VISUAL: **ALIZA RAHMAN**

Judicial independence and the struggle for justice

Snehadri Chakravarty
is advocate at the Supreme Court of Bangladesh. He can be reached at snehadrissf@gmail.com.

SNEHADRI CHAKRAVARTY

The upheaval of July remains etched in our national memory. Though months have passed, the struggle continues to resonate, demanding that we hold ourselves accountable to those who gave their lives for justice. What began as a student-led movement calling for the abolition of the quota system in government jobs quickly transformed into a broader demand for fairness across all sectors of society, where systemic discrimination persists. The core demand was simple yet profound: justice for all, regardless of background or affiliation.

At the heart of this struggle lies the question of justice, and no institution bears greater responsibility in delivering it than the judiciary. However, over the past decade and a half, we have witnessed a gradual erosion of the judiciary's independence. From endorsing the abrogation of the caretaker government to approving laws like the Digital Security Act, or turning a blind eye to financial crimes, the judiciary has often deferred to the executive rather than acting as an independent arbiter of justice. To restore faith in this institution, it is essential to address both judicial reform and the reestablishment of its independence, guided by constitutional provisions.

The independence of the judiciary cannot be viewed in isolation; it is fundamentally tied to the health of democracy. True democracy, after all, is not just majority rule but a system that protects the rights of all, including minorities. In this sense, the judiciary must serve as a counter-majoritarian institution, ensuring that the voices of the few, who may hold the truth, are not drowned out by the clamor of the majority. Without democracy, judicial independence becomes a façade—there can be no independent judiciary in a nation where democratic principles are systematically eroded.

Governments will always attempt to manipulate the system in their favour, often at the expense of democratic principles. But concentrating power in a single institution, whether the executive, legislature, or judiciary, is detrimental to democracy. A balanced distribution of power is essential for a healthy democratic framework.

This idea finds its roots in our constitution. Article 7 emphasises the supremacy of the constitution and Article 7(A) makes any attempt to subvert or repeal its provisions, especially through extra-constitutional means, an act of sedition. This provision, in its essence, safeguards the judiciary's role as the ultimate protector of constitutional rights, standing firm against government overreach.

The path to judicial reform is challenging, but not without guidance. The landmark 1999 Masdar Hossain case (Secretary, Ministry of Finance vs. Masdar Hossain) laid out a 12-point directive aimed at ensuring judicial independence. These directives called for the separation of the judiciary from the executive, administrative control of subordinate courts by the Supreme Court, the creation of a separate judicial pay scale, and the establishment of a Judicial Service Commission. Yet, more than two decades later, many of these directives remain unimplemented, a testament to the executive's reluctance to relinquish control.

Articles 115 and 116 of the constitution pertain to the appointment, control, and discipline of subordinate courts, a long-standing issue. Although the 1972 constitution vested control of the judicial service in the Supreme Court, Article 116 currently grants the president—effectively the executive—control over the appointments, promotions, and postings of judges. Similarly, Article 95(1), which governs the appointment of judges of the Supreme Court, places undue power in the hands of the president, and ultimately, in the hands of the prime minister as per Article 48(3), despite the requirement for consultation with the chief justice. This is a blatant violation of the judiciary's independence. These imbalances are further compounded by Article 49, which grants the president the prerogative to grant mercy, even after a final conviction by the Supreme Court.

To truly achieve judicial independence, it is imperative to restore the original intent of the 1972 constitution. Article 116 should be implemented in its entirety, vesting the power of judicial appointments, promotions, and disciplinary measures in the Supreme Court, free from executive interference. A separate secretariat under the guidance of the Supreme Court should be established to handle administrative matters, further ensuring the judiciary's independence.

But, empowering the judiciary alone is not enough. Safeguards must be in place to prevent the Supreme Court itself from becoming a fascistic institution. Transparent mechanisms for the appointment and removal of judges, both in the High Court and Appellate Divisions, are crucial. The introduction of a Collegium system—where a panel of senior judges oversees appointments, removals, and all other judicial affairs—can serve as a safeguard against undue influence from the executive or legislature. Additionally, factors such as ethical conduct, educational background, and diversity should be prioritised in judicial recruitment.

The Fifth Amendment, despite being largely abolished, has left lingering provisions that must be re-evaluated to safeguard judicial impartiality. Article 99(1), which allows retired judges to hold other offices of profit in the Republic, and Article 99(2), which permits retired High Court judges to practice before the Appellate Division, could compromise the integrity of the judiciary.

Governments will always attempt to manipulate the system in their favour, often at the expense of democratic principles. But concentrating power in a single institution, whether the executive, legislature, or judiciary, is detrimental to democracy. A balanced distribution of power is essential for a healthy democratic framework. Article 70, which restricts MPs from voting against their party, must either be repealed or reformed to allow for more accountability within the legislature.

