Ottoman Empire) for the resolution of family disputes. In India the idea to keep the customs of Gentoos as binding rules was first implemented by Portuguese colonizers in Goa, who decided to set up a 'foral' of customary law in 1526 (Pratap, 2015). The first step towards massive legal transplants was the foundation of English courts, intended to hear disputes between Englishmen in the Presidencies of Madras (since 1639), Bombay (since 1668) and Calcutta (1690). The first case judged in Madras with grand and petty juries, of Dawes charged of a slave murder and finally acquitted in 1665, can be considered as an extraordinary extra-territorial justice (without any participation of lawyers), rather than an attempt to introduce an English system of administration of justice (Pratap, 2015). However, the first feature of English law, whose introduction has been stipulated in principle in the 1661 Charter of Madras, was the association consecrated by the Magna Carta between peers judgment and application of the *lex patriae* that meant English law for English subjects (Halperin, 2010). Then, the creation of a Court of Admiralty in Bombay (1684, but with a brutal end in 1690) and in Madras (1686-1704, with the first English professional lawyer arriving in 1687) of a Mayor's Court always in Madras (1688) were attempts to establish regularity in the administration of justice (ibid). Finally the 1935 the Government of India Act was supposed to favour the 'gradual development of self-governing institutions' without making India a real dominion: the Provinces were from then on governed by Indian ministers supported by provincial councils and a 'Federation of India' was

planned with a federal government and a federal court. The State Legislatures, which functioned between 1937 and 1939, could have reserved seats for Muslims, Sikhs, Christians, Anglo-Indians, Europeans, scheduled castes, backward areas and tribes (ibid). A list of scheduled tribes was established for all provinces, except Punjab and Bengal, and colonial authorities began to identify much depressed communities in the census operations (it is an important reason of the 1931 census until today). There is no doubt that these Acts draw up the political scheme of the Indian Federation and implemented the idea of reserved seats for minority electorates. Although there is no British precedent to this institutions with the exception of a remote analogy with the members of Parliament elected by universities constituencies with a separate electorate until 1950 a practise imitated in India by the 1935 Act, it cannot be denied that colonial constitutionalism was the origin of this kind of affirmative action in favour of political minorities (ibid). The 1935 Act has even created reserved seats for women and for representatives of labour, which were not kept in independent India. This British legislation cannot be separated from the movement, begun in princely states, to create reserved seats in the administration for lower castes. The first quoted decision in this direction was one of Kohlapur State in 1902. Then the 1918-1921 Mysore State decisions to appoint a committee and to reserve posts in state service to backward classes is well known (Halperin, 2010). It has been interpreted as a 'response' to popular movements in favour of lower castes. Beyond a bit of suspicion about analysis of law changes as responses to social needs; it is noteworthy that the Mysore King, reinstalled by the British colonizers, had to compromise with the counterweight of a Legislative Assembly and of a High Court (two British institutional transplants). Chief Justice Miller, who presided the Committee and recommended reserved seats, was a Christian and probably British lawyer. There is again a form of 'legal irritant' at the origins of these decisions. Furthermore, the idea was transplanted from Mysore to other parts of the Deccan: the Madras Presidency in 1921, then the Bombay Presidency in 1931 reserved jobs for Depressed Classes (ibid). In that case, the decisions were directly taken by colonial authorities and must be analyzed in connection with the British census, the policy towards tribes and the question of separate electorates. All the debates about affirmative action have their origins in colonial period and in the British legal irritants. Last, but not least, this British policy, multiplying the legal communities, was concomitant with the application of more and more laws to all Indians. To the above mentioned texts of the Indian Penal Code and other uniform Acts about contract, property and labour, we must add the exceptional case of the 1929 Child Marriage Restraint Act. It was the only law on family and personal status applicable to all Indians during the Raj (Pratap, 2015).

