The Daily Star
FOUNDER EDITOR: **LATE S. M. ALI**

Stop excessive force and legal abuse

Citizens' fundamental rights must be protected

Three recent incidents have raised serious questions about the role of law enforcement in maintaining order. The first involved a protest by BUET students, during which police used tear gas, sound grenades, and truncheons, leaving many injured. The second occurred when former MP Latif Siddiqui and Dhaka University professor Hafizur Rahman were detained by police after being harassed during a discussion, and later accused of inciting terrorism. The third was when leaders and activists of the Jatiya Party and Gono Odhikar Parishad clashed in Kakrail, leaving Gono Odhikar President Nurul Haque Nur severely injured.

Each of these situations ostensibly required police intervention—students marching towards the chief adviser's residence, a group verbally and physically attacking participants in a discussion, and rival political leaders and activists clashing. However, in all cases, law enforcement responded with excessive force. Images of a police officer restraining a student's mouth and a bloodied Nurul Haque Nur have gone viral, highlighting this brutality. At one point, police even attempted to pass off the photograph of the officer accosting a student as AI-generated—a claim that was later proven false. In the case of Latif Siddiqui, no action was taken against the harassers, yet those peacefully attending the event were detained and charged with terrorism.

It bears repeating that the primary duty of law enforcers is to protect citizens' rights, but in these incidents, they failed to do so. The use of brute force and arbitrary legal action were recurring features during the rule of the ousted Awami League regime. It is unfortunate that such practices continue despite promises of police and legal reforms. While it must be acknowledged that security forces are often required to manage volatile situations, they must not revert to outdated tactics of excessive force or misuse of the law to suppress civilians. They must act with restraint and effectiveness, ensuring that force is applied only when absolutely necessary. One may reasonably ask: why was Nurul Haque Nur not detained if he was indeed causing unrest, as claimed? The government's inertia in taking proactive measures before situations escalated was evident during the BUET protests as well.

In the coming days, protests, clashes, or attempts at mob justice are likely to continue. The government, therefore, must prioritise the protection of citizens' rights by focusing on preventive measures, rather than reactive ones that often violate basic freedoms. This requires meaningful dialogue with protesting groups. Many of their demands may be unreasonable, but the government must demonstrate sincerity in listening to them and reaching a fair resolution. People must believe that they do not need to block intersections or highways to make the government pay attention. Law enforcement, too, must evolve from using brute force to adopting a more balanced approach that respects fundamental rights. The government must also prevent the exploitation of the legal system through the filing of dubious cases.

Enforcement is key to fixing traffic woes

Don't let another traffic light experiment fail again

Amid reports that Dhaka's streets are getting semi-automatic traffic lights, we are unsure how to react. This is not something we have not tried before—we did, and we failed. The reasons behind this decades-long failure are many, including unsuitable technology, lack of technical expertise among those responsible, poor enforcement and accountability, corruption in procurement, and so on.

Under the new initiative, seven semi-automatic traffic signals have been launched on a pilot basis, covering seven out of 22 intersections between Shikkha Bhaban and the airport, before eventually expanding to all 22 intersections. But it bears repeating that traffic signals alone will not solve congestion unless certain preconditions are met. These include strict control of jaywalking, proper use of zebra crossings and footbridges, closure of unauthorised medians except at designated pedestrian crossings, and removal of unregistered vehicles from the roads.

It is also important to have sufficient CCTV cameras to capture violators and ensure they are penalised. Without genuine efforts to restore road discipline, all such measures will fall short. In fact, a major reason for our past failures with traffic lights lies in this culture of indiscipline: drivers routinely flout traffic rules and rarely face consequences. Every intersection or turning point becomes a source of chaos simply because everyone wants to be the first to cross. We see a constant stream of cars refusing to queue, forcing their way in from the sides and creating severe congestion near the lights, which also blocks vehicles going straight.

