

## Prevent pre-election violence at any cost

### With murder rate spiking and many looted guns still missing, govt must deliver results

As the country hurtles towards a general election in February, the law and order situation continues to cause concerns. Reports about recent incidents such as the twin killings outside a judge's court in Khulna or the viral footage of a politician gunned down in a shop in Dhaka's Pallabi area—however isolated they may seem—contract the optimism of Home Adviser Jahangir Alam Chowdhury who insists that there is “no risk” of the security situation deteriorating before the polls. He claims the environment is “steadily improving” following the tumultuous ousting of the Awami League regime. This, however, remains at odds with the reported reality.

Data from the Centre for Governance Studies (CGS) suggests that the country is still reeling from that violent hangover. Firearms-related offences surged by 30 percent year-on-year in the first half of 2025. Police ledgers are equally dismal: in the past 15 months, 4,809 murder cases were filed nationwide, 3,236 of them in the first 10 months of this year, as this newspaper reported. That equates to more than 10 bodies a day. Further CGS data offers a slightly more nuanced, though hardly reassuring, view. The monthly average of murders fell to 322 in the first half of this year from 343 in the same period a year earlier. However, this is still a roughly 28 percent increase over the 2023 average.

The problem is threefold. First, the machinery of law enforcement remains brittle. The police force, having acted as the blunt instrument of the previous regime, collapsed in morale and efficacy following last year's uprising. They have yet to regain their footing. A police spokesperson admits that stopping targeted killings—often born of hyper-local grudges—is difficult. Second, during the chaos of the political changeover, many police stations were looted. More than 1,300 firearms remain missing, a floating arsenal now likely in the hands of the gangs and political muscle carving up turf in different localities. Rewards offered for their return have yielded little. Third, the political vacuum is being supplemented by old habits. With the election schedule looming, prospective candidates are not merely canvassing; they are battling for dominance, with reports indicating a sharp rise in intra-party clashes. Worse still, “top criminals,” released from prison or emboldened by the security void, are now being recruited to intimidate rivals.

The interim government is tasked with shepherding a democratic transition, but the terrain is being mined by political vendettas, factional feuds, and a resurgent underworld. Security analysts warn that without a focused crackdown, specifically the recovery of illegal arms and the re-arrest of resurgent criminals, the days to the upcoming polls will hardly be peaceful. The government has done relatively well to stabilise the economy. Now, it must secure the streets to make sure the path to the ballot box becomes peaceful.

## Rising HIV cases concerning

### Govt must increase tests, ensure proper preventive services at all levels

We are alarmed by the sharp increase in HIV infections in Bangladesh. The latest HIV/AIDS Situation Report 2025 reveals that 1,891 new infections were recorded between last November and this October, 453 more than the previous year. This is also the highest year-on-year increase since 2000. The fact that this surge occurred during a period when overall HIV testing actually declined by nearly two lakh is particularly concerning. When fewer tests produce more positive results, it suggests that transmission is increasing faster than expected, and that ongoing preventive measures are not sufficient. The report by the DGHS also shows that the proportion of HIV-positive individuals receiving treatment has fallen from 78 to 74 percent. Meanwhile, 18 percent of those potentially living with HIV remain unaware of their status, allowing the virus to spread silently.

The surge in cases is linked to several factors, according to health officials. While overall testing declined because fewer migrant workers were screened—dropping from 13.05 lakh last year to 10.11 lakh this year—testing among key populations, including people who inject drugs, sex workers, and transgender individuals, rose sharply, leading to more detections. This year, 1.17 lakh people from these groups were tested, compared to about 97,000 the previous year. These populations accounted for 56 percent of new cases, underscoring their vulnerability and the need for targeted services without any interruption. The surge also included 217 new cases among the Rohingyas.

Another likely factor is the expiry of a government programme, disrupting vital prevention services such as condom and needle distribution, which may have increased the threat for high-risk groups, although health officials say more research is needed to confirm its impact. Experts have also warned that late diagnosis and poor awareness are increasing HIV-related deaths in the country, with Chattogram emerging as particularly vulnerable.

The government, therefore, must take urgent action to reverse the current trends. It must strengthen prevention programmes while relying less on temporary donor-funded initiatives. This involves expanding screening, testing and treatment services across all districts of all vulnerable groups, including migrant workers, and improving coordination between relevant government agencies and community-based organisations. These organisations should be empowered to work closely with vulnerable groups. The national awareness campaigns must also be better designed to reach all segments of society. Addressing social stigma is equally important, as it prevents many from seeking timely testing and care.

The sharp rise in cases is a clear warning that Bangladesh risks falling behind in the global fight against HIV, so comprehensive action including ensuring sustainable funding, a coherent national strategy, and strong political commitment is essential.