The judiciary must be able to act as a counter-majoritarian institution, standing firm even when its decisions go against popular opinion. While democracy inherently seeks to represent the majority, it is the judiciary's duty to uphold the truth and protect minority rights. The court must have the courage to resist mobocracy and uphold justice, even when it contradicts the majority's will.

The judiciary must be able to act as a counter-majoritarian institution, standing firm even when its decisions go against popular opinion. While democracy inherently seeks to represent the majority, it is the judiciary's duty to uphold the truth and protect minority rights. The court must have the courage to resist mobocracy and uphold justice, even when it contradicts the majority's will. Furthermore, the exclusion of the judiciary from the definition of the "State" in Article 152 should be addressed to reinforce the judiciary's independent role. While the legislative and executive branches represent the majority, the judiciary must remain distinct, impartial, and immune to political influence.

The independence of the judiciary is not merely a constitutional issue—it is essential to the preservation of democracy in Bangladesh. Without it, justice remains elusive, and the rights of the people remain vulnerable to executive overreach. To reform the judiciary is to take a step towards realising the full promise of our constitution—a promise of equality, justice, and fairness for all.

As we contemplate these reforms, we must remember that challenging the status quo may invite accusations of sedition as per Article 7(A). But if we are to build a more just and democratic future for Bangladesh, we must critically reassess our constitutional framework and strive for a judiciary that is not only independent but also a true defender of the people's rights.

In search of a new political language

Dr Kazi ASM Nurul Huda
is an associate professor of philosophy at the University of Dhaka.

KAZI ASM NURUL HUDA

The student-public uprising of July-August 2024 in Bangladesh, which culminated in the ousting of Sheikh Hasina's authoritarian government, defies the conventional narratives surrounding democratic movements. Unlike classic political revolutions, this uprising did not forge a new collective language centered on ideals like democracy or pluralism. Instead, it was driven by a singular, organically emerging objective: to remove an increasingly authoritarian regime. The movement's success hinged not on a visionary articulation of a shared future but on a pragmatic alignment of political, social, and civic forces around a common goal.

For years, Bangladesh's political landscape had been dominated by the toxic binaries of "pro-Liberation" versus "anti-Liberation" forces, a narrative deftly deployed by the ruling Awami League to marginalise opposition parties. The anti-discrimination student movement that spearheaded the protests managed to challenge and neutralise this binary opposition. Their slogan, "Who are you? Who am I? Razakar! Razakar! Who said so? Who said so? Dictator! Dictator!"—with "razakars" referring to collaborators with the Pakistani army during the 1971 Liberation War—served as a powerful tool to dismantle the Awami League's divisive rhetoric. This seemingly simple yet powerful slogan created a rare public space where individuals from various political backgrounds, including those previously silenced or stigmatised, could voice their grievances.

Yet, despite this, it would be a mistake to overemphasise the role of language or slogans in the success of the uprising. The real driver of the movement was bound by the urgent, shared goal of toppling an oppressive regime that had, for over a decade and a half, used state power to repress political dissent, co-opt civil society, and silence opposition. The deaths of more than 400 Bangladesh Nationalist Party (BNP) activists during the protests signalled the high stakes of the movement, but their involvement was notably subdued. Their participation was largely concealed under the broader banner of student-led protests.

This raises a critical question: why did the student-public uprising succeed where established political parties like the BNP failed, despite their shared goal of regime change? The answer lies in a deep-seated political distrust that had taken root among the Bangladeshi public. For years, parties like the BNP had struggled to build movements capable of galvanising widespread support. Their language of democracy and pluralism rang hollow in a society that had become disillusioned with the very notion of political integrity. The public's willingness to engage with traditional parties had been eroded by decades of political corruption, entrenched narratives of division, and the government's effective use of the "development" discourse to mask civic disenfranchisement.

The student movement, in contrast, benefited from its lack of established political identity. It was not weighed down by a history of electoral losses, internal corruption, or failed attempts at coalition-building. By leading a protest against discrimination in government recruitment—an issue that resonated deeply with young people frustrated by the lack of opportunities—the students managed to unify disparate groups. The movement's strength was its ability to articulate the public's growing discontent with an authoritarian regime that had long disrespected its citizens, masked by claims of national development.

The post-uprising disunity highlights an essential truth about political revolutions: the language that unites a movement in opposition is often insufficient to sustain it in power.

The fall of Sheikh Hasina's government was the ultimate, if unspoken, objective that united both political actors and non-political participants in the movement. While the initial demands focused on reforming the civil service quota system, the government's brutal response to peaceful protests quickly expanded the movement's scope to shift focus from social reform to outright regime change. By early August, the call for Sheikh Hasina's resignation had become the movement's de facto singular objective, even though this demand was formally declared only weeks after the protests began.