VII. BANGLADESH EXPERIENCE IN THE CASE OF DOCTRINE OF RECEPTION

The legal system of Bangladesh has not grown overnight or in any particular period of history (Panday & Hossain 2011). The present legal system of Bangladesh owes its origin mainly to 200 years of British rule in the Indian subcontinent. Some of its elements are remnants of the pre-British period tracing back to Hindu and Muslim administration (ibid). It passed through various stages and has been gradually developing as a continuous historical process. The process of evolution has been partly indigenous and partly foreign and the present-day legal system emanates from a mixed system of structural and legal principles and concepts modeled on both the Indo-Mughal and English law. The Indian sub-continent has a history of over 500 years under Hindu and Muslim rule which was succeeded by the British rule. Each of these early periods had a distinctive legal system of its own (Pratap, 2015). Bangladesh is a twice-born nation. It achieved independence in 1947 from British domination as a part of Pakistan named and called East Pakistan. Over the next two decades, it suffered from what has been described as internal colonialism. It finally emerged as a sovereign nation called Bangladesh in 1971 through protracted mass agitation and a war of liberation, which claimed millions of lives.

The territorial area of Bangladesh was originally a part of the Indian sub-continent. The history of its legal system may be traced back to 1726, when King George-I issued a Charter that changed the judicial administration of the presidency towns of Calcutta, Bombay, and Madras, after which the established Civil and criminal courts started deriving their authority from the King (History of the Supreme court, n.d). During the Mughal Empire, the East India Company took settlement from the Emperor, created the three presidency towns and introduced the English legal system for administration. This was when the English legal system first entered the sub-continent (Report on judicial-service cadre and judicial system in Bangladesh, 2012). In this respect, after examining the overall legal system of Bangladesh; it is evident that Bangladesh has successfully adopted two modes of reception, the vertical reception and horizontal reception.