# The dream of an independent judiciary

### It is near at hand, but can still slip away



THE THIRD  
VIEW

Mahfuz Anam  
is the editor and publisher of  
The Daily Star.

MAHFUZ ANAM

Nothing reveals the story of why we failed to institutionalise democracy in Bangladesh better than our failure to build an independent judiciary. Though it is clearly stated in our constitution, it took us 53 years or so to lay its final foundation stone. What edifice we will build on this foundation lies in our future.

With so many things we have criticised the interim government for, the separation of the judiciary is one area where it deserves our praise. Without a separate secretariat under the authority of the chief justice—for which an ordinance has been recently issued—the judiciary would never have come out of the dominance of the executive branch, and especially of the law ministry, which resulted in the total destruction of the legal system in the country. Thanks are due to Prof Yunus, the head of the government, and Asif Nazrul, the law adviser. Praise must also be extended to the current chief justice, whose relentless work behind the scenes brought about the present reality.

What must not be overlooked is that none of our democratically elected governments—led by Khaleda Zia and Sheikh Hasina—or the military governments of General Ziaur Rahman and General H M Ershad did anything to set up an independent judiciary.

Three events—one judgment (1999), one initiative by a caretaker government (Fakhruddin Ahmed, 2007), and another by the present interim government (Prof Yunus, 2025)—have finally removed all the legal hurdles and paved the way for the establishment of an independent judiciary.

In 1995, Md Masder Hussain, then a district judge, on behalf of 441 subordinate judges, lodged a petition challenging government control over recruitment, transfer, placement, promotion, etc of judges. On May 7, 1997, the High Court delivered a judgment with eight directives. The government appealed

**An immediate test of the coming elected executive will be how quickly and faithfully it passes into law the elements of judicial independence that have so far been put in place through ordinances. We also expect that future MPs will demonstrate greater respect for their voters, and not merely engage in habitual genuflection to their party, especially to its chief.**

and the Appellate Division delivered a historic verdict on December 2, 1999, outlining 12 directives. The judgment recommended the creation of a separate judicial service; establishment of a judicial service commission; separate service rules under Article 115 of the constitution; a judicial pay commission; financial and administrative autonomy to reduce executive interference in the judiciary, etc. This was, however, not followed through properly.

In 2007, during the caretaker government headed by former Bangladesh Bank governor Fakhruddin Ahmed, the long-awaited steps to set up the Judicial Service Commission, the judicial service rules, and the Judicial Pay Commission were taken. On November 1, 2007, the caretaker government formally separated the lower judiciary from the executive, as a major part of implementing the 1999 Appellate Division verdict. But the dream of a full separation remained elusive.

On November 30, 2025, the current government issued the Supreme Court Secretariat Ordinance, formally establishing a separate secretariat for the judiciary, the most vital of steps for an independent judiciary.

So why did it take 53 years to do something so clearly spelt out in Part II of the constitution under the Fundamental Principles of State Policy, that “the State shall ensure the separation of the judiciary from the executive organs of the State”?

There are two basic reasons: first, our political culture of non-accountability and, second, a bureaucratic stranglehold that never allows the growth of independent institutions, especially those that can question their authority.

From the start, we favoured a powerful government and brought in a constitution in which the distribution of power among the three organs of the State—the legislature, judiciary, and executive—favoured the last. We misinterpreted Lincoln's dictum of a “government of the people, by the people and for the people” to

in governance that proved disastrous and found its ultimate expression under Sheikh Hasina.

The role of the Speaker was always that of a lackey rather than an independent manager of parliamentary proceedings. If we examine the type of individuals who were “appointed” as Speakers, it becomes clear that none had either the personality or the intention to uphold the interests of the House above those of the ruling party, and especially the prime minister. Most of them owed their positions to the PM—in the case of Shirin Sharmin, the last of them, she was not even an elected MP but a chosen one from the reserved seats for women—and hence they tended to serve the chief executive rather than the highest seat of law-making.

As for elected MPs, they rarely gave importance to the voters who elected them after the polls. Instead, their allegiance shifted almost entirely to the party that nominated them. This was due to the perks, development funds, and various executive powers that came only from the ruling party and government, and not from voters, resulting in further erosion of the legislature.

It was the judiciary that had some

of accused and, in many cases, arresting them without a shred of evidence have reduced the image of the judiciary to that of an extension of government. The judiciary may argue that these are abuses by law enforcement agencies and fall outside its purview. But when the misuse and abuse of the law denigrate the judiciary as a whole, should it not publicly condemn such practices or urge the government to stop them? The higher judiciary, especially the chief justice, can and should express such views. The moral and ethical values of their profession oblige this role.