Rather than a shared aspiration for democracy or pluralism, the movement's true collective language was the common desire to end authoritarian rule. It was not a vision of a future democratic state that unified protesters; it was a rejection of the present authoritarian regime and the repressive tactics it employed.

Ironically, the student movement's success in crafting a public space where diverse political actors could rally under a common banner also sowed the seeds of future divisions. Without a shared understanding of what should follow Sheikh Hasina's removal, ideological divisions re-emerged and triggered internal conflicts within the movement. This is not unusual in movements focused primarily on opposition to a common enemy rather than a shared vision of governance.

The post-uprising disunity highlights an essential truth about political revolutions: the language that unites a movement in opposition is often insufficient to sustain it in power. The lack of a deeper, collective vision for Bangladesh's future beyond the remarkable fall of Hasina reflects the fact that the student movement, despite its success, did not generate a new political language for the country.

After Sheikh Hasina's ouster, Bangladesh faces a critical juncture: developing an inclusive political language to tackle corruption, civic disenfranchisement, and social inequality. While the student movement toppled the regime, it did not—and perhaps could not—lay the foundation for a democratic future, which requires a broader reimagining of the political landscape.

The July-August 2024 uprising in Bangladesh shows that a clear and simple goal can unite diverse actors, but the real challenge ahead is building a sustainable and inclusive political future, for which the country still seeks its collective language.

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
বাংলাদেশ পুলিশ
পুলিশ সুপারের কার্যালয়
নারায়ণগঞ্জ

"উন্মুক্ত দরপত্র বিজ্ঞপ্তি"

দরপত্র বিজ্ঞপ্তি নং- ০৪/২০২৪-২০২৫

স্মারক নং- ২৯৯২/ ই তারিখঃ- ১৫/১০/২০২৪খ্রিঃ

পুলিশ হেডকোয়ার্টার্স, ঢাকা হতে ২০২৪-২০২৫ অর্থ সালে প্রশাসনিক অনুমোদন প্রাপ্ত নারায়ণগঞ্জ জেলা পুলিশের সংশ্লিষ্ট ইউনিটের নিম্নবর্ণিত বিভিন্ন ভবন/ ছাপনার মেরামত সংস্কার কাজ বাস্তবায়ন লক্ষ্যে দি পাবলিক প্রকিউরমেন্ট আইন-২০০৬ ও পাবলিক প্রকিউরমেন্ট বিধিমালা- ২০০৮ এবং সংশ্লিষ্ট সকল আইন ও বিধি মোতাবেক উপযুক্ত/ যোগ্যতা সম্পন্ন ঠিকাদার নিয়োগের নিমিত্তে বাংলাদেশের স্থায়ী/প্রকৃত নাগরিক এবং সংশ্লিষ্ট কাজে বাস্তব অভিজ্ঞতা সম্পন্ন আগ্রহী প্রকৃত ঠিকাদার/ ব্যবসায়ী/ নির্মাণ/ প্রস্তুতকারী প্রতিষ্ঠানের নিকট হতে নিজস্ব প্রতিষ্ঠানের প্যাডে সীলমোহরযুক্ত মুখবন্ধ খামে প্রতিযোগিতামূলক দরপত্র আহবান করা হচ্ছে।