A semi-automatic signal system means that traffic police will retain the option of manually regulating vehicular flow. Therefore, a training programme for traffic police is essential so they can effectively operate both manual and automatic systems simultaneously. In addition, there should be a mass awareness campaign for drivers to learn the rules of the road, as many literally have no idea about them. Car owners, too, must recognise the need to respect traffic laws. Too often, those with some social standing consider themselves above the law, as if traffic rules apply only to "ordinary" people.

Finally, we urge the relevant authorities to take this new project seriously. The high death toll from road accidents—though not directly linked to city traffic lights but rather to our overall trend of traffic rule violations—is a constant reminder of systemic indifference that the authorities must address. Given Dhaka's overcrowded streets and neighbourhoods, it has become extremely important that traffic rules, including the use of semi-automatic signals, are properly planned and implemented.

A workable path to enforce the July Charter

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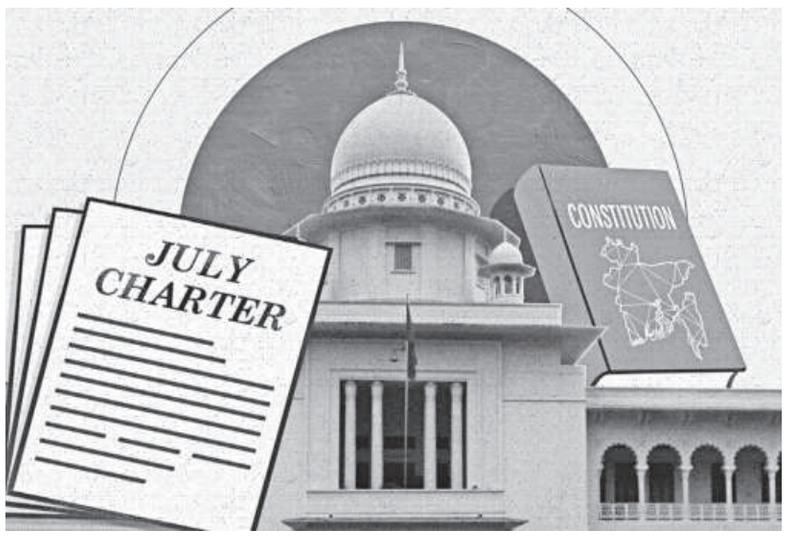
What is the July Charter, constitutionally speaking? It is a political compact—ambitious in purpose, but not yet a law—drafted by the National Consensus Commission following last year's student-people uprising and subsequent dissolution of the parliament. The interim government situates the charter within a roadmap to the next general election, not as a self-executing legal instrument. The commission has finalised a draft after two rounds of discussion with political parties, identifying 84 consensus items with notes of dissent on at least 11 points, while the law ministry maps which recommendations are "immediately implementable."

Yet the final draft claims far more: it says the charter will take precedence over any inconsistent law or even the constitution, that its provisions will be "beyond judicial challenge," and that the Appellate Division alone will interpret it. These are sweeping assertions. They collide with bedrock clauses of the constitution, including Article 7's supremacy and Article 26's rule that laws inconsistent with fundamental rights are void. A political document cannot displace the constitution in force. Recent party feedback also underscores the problem—BNP rejects charter precedence and opposes barring court challenges; CPB and others concur; Jamaat backs precedence—illustrating why any "supra-constitutional" claim would be divisive and legally frail.

The July Charter's attempt to oust judicial review is not legally sustainable. The High Court Division's writ jurisdiction under Article 102 is part of the constitution's basic structure; the Appellate Division's "complete justice" power in Article 104 and the binding force of its decisions under Article 111 entrench the Court's role, not curtail it. Bangladesh's superior courts have repeatedly rejected "ouster clauses" that seek to immunise state action from review. And the basic-structure line of cases—from *Anwar Hossain Chowdhury* (Eighth Amendment) to the Fifth and 16th Amendment decisions—confirm that neither parliament nor anyone else may abolish judicial review or independence.