The point we wish to emphasise is that even after all the rules are passed and judicial independence is formally guaranteed, its actual implementation will require moral courage from judges themselves. They must adhere to the spirit of dispensing justice, rather than just mechanically interpreting the law, and certainly not serving the executive branch or the “privileged accused.” Under various legal loopholes, cases remain pending for years. The misery this causes for the poor, ordinary people, and the amount of money and time they have to spend to appear at each hearing, seems to elicit little concern from our



FILE VISUAL: ANWAR SOHEL

mean that as long as a government is elected, whatever it does reflects the “will” of the people and must therefore be allowed a free hand in running public affairs. In forming a powerful government, we missed the chance for an accountable one.

As for the legislative branch, from the very start, we did not allow it to evolve as an independent institution. It has always acted as a rubber stamp of the majority party in parliament. The fact that we never separated the role of the Leader of the House from that of the head of government—the prime minister—brought the House directly under the control of the latter.

First in Pakistan and later in Bangladesh, Quaid-e-Azam Mohammad Ali Jinnah and Bangabandhu Sheikh Mujibur Rahman, founders of the two states respectively, chose to occupy the highest executive office. This made the legislature totally subservient to the head of government. In both Jinnah's and Mujib's cases, the same person held the positions of Leader of the House, head of the government, and head of their party. This did not provide the opportunity for the House to emerge with any real degree of independence. In Pakistan's case, Jinnah chose to be governor-general—the post that Lord Mountbatten had held—instead of being prime minister, as Nehru did in India, thus diminishing the prospect of the rise of a parliamentary system of government in Pakistan for which the struggles continue even today.

Mujib, on the other hand, opted to be prime minister—although he was president of the government-in-exile—and thereby shifted the focus to the elected House. However, he did not show the foresight to appoint a separate Leader of the House and a different party president. Combining the three posts—prime minister, leader of the House, and party chief—created a lethal convergence of power that inevitably led to centralisation

chance of keeping the executive accountable, and hence everything was done to clip its wings in every way possible. Here, the role of bureaucrats was critical. Not only did they act on their own to subvert the rise of an independent judiciary, but they also advised politicians that such an institution would pose a threat to the government's freedom to act.

There is also the fact that members of the judiciary itself, both at junior and higher levels, contributed to its subservience. There is not a single instance of a judge resigning in protest against the misuse of the justice system. On the contrary, several examples show that the judiciary, far from resisting, actually welcomed executive interference. Through denial of bail, jailing dissenters, permitting the misuse of remand, not questioning the merit of frivolous cases at the very outset, and not upholding an individual's right to liberty and protection from legal harassment, members of the judiciary often allowed the executive to flaunt its power and intimidate the people. They conveniently, and sometimes self-servingly, forgot that the law exists for justice. When its application compromises justice, a judge must opt for justice, not an interpretation that serves the government over citizens.

The law, for example, clearly states that only one case may be lodged for a particular crime, yet dozens—sometimes hundreds—were permitted. Why did the judiciary never question this? When denying bail, the court rarely seems to reflect on the fact that a person's liberty, guaranteed by the constitution, is being taken away. The misuse of remand barely enters a judge's mind. The handling of cases involving political opponents of past governments stands as the most shameful abdication of the courts' role. Regrettably, elements of this pattern remain even today, which we hope will soon cease.

The instances of naming hundreds

judges.

So, judges, especially those of the High Court and the Appellate Division, must always uphold the supremacy of the judiciary and never do anything that directly or indirectly denigrates this revered institution. We think the most shameful insult that the higher judiciary inflicted upon itself was when five Appellate Division judges stood on their knees instead of their feet in compliance with the wishes of the then prime minister to oust a sitting chief justice, SK Sinha. The reason? Because he refused, on constitutional grounds, to do what Sheikh Hasina wanted. Instead of standing with the chief justice, they declared that they would henceforth not work with him. The credibility and prestige of the Appellate Division stood shattered.

An immediate test of the coming elected executive will be how quickly and faithfully it passes into law the elements of judicial independence that have so far been put in place through ordinances. We also expect that future MPs will demonstrate greater respect for their voters, and not merely engage in habitual genuflection to their party, especially to its chief.

With the final guaranteeing of judicial independence, we hope this vital institution of modern civilisation will finally emerge with the glory and prestige it deserves by serving the people rather than the government of the day.

If the executive operates within its limits, the legislature—especially MPs—restrains itself to build a transparent and accountable governance framework instead of advancing partisan interests or chasing so-called development projects, and the judiciary truly distinguishes itself in the service of accountability and justice for all, especially the poor, then—and only then—will we have a real chance to build a genuine democracy in this beloved country of ours.