

## Teaching young people to shoot?

Focus instead on skills development and employment

We are surprised by the youth and sports adviser's announcement that the government will launch a programme to equip young people with basic combat and self-defence skills, including the use of firearms. Teaching martial arts to young people—especially girls and women—is commendable, but we fail to understand how the decision to provide training in shooting to youth aged 18 to 35 was arrived at. Was this decided solely by the youth and sports ministry, or in consultation with other relevant ministries? Given the novelty and sensitivity of the idea, shouldn't there have been wider discussion with security experts and public engagement beforehand?

The adviser, in a BBC interview, explained that the idea behind this training was to create a "reserve force" for the purpose of mass defence. He also spoke of training young people in live-round firing, with a target of 20,000 young trainees a year. While many countries do have reserve forces of young citizens, such a decision is far too important to be taken arbitrarily. According to a report in this newspaper, the training programme is set to begin on November 8, with online registration already open. Reportedly, 8,000 applications have been submitted for the programme, which will run until February 2028. The criteria for selection include being physically and mentally fit and having at least a secondary school certificate.

At a time when the main priorities for the youth should be acquiring marketable skills and being gainfully employed, the focus on combat training with lethal weapons does not seem appropriate or beneficial. Especially concerning is the fact that many young people—due to poverty, joblessness, and overall unrest in society—already display violent behaviour; some are even involved in criminal activities. The surge in crime by teenage gangs and violence on various campuses, often over trivial matters, is a case in point. How wise is it, then, to have a programme that will put firearms in the hands of young people? How rigorously will their mental fitness be screened?

While basic self-defence skills such as martial arts can be a way to engage and empower young people, the decision to train them in the use of firearms should not be taken with such haste.

We urge the government to reconsider the decision and confine the programme to martial arts training. In this connection, we must point out the discriminatory allocation of placements; reportedly, out of 8,850 participants in the first phase, 8,250 places are for male participants and only 600 for female participants. Given the alarming prevalence of violence against girls and women in the country, it would make more sense to provide self-defence training to more of them. That said, we must emphasise that the youth and sports ministry would do better to prioritise programmes that teach employable skills to young men and women so that they can secure decent jobs and build stable futures.

## Independent police commission a must

Ending undue political, bureaucratic control the only way forward

At a recent roundtable on police reforms organised by Prothom Alo, all participants agreed that independence of the police force is crucial for ensuring professionalism, accountability, and public confidence in the force. The speakers, including policymakers, senior police officials, rights activists, academics, and political leaders, unequivocally stressed that meaningful transformation will be possible if the scope for undue political and bureaucratic control is eliminated. From the discussion, one thing is clear: only an independent police commission with real and accountable authority can ensure a sustainable reform.

For decades, our police force has been frequently plagued by impunity, politicisation, and public mistrust. During the 15 years of Awami League rule, the force became an instrument of political oppression, severely eroding its credibility. The fragile relationship between the police and the citizens was starkly exposed during the July uprising. After the fall of the regime, the interim government formed a Police Reform Commission that submitted a report in January this year, outlining extensive measures to restore integrity and accountability in the force. Among them, the commission proposed the creation of an independent police commission. It recommended that use of force against civilians be a last resort—always precise, proportional, and appropriate—following the self-defence-only rules applied to UN peacekeepers, which Bangladeshi police already follow abroad. It also urged the government to prevent custodial torture, extortion, arbitrary arrests, and enforced disappearances.

In early September, the interim government directed the law ministry to draft laws to establish two separate commissions within the police to ensure accountability and enable internal investigations free from external interference. It is encouraging to learn that the amended Code of Criminal Procedure includes key provisions to strengthen accountability in arrest and remand procedures. However, true reform will remain beyond reach if the home ministry retains control over postings, promotions, and enforcement of the commission's recommendations. Bureaucratic interference has long undermined professionalism in the force, which must end.

Experts also believe that an independent commission could free the police from decades of manipulation and abuse. It would ensure that recruitment and promotions are based on merit, investigations are guided by evidence rather than orders, and misconduct is addressed transparently. Such a body would protect human rights, uphold due process, and help rebuild public trust. However, the government must act with urgency to implement the reforms, as enough times have already passed. A truly independent commission, free from ministerial or partisan grip, is the only way to rebuild the police as a humane, service-oriented institution.

## THIS DAY IN HISTORY

### One World Trade Center opens

On this day in 2014, One World Trade Center opened in New York City on the site of the former World Trade Center complex, which had been destroyed in the September 11, 2001.