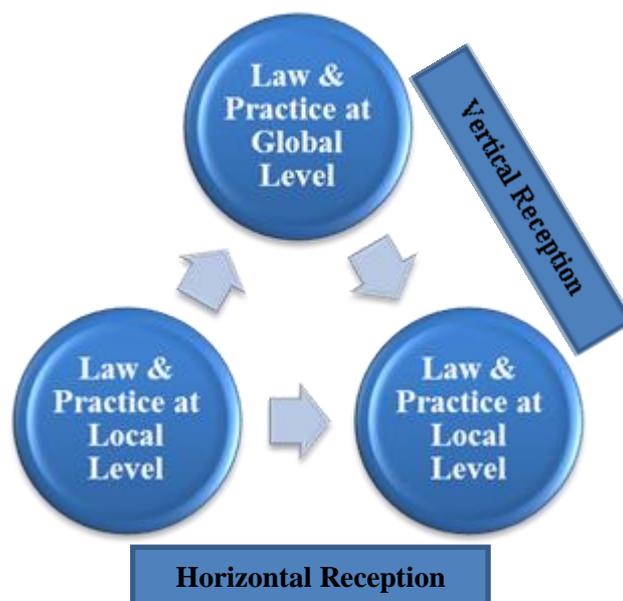


Figure 1: Vertical and Horizontal source of reception of law

An example of vertical reception in Bangladesh is when in 1996, the United Nations Commission on International Trade Law (UNCITRAL) adopted a Model Law on Electronic Commerce. This is known as the UNCITRAL Model Law of E-commerce. In conformity with UNCITRAL Model Law, Bangladesh has drafted an ICT Law, which was approved by the highest authority in February 2005 to facilitate electronic commerce and to encourage growth and development in ICT. The ICT Law provides the acceptability of electronic signatures for legal and commercial purposes and supports the admission of digital evidence in courts and arbitration proceedings. In the early days after Bangladesh's independence, arbitrations were governed by the Arbitration Act 1940. In order to rectify its shortcomings, Bangladesh enacted the Arbitration Act 2001. The Act is based on the UNCITRAL Model law; Bangladesh has drafted an ICT Law, which has been approved by the highest authority in February 2005 to facilitate electronic commerce and to encourage growth and development of information technology. The ICT Law provides the acceptability of electronic signatures for legal and commercial purposes and supports the admission of computer evidence in courts and arbitration proceedings (Rashid, 2016). Furthermore, in the early days after independence, arbitrations in Bangladesh were governed by Arbitration Act 1940. In order to rectify its shortcomings, Bangladesh enacted the Arbitration Act 2001. The Act is based on the UNCITRAL Model Law. Those are the examples of vertical reception of laws in Bangladesh (Sattar Sameer, 2016). On the other hand, Bangladesh also has an age-old history of Alternative Dispute Resolution (ADR). It is applied in different situations in different ways both formally and informally. Rural residents usually preferred settling disputes amongst themselves and did not appreciate any intervention from other villages. With the gradual breakdown of the more traditional values of the social fabric, the traditional system of resolving disputes now stands virtually extinct and has been replaced with police cases, legal procedures, and other methods. The Bangladeshi community sometimes takes a leading role in resolving local disputes which is locally known as *Shalish* and *Mimangsha*. These processes are usually done through mediation, negotiation, and reconciliation. The Code of Civil Procedure (CPC) envisages for the mandatory use of ADR in Section 89 in the amended section for courts to refer to after such incidents result in settlement of disputes outside the court (Clause 7 of the CPC Amendment, Bill, 1999).

In Bangladesh, dispute resolution outside of courts is not new. Instead, what is new is the extensive promotion and proliferation of ADR models and its increased uses. During the British period, in 1870, the *Panchayat* system was introduced to manage and rule the area for its collection of revenue. It was used to resolve minor disputes within an area while major disputes were forwarded for legal procedures. In 1919, the Bengal Village Self Government Act was introduced and Union Courts were set up to resolve disputes locally (Halim, 2010). Later, the government established the Rin Shalishi Board to keep peasants free from the Mahazons and the money lenders and to avoid clashes. Later, the Family Court Ordinance of 1961 and the Village Court Act of 1976 were introduced and authority was vested on the Chairman of Union Parishad to try petty local cases and small crimes committed in their area and take consensual decisions. These were later strengthened in 1985 with additional power to cove (Akhteruzsanian, 2011). The above mentioned laws are examples of horizontal reception of laws.

VIII. CONCLUSION

Successful reception is common in creating new laws. It is usually the major factor in legal change. Legal borrowing is also of importance in legal development. The borrowed rule does not operate exactly the way it does in its country of origin. Local institutions and historical factors play an enormous role in how law is developed and in the degree to which the evolving law will be effective in meeting social needs. The issue of reception of foreign law has considerable history and remarkable topicality. As nations around the globe implement dramatic political and economic changes in response to external and internal developments, their legal systems must be radically altered. In making these changes, legislators determine whether the borrowing of foreign law is feasible and if the international harmonization of a particular set of laws is viable.