০১	মন্ত্রনায়ল/বিভাগ	স্বরাষ্ট্র মন্ত্রণালয়, বাংলাদেশ পুলিশ বিভাগ
০২	সংস্থা/বিভাগ	বাংলাদেশ পুলিশ
০৩	ক্রয়/সংগ্রহের স্বত্ত্বাধিকারীর নাম ও জেলা	পুলিশ সুপার, নারায়ণগঞ্জ।
০৪	দরপত্রের স্মারক নং ও তারিখ	স্মারক নং- ২৯৯২/ ই, তারিখ-১৫/১০/২০২৪খ্রিঃ।
০৫	দরপত্রের বিষয়	২০২৪-২০২৫ অর্থ বছরে নারায়ণগঞ্জ জেলা পুলিশের জন্য ক্রমিক নং-১৬ এর গ্রুপ অনুযায়ী
০৬	ক্রয় পদ্ধতি	উন্মুক্ত দরপত্র পদ্ধতি (OTM)
০৭	বাজেট ও তহবিলের উৎস	পুলিশ হেডকোয়ার্টার্স কর্তৃক প্রাপ্ত বাজেট বরাদ্দ হতে।
০৮	দরপত্র দলিল বিক্রয়ের শেষ তারিখ ও সময়	০৭/১১/২০২৪খ্রিঃ ০৫:০০ঘটিকায় অফিস চলাকালীন সময় (ছুটিরদিন ব্যতিত)
০৯	দরপত্র দলিল গ্রহনের শেষ তারিখ ও সময়	১০/১১/২০২৪খ্রিঃ ১০:০০ঘটিকা হতে ১২:০০ঘটিকা পর্যন্ত
১০	দরপত্র খোলার তারিখ ও সময়	১০/১১/২০২৪খ্রিঃ ১৫:০০ ঘটিকা
১১	দরপত্র দলিল প্রাপ্তির স্থান	১। ডিআইজি ঢাকা রেঞ্জ, ঢাকা, ২। পুলিশ সুপারের কার্যালয়, নারায়ণগঞ্জ ৩। পুলিশ সুপারের কার্যালয়, মুন্সিগঞ্জ জেলায় পাওয়া যাবে।
১২	দরপত্র দলিল গ্রহনকারীর নাম ও ঠিকানা	পুলিশ সুপারের কার্যালয়, নারায়ণগঞ্জ
১৩	দরপত্র দলিল খোলার অফিসের নাম ও ঠিকানা	পুলিশ সুপারের কার্যালয়, নারায়ণগঞ্জ
১৪	দরপত্র দলিল খোলার সময় উপস্থিত	দরপত্রদাতা/ যোগানদার/ সরবরাহকারী ও প্রতিনিধিদের সম্মুখে (যদি কেহ উপস্থিত থাকেন) দরপত্র বাক্স খোলা হবে।
১৫	দরপত্রদাতা/ যোগানদার/ সরবরাহকারী যোগ্যতা	দরপত্রদাতা কর্তৃক হালনাগাদ নবায়নকৃত ট্রেড লাইসেন্স, ব্যাংক এষ্টেটমেন্ট, আয়কর, ভ্যাট নিবন্ধন সার্টিফিকেট, নাগরিককত্বের সনদ থাকতে হবে ও অন্যান্য শর্তসমূহ দরপত্র সিডিউলে উল্লেখ রয়েছে।

১৬) কাজের বিবরণ

গ্রুপ	কাজের বিবরণ	সিডিউলের মূল্য	দরপত্র জামানত	মেয়াদকাল
ক	নারায়ণগঞ্জ জেলার ক্ষতিগ্রস্ত সদর মডেল থানার সার্বিক মেরামত ও সংস্কার কাজ।	৫০০/-	১৪,০০০/-	৩০ (ত্রিশ) দিন
খ	নারায়ণগঞ্জ জেলার বন্দর থানাধীন বন্দর পুলিশ ফাঁড়ির সার্বিক মেরামত ও সংস্কার কাজ।	৫০০/-	২১,০০০/-	

১৭	দরপত্র তথ্যাদি প্রসঙ্গে	দরপত্রের বিস্তারিত তথ্যাদি পুলিশ সুপারের কার্যালয়, নারায়ণগঞ্জের নিকট হতে অফিস চলাকালীন সময়ে জানা যাবে।
১৮	দরপত্র আহবানকারী কর্মকর্তা নাম, পদবী ও ঠিকানা	প্রত্যুষ কুমার মজুমদার, পুলিশ সুপার, নারায়ণগঞ্জ।
১৯	বিশেষ নির্দেশাবলী ঃ- ১) উপরে বর্ণিত দরপত্রের জামানতের টাকা, ব্যাংক ড্রাফট/ পে-অর্ডারসহ দরপত্রের সকল শর্তাবলী পুরণ করে নিম্ন স্বাক্ষরকারী অনুকূলে দাখিল করতে হবে। ২) দরপত্রের সহিত সকল কাগজপত্রের ছায়ালিপি ১ম শ্রেনীর গেজেটেড কর্মকর্তা কর্তৃক সত্যায়িত পূর্বক দাখিল করতে হবে। সংশ্লিষ্ট কাগজপত্র ও দরপত্রের নিয়মাবলী পালনে ব্যর্থ হলে কাগজপত্র বাছাইকালে তা বাতিল বলে গণ্য হবে। দরপত্র তফসিল ব্যতিত কোন দরপত্র দাখিল করতে পারবেন না। ৩) দরপত্র বিক্রয় বা দাখিলের শেষ দিন যদি সরকারী ছুটি থাকে সে ক্ষেত্রে উক্ত দিন বলতে পরবর্তী কার্য দিবসকে বুঝাবে।	
২০	কর্তৃপক্ষ সর্বনিম্ন দরপত্র গ্রহণ করতে বাধ্য নহেন। কোন কারণ প্রর্দশন ব্যতিরেকে যে কোন অথবা সকল দরপত্র বাতিল বা গ্রহণ করার ক্ষমতা সংরক্ষন করেন	

(প্রত্যুষ কুমার মজুমদার)
বিপি নং-৭৮০৬১২৮৯৬৫
পুলিশ সুপার, নারায়ণগঞ্জ ।
ফোন-৭৬৪৮৪৪৯,ফ্যাক্স-০২২২৪৪৩৮২৪৮
E-mail: spnarayangonj@police.gov.bd

GD-709