# 18 years on, how far has judicial separation really progressed?



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When Bangladesh formally separated the judiciary from the executive in November 2007, it was hailed as a historic turning point—the fulfilment of *Secretary, Ministry of Finance v. Masdar Hossain* (1999) and of Article 22 of the constitution. The reform seemed to promise courts free from bureaucratic control and partisan interference, empowered to function as impartial guardians of the rule of law. However, 18 years on, that promise remains only partially fulfilled. While structurally the judiciary appears independent, the lived reality tells a far more complex story. Executive influence persists, notably through appointments, postings, budget allocations, and administrative oversight. The result: a judiciary that has travelled far in form, yet not always in freedom, thus gyrating between reform and regression. A retired district judge, speaking on condition of anonymity, described it as “independence by permission”—that is, you can act freely, but only if you know where the invisible boundaries lie.

Across Bangladesh's courts, the tension is palpable. In the lower courts, many officers still operate within bureaucratic chains inherited from the old magistracy. In the higher judiciary, benches navigate the delicate balance between asserting authority and avoiding political confrontation. The rhetoric of separation remains compelling; the reality of autonomy remains unfinished.

For all its constitutional promise, judicial independence in Bangladesh has repeatedly collided with the realities of power. The mechanisms that sustain executive influence have evolved rather than disappeared. Where once magistrates served under direct bureaucratic command, today's levers lie in more subtle instruments.

One of those is placement and transfer decisions, where the Ministry of Law, Justice and Parliamentary Affairs continues to play a decisive role, although a separate Judicial Service Commission (JSC) was created to insulate the service from political discretion.

Budget control is another key barrier. Even after separation, the



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judiciary's administrative expenses continue to pass through ministerial channels. According to an evaluation, in FY2019-20, the judiciary received just 0.352 percent of the national budget.

Appointments and promotions to the higher judiciary remain politically charged. While the JSC recommends candidates, the president (on government advice) must approve; in practice, political preference often outweighs merit. Scholars note that transparency deficits here undermine public confidence and breed self-censorship among judges.

The doctrine of separation and independence was given strong articulation in the *Masdar Hossain* case, which held that the judicial service is “structurally distinct and separate” from the civil executive. And yet, in practice, executive influence continues. For instance, the practice of “mobile courts” (executive-magistrate-led judicial functions) still blurs the line between enforcement and adjudication, contrary to the spirit of separation.

If law is the skeleton of justice, culture is its breath. In Bangladesh's judiciary, the deeper challenge is not merely constitutional design but institutional psychology—how a generation of judges, lawyers, and court staff absorbed a culture of

deference rather than assertion. The judicial service still carries the imprint of its bureaucratic past. Many officers entered under the old civil service paradigm; though rebranded, the habit of obedience remains. A senior High Court lawyer notes, “We call them judges, but we haven't retrained the reflex.”

Public trust, meanwhile, oscillates

move beyond symbolism by ensuring financial autonomy, transparent appointments and promotions, and institutional self-governance.

Without financial independence, autonomy remains conceptual. Therefore, the judiciary's budget should be placed under its own control, for example, via a separate judicial administrative and financial secretariat. Besides, a more open, merit-based JSC process (possibly including civil society oversight) would reduce perceptions of partisanship and elevate institutional credibility. Finally, the judiciary must administer its own transfers, training, evaluations, and discipline. A judicial council, composed of senior judges and administrators, could anchor this autonomy.

The September 2025 High Court decision restoring control to the Supreme Court represents a recent step. However, culture remains the decisive catalyst. Judges, lawyers, and officials must internalise independence not as defiance but as duty. The Bangladesh Judicial Administration Training Institute (JATI) and university partnerships need reinforcement to embed constitutional ethics and professional confidence.

The judiciary also depends on the health of a country's democratic ecosystem. When parliament weakens, media polarises, and civil society retreats, the courts are placed under existential pressure. In such contexts, the alternative to independence is executive dominance. As one retired judge observed, “A state without an independent judiciary is like a body without a spine. It can stand, but not upright.”

Public trust remains the final measure. Independence must be earned through transparent judgments, timely hearings, and ethical consistency. The High Court's rulings in environmental matters, rights protections, and election oversight provide flickers of hope; however, sporadic judicial courage cannot substitute for systemic strength.

Eighteen years after formal separation, Bangladesh stands at a constitutional crossroads. The next decade will determine whether the judiciary evolves from a dependent institution to a pillar of autonomous justice. The roadmap is clear: constitutional adherence, administrative reform, and cultural renewal. What remains uncertain is whether political leaders will see independence not as a threat but as the republic's greatest safeguard.