Nor can the interim government make the charter "constitutional" by ordinance. The constitution permits presidential ordinances only when parliament is dissolved or not in session—but with a bright-line limit: an ordinance cannot alter or repeal any provision of this constitution (Article 93(1)). Ordinances can, however, carry the force of law temporarily and authorise urgent expenditure from the Consolidated Fund under Article 93(3). In short, absent a sitting Jatiya Sangsad, the charter cannot be



VISUAL: **ANWAR SOHEL**

constitutionalised by executive fiat; only a future parliament can amend the constitution under Article 142.

So what can be done now, before the elections, to make core commitments in the charter enforceable afterwards?

First, use ordinary law. The Representation of the People Order, 1972 already ties party participation in elections to registration conditions. Under Article 90B (conditions for registration) and Article 90H (cancellation), the Election Commission can require parties to meet substantive standards and even cancel registration for breach. By ordinance, the interim government can amend the RPO to require parties to file sworn undertakings to implement specified charter items—transparent nominations, internal democracy, campaign-finance discipline, human-rights pledges—with clear, reviewable sanctions for non-compliance, including suspension or cancellation of registration. Courts have scrutinised party constitutions and EC decisions under these provisions before.

Second, use ordinance to create a statutory Implementation Commission with defined investigative and reporting powers to monitor compliance by state agencies and political parties, issue reasoned determinations, and refer non-compliance to the EC or the courts. Its orders would remain subject to judicial review—consistent with Article 102—ensuring due process and legitimacy.

Third, ask the Appellate Division for an advisory opinion under Article 106 on contested legal questions around the charter's implementation—e.g., the permissible scope of RPO conditions, the contours of party undertakings, or how far administrative rules may go without legislation. While advisory opinions are not judgments, they carry authoritative weight. Such guidance would materially narrow litigation risks.

Fourth, anchor political promises in legal undertakings to the Court. Parties can file affidavits of commitment in pending public-interest writs or fresh petitions. If a governing party later repudiates those undertakings, the Supreme Court's status as a court of record with power to punish for contempt under Article 108 provides a credible compliance backstop; all authorities are constitutionally bound to act in aid of the Court under Article 112. Of course, contempt is not a substitute for legislation, but it can deter wilful defiance of solemn commitments.

Fifth, a "Charter Finance Ordinance" can be narrowly tailored to allocate interim funds for urgent, consensus items—say, victim compensation, election-integrity infrastructure, or witness protection—under Article 93(3), with public reporting and sunset clauses. Without amending the constitution, an expressly permitted emergency tool to implement uncontroversial charter planks pending the return of parliament can be deployed.

What if the next elected government simply shrugs and walks away? Properly drafted RPO conditions would make that costly. Beyond election law, statutory mandates enacted now will remain in force until repealed—creating legal inertia that raises the political price of reversal. And when the parliament returns, constitutional amendment under Article 142 can make the settlement durable. For foundational questions, the referendum device, whose finality is currently pending before the Appellate Division, can be used. However, it is advisable to hold any referendum on charter-level reforms on the same day as the election to reduce delay and political friction. It is administratively efficient and politically legible.

Finally, two controversial clauses deserve revision. A blanket ouster of court jurisdiction will not survive; Bangladesh's courts have treated such provisions with scepticism, and the basic-structure doctrine places judicial review beyond ordinary amendment, let alone political declaration. Likewise, reallocating interpretive authority to the Appellate Division cannot be done by charter or ordinary law at the expense of the High Court Division's writ power in Article 102. If a specialised, expedited forum is desired, the Supreme Court can consider practice directions or a designated bench; what it cannot do is permit the executive or parties to curtail constitutionally conferred jurisdiction.

The solution, then, is layered. Use ordinances now to translate consensus into binding, reviewable obligations within existing constitutional limits; lean on the Election Commission's registration powers to make party commitments enforceable; seek the Appellate Division's advisory guidance to minimise downstream litigation; and, once a new parliament convenes, entrench the settlement through formal amendment—and, where appropriate, referendum—rather than wishful declarations about supremacy and ouster. Do that, and the July Uprising will yield not just catharsis but constitutional architecture.