REFERENCES

- [1] E. Örtücü. Law as transposition. *International and Comparative Law Quarterly*, 51(02), 2002. 205-223.
- [2] S Bartie. Towards a history of law as an academic discipline. *Melb. UL Rev.*, 38, 2014. 444.
- [3] M Van Hoecke. Legal Culture and Legal Transplants. Law, society and community: socio-legal essays in honour of Roger Cotterrell, 2014. 273-291.
- [4] L.Nouel.(2007).Key Features of Common Law or Civil Law Systems. [Online] Available at: <https://ppp.worldbank.org/public-private-partnership/legislation-regulation/framework-assessment/legal-systems/common-vs-civil-law> [Accessed 21 July, 2016].
- [5] HE Yntema. Roman law and its influence on Western civilization. *Cornell LQ*, 35, 77. 1949.
- [6] M Abdo. (2007). Legal History: Part II a Teaching Material for the Undergraduate Course in Legal History in Ethiopian Law Schools. Available at SSRN 1864537.
- [7] A Castles. The Reception and Status of English Law in Australia', *Adelaide Law Review*, 1963. 2.1.
- [8] RMB Antoine. *Commonwealth Caribbean law and legal systems*. (Routledge, 2008).
- [9] V Perju. *Constitutional Transplants, Borrowing, and Migrations*. 2012.
- [10] R Sacco. Legal formants: a dynamic approach to comparative law (Installment I or II). *The American Journal of Comparative Law*, 39(1), 1991. 1-34.
- [11] E. Örtücü. The enigma of comparative law: variations on a theme for the twenty-first century. (Springer, 2013).
- [12] F Wieacker. Importance of Roman Law for Western Civilization and Western Legal Thought, *The. BC Int'l & Comp. L. Rev.*, 4, 1981.257.
- [13] SFC Milsom. *Historical foundations of the common law*. (Butterworth-Heinemann. 2014).
- [14] MPR Gaitán. *The challenges of legal transplants in a globalized context* Doctoral dissertation, University of Warwick, 2014.
- [15] PG Monateri. The 'weak law': Contaminations and legal cultures. *Global Jurist Advances*, 1(3). 2001.
- [16] PN Pillai. *State enterprise in Singapore: legal importation and development*. (NUS Press, 1983).
- [17] T Cottier and J Drolshammer, (1956).The Anthology of Swiss Legal Culture. [Online] Available at:<http://www.legalanthology.ch/globalization/3-contributions/types-of-reception/> [Accessed 2 June, 2016].
- [18] JA Coriden. Canonical Doctrine of Reception, *The. Jurist*, 50, 1990.58.
- [19] A Kocourek. *Factors in the Reception of Law*. (Tul. L. Rev., 10, 209, 1935).
- [20] A Watson. *Aspects of reception of law*. (Am. J. comp. l., 44, 335, 1996).
- [21] Pan Mohamad Faiz. (2007). Reception of Law. [Online] Available at: <https://panmohamadfaiz.com/page/37/> [Accessed 12 April, 2016].
- [22] N Petersen. The Reception of International Law by Constitutional Courts through the Prism of Legitimacy. *Max Planck Inst. for Research on Collective Goods*. 2009.
- [23] JE Cote. Reception of English Law, *The. Alta. L. Rev.*, 15, 197729.
- [24] Pratap Sing, (2015). Influence of English law in Indian legal system[Online] Available at: <http://lex-warrier.in/2015/06/influence-of-english-law-in-india/> [Accessed 29 April, 2016].
- [25] Srikantan Geetanjal, (2012). Law, Colonialism and the Religious Place in India. [Online] Available at: <http://cscs.res.in/dataarchive/textfiles/law-colonialism-and-the-religious-place-in-india>. [Accessed 2 June, 2016].
- [26] JL Halpérin.Part I Legal Transplants: Western Legal Transplants and India. *Jindal Global L. Rev.*, 2, 2010.12-232.
- [27] PK Panday, A Hossain Mollah. The judicial system of Bangladesh: an overview from historical viewpoint. *International Journal of Law and Management*, 53(1), 2011, 6-31
- [28] History of the Supreme Court, (n.d). [Online] Available at: <http://www.supremecourt.gov.bd/nweb/>[Accessed 12 June, 2016].
- [29] Report on judicial-service cadre and judicial system in Bangladesh (2012) [Online] Available at: <https://othesis4u.wordpress.com/2012/04/27/report-on-judicial-service-cadre-and-judicial-system-in-Bangladesh/> [Accessed 5 June, 2016].
- [30] Rashid Mamun. (2016).Cyber Security [Online] Available at: <http://www.daily-sun.com/home/print-news/114248> [Accessed 2 June, 2016].
- [31] Sattar Sameer. (2016). Arbitration in Bangladesh: Looking ahead. [Online] Available at: <http://www.thedailystar.net/law-our-rights/arbitration-bangladesh-looking-ahead-1246573> [Accessed, 5 August 2016].
- [32] A Halim. *ADR in Bangladesh: Issue and Challenges*, (CCB Foundation, Dhaka, Bangladesh, 2010).
- [33] M Akhtaruzzaman. Concept and Laws on Alternative Dispute Resolution and Legal Aid, 2011.