# Farmgate tragedy and the question of state liability

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Last month, a pedestrian tragically lost his life in Farmgate when a bearing pad fell from a metro rail pillar. Two other people were also injured in the incident. Following the incident, Road Transport and Bridges Adviser Muhammad Fouzul Kabir Khan stated that the family of the deceased would receive Tk 5 lakh as compensation and that an eligible member of the family would be offered a job at Dhaka Mass Transit Company Limited (DMTCL). A five-member committee was also formed to investigate the incident.

In the absence of a provision for compensation for accident victims under the Metro Rail Rules, 2016, prompt response from the government is commendable, especially when the government cannot ignore its responsibility in this tragic incident. Besides, the amount offered is inadequate considering the severity of the loss. It should be noted that the amount—Tk 5 lakh—was not just meant for the financial support of the family. Rather, it was stated as compensation for the loss. According to the Law Dictionary, “compensation means indemnification or payment of damages, which is necessary to restore an injured party to his former position... money which a court orders to be paid,

by a person whose acts or omissions have caused loss or injury to another, in order that thereby the person damaged may receive equal value for his loss, or be made whole in respect of his injury.” Now the question arises: how did the government determine the actual extent of the damage suffered by the victim's family? Shouldn't it be the court deciding the amount of compensation to be awarded?

**From a legal perspective, the state bears responsibility under the principle of strict liability. This doctrine holds that the government can be held accountable for harm caused by its actions or those of its employees, even in the absence of direct negligence or wrongful intent.**

For instance, in compliance with a High Court order, Bangladesh Fire Service and Civil Defence and Bangladesh Railway jointly paid Tk 20 lakh as compensation to the family of Jihad, who died after falling into an abandoned deep tube well in Dhaka's Shahjahanpur area on December 26, 2014. In both incidents, there was evident negligence on the part of government authorities, making the current compensation seem disproportionately low.

In the event of a fatal accident, the family members of the deceased may seek compensation under Section 1 of the Fatal Accidents Act, 1855. However, in practice, initiating legal proceedings against a government body often proves to be difficult or impracticable. Consequently, the only viable means of obtaining compensation is by filing a writ petition under Article 102 of the constitution. It is important to note, however, that filing a writ petition is not the conventional method for claiming compensation. According to Article 102, when no efficacious alternative remedy is available, an aggrieved person may invoke the writ jurisdiction of the High Court Division. The legislative intent behind this provision is to ensure that individuals are not left without recourse when no other legal remedy exists. Therefore, a specific legal remedy is required in situations where loss has occurred as a result of negligence on the part of the government. However, apart from compensatory measures, what is truly essential is a thorough and transparent investigation to ensure that those responsible for this act of negligence are held accountable.

From a legal perspective, the state bears responsibility under the principle of strict liability. This doctrine holds that the government can be held accountable for harm caused by its actions or those of its employees, even in the absence of direct negligence or wrongful intent. A key feature of strict liability is that a person or authority cannot evade responsibility by assigning dangerous tasks to independent contractors. Under Article 32 of the constitution, the state

is strictly responsible for the protection of the right to life of its citizens. This obligation is further reinforced by Article 6 of the International Covenant on Civil and Political Rights (ICCPR), which recognises the inherent right to life and requires states to ensure its protection by law.

In *Rylands v. Fletcher* and *T.C. Balakrishnan Menon v. T.R. Subramanian* (1968), the courts held the defendants liable for damages caused by hazardous activities, even though the work had been delegated to contractors. Similarly, in Writ Petition No. 7650 of 2012, *Z.I. Khan Panna vs. Bangladesh and Others*, concerning the Jihad case, the High Court Division observed that the incident represented clear negligence by the Fire Service and Civil Defence and Bangladesh Railway, resulting in a violation of the fundamental right to life. The court further applied the maxims *res ipsa loquitur* (the principle that the mere occurrence of some types of accident is sufficient to imply negligence) and the principle of strict liability (Writ Petition No. 12388 of 2014, *Children's Charity Bangladesh Foundation vs. Bangladesh and Others*).

Examples from other jurisdictions also show that governments assume moral and legal responsibility when failures lead to loss of life. Therefore, by merely paying a nominal amount of compensation or forming an investigation committee, the state cannot absolve itself of responsibility. The government must ensure accountability through proper investigation and disciplinary action against officials of the concerned authorities.