The need to share responsibility for Rohingya refugees

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Something remarkable happened last week in Cox's Bazar. Over 100 Rohingya from camps and the global Rohingya diaspora gathered with civil society, humanitarian and development partners, UN agencies, member states and Bangladesh government officials, including the chief adviser. This took place eight years after a surge in violence in Myanmar's Rakhine State in August 2017, which compelled more than 700,000 Rohingya to flee for safety in Bangladesh. Over two days, they discussed sustainable solutions and a new future for the Rohingya. This Stakeholder's Dialogue, organised by the Bangladesh government, marks the first time that Rohingya voices were included in high-level talks about decisions that affect their lives.

The day August 25, while being a moment to reflect on the ongoing challenges faced by 1.1 million Rohingya in Bangladesh, is also an opportunity to appreciate a singular solidarity: eight years ago, the Bangladeshi people stood shoulder-to-shoulder with the fleeing refugees. Homes and hearts across Ukhiya and Teknaf were opened. From village to village, Bangladeshi families gathered food and clothing to share with the Rohingya, who had walked for days with only the most meagre possessions. This display of solidarity remains inspiring to this day. The international community also rose in partnership, contributing humanitarian assistance and condemning the violence. Over time, the Cox's Bazar hills became the world's largest refugee settlement.

Across the border, conflict in Rakhine State continues to destroy farmlands, villages and livelihoods. Over the past 18 months, 150,000 Rohingya arrived in Bangladesh, forced to flee unrelenting and targeted violence. There is little for them in the camps, where they must squeeze into already overcrowded shelters with friends, relatives or strangers. Still, conditions in their homeland—from confiscation of land and property to forced labour and conscription, torture, sexual violence and the threat of being killed—leave them no choice.

Today, half a million Rohingya children born into statelessness live in camps: citizens of no country, dependent on foreign assistance for food, water, shelter, and nearly everything else. Meanwhile, an estimated 3.5 million people are internally displaced in Myanmar, just as unable to return to their homes as the refugees in Bangladesh.

Eight years on, the Rohingya people deserve a better solution. This life in limbo, in sprawling but temporary camps, is no match for their human potential. Rohingya refugees need strategic and innovative approaches that build skills and capacities through education and self-reliance training to rebuild their lives when conditions allow for a safe, voluntary and dignified return to their country. This will also help ensure longer-term peace in the region.

Refugee life was never meant to be a lasting condition. The millions of Bangladeshi refugees who fled in 1971 returned when the Liberation War was over. Returning home is also the Rohingya aspiration, but only when they can be confident that their lives will be safe and dignified there.

As the Rohingya themselves said in the conference, the solution lies in Myanmar. A political solution that addresses the root causes of displacement and invests in peacebuilding must be forged by governments, neighbouring states and regional bodies working together. The Stakeholders' Dialogue, where Rohingya men, women, youth, students and activists addressed the chief adviser and other leaders, was an important step in this direction. The High-Level Conference on the Situation of the Rohingya and Other Minorities in Myanmar, planned in New York for September 30, provides a critical opportunity for such action.

Too often, the global responsibility to shelter and protect people in need is politicised. As refugees are vilified, budgets to support them are slashed. Funding for the 2025 Joint Response Plan, the most basic needs package for Rohingya to live a dignified life in the refugee camps, is only about 60 percent funded. This means that funding for food is only secured until November 30 and cooking gas only through September. Healthcare and education services have already been cut. Across the board, humanitarian agencies had to cut jobs by nearly a third, affecting refugees, local and international staff.

In the face of such challenges, the international community must continue to show solidarity. Withholding aid cannot be the answer, nor closing borders. We must continue to uphold the right of people fleeing conflict and persecution to seek asylum.

Eight years on, the Rohingya count on our continued support. They rely on us—governments, development partners, civil society, the private sector and refugee leaders—to not only meet their basic needs, but to allow them to build resilience and self-reliance, preparing them for a future back in their homeland, where they can thrive in their communities. As UNHCR, we remain fully committed to this cause.

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