

# The NHRC ordinance saga: One step forward, two steps back



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Bangladesh's rights watchdog, the National Human Rights Commission (NHRC), has been toothless and ineffective since its formation. Despite the violations of human rights at an alarming rate, ranging from extrajudicial killings and enforced disappearances to arbitrary detentions, custodial torture, and widespread suppression of dissent, the commission remained inactive and dysfunctional during the previous regimes. The legal loopholes, lack of independence and autonomy, limited mandate, and lack of enforcing authority, coupled with bureaucratic and political manipulations, made the body structurally weak and performative. The structural weakness and deliberate inaction of this rights watchdog helped the ousted regime to downplay the cases of human rights violations and to perpetuate oppressive rule while remaining unaccountable.

Last month, the interim government reformed the NHRC Act through an ordinance. The new law brings significant changes to make NHRC a strong, independent, and effective body. The updated law acknowledges Bangladesh's obligations under international human rights laws, broadens the legal mandate of NHRC, expands its investigative authority, stipulates remedial measures against human rights violations, introduces a national preventive mechanism to prevent cruel, inhuman, or degrading treatment, guarantees financial autonomy, and improves alignment with international standards like Paris Principles.

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The law also widened the definition of human rights by including any human rights guaranteed under the constitution and laws of Bangladesh, and international human rights instruments ratified by Bangladesh, and those recognised by customary international human rights law consistent with the laws of



FILE VISUAL: ANWAR SOHEL

Bangladesh. Under the ordinance, the commission shall be formed by one chairperson and four full-time members, out of whom one shall be from ethnic minorities or disadvantaged communities, and at least two will be women. The ordinance reformed the selection

committee, which is entrusted to make recommendations on the appointment of the chairman and members of the NHRC. The committee shall be headed by an appellate division judge, nominated by the chief justice of Bangladesh. The other members of the committee will include two members of parliament, one from the ruling party and the other from the opposition party; one university professor with expertise in

the NHRC undermines the commission's independence and credibility. The presence of a top-tier bureaucrat shall allow the government to exert undue influence over the formation of the commission, which is the same reason the commission has remained ineffective over the years.

The amended ordinance also replaces mandatory reporting of non-compliance with a permissive "may be informed" clause,

indicating that the country witnessed a grim picture in terms of child abuse, violence against women, rising moral policing, arbitrary detentions, and mob violence this year. NHRC could play a significant role by addressing the above allegations of custodial death, cyber violence, disinformation, and increasing election-related human rights concerns and insecurities.

Apart from addressing human rights violations, NHRC, being inactive and dysfunctional, remains unable to perform its role in promoting compliance with international human rights obligations, including the implementation of UN treaty body recommendations and Universal Periodic Review (UPR) commitments. During the last UPR cycle (2023), Bangladesh received 301 UPR recommendations to improve its human rights record and comply with international obligations. However, the country fails to implement most of these recommendations, where NHRC could intervene.

The leadership vacuum in the NHRC not only indicates a strategy of inaction but also reinforces the need for an integrated roadmap for its institutional capacity development. While the interim government revised the NHRC law, it failed to provide a roadmap to implement it through a coherent institutional capacity development programme. A law may create pathways for a transformative beginning, but without accompanying strong institutional structure, capacity, and financial and administrative autonomy, the law remains performative. Frustratingly, this institutional paralysis, along with governance inertia, has continued even during the tenure of the interim government. A functional NHRC during the interim government could set a precedent on how an independent and effective watchdog body acts without influence and holds authorities accountable, and how the government responds democratically and lawfully. Unfortunately, this opportunity has been wasted.

The failure of NHRC is deeply rooted in systematic institutional weakness, bureaucratic inertia, and political instrumentalisation. In a political regime that does not fully internalise democratic and rights-based norms, institutional design and practice are highly influenced by the imperative of regime stability. This dominant logic of governance that prioritises regime stability over institutional accountability needs to be challenged and reoriented.

The July uprising created an opportunity for political reimagining and institutional renewal. The reenvisioned political compulsions centred on democratic accountability, rights, and institutional autonomy, as inspired by the reform agenda of the July National Charter, are instrumental in making NHRC an effective rights watchdog, capable of transcending political and bureaucratic manipulations.

one human rights expert from civil society; one representative of ethnic minorities or underprivileged communities, and the president of the National Press Club. The inclusion of human rights experts, civil society members, and representatives from ethnic and disadvantaged communities makes a significant departure from the earlier selection committee.

While the interim government could be lauded for laying out a strong legislative framework for the NHRC, it is disappointing to note that within one month of passing the new law, the government has amended the ordinance to reinstate bureaucratic control on the selection committee. Transparency International Bangladesh (TIB) expressed deep concern that including the cabinet secretary on the selection committee of

jeopardising the potential this law aimed to deliver. This new arrangement not only implies dominant practices of reform-resistant bureaucrats but also weakens institutional autonomy and erodes public trust in the reform process.

It is equally frustrating that this rights watchdog body has remained dysfunctional for more than a year since the resignation of its chairman and members last year. This institutional vacuum allegedly enables the present government to claim compliance with reform while avoiding substantive scrutiny of recurring human rights violations. As per Ain o Salish Kendra (ASK), 29 people fell victim to extrajudicial killings and deaths due to torture in custody from January to November this year. During the period, 28 convicts and 55 under-trial prisoners died in jail. Reports

## How RTI activists keep the law alive

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**SHAMSUL BARI and RUHI NAZ**

The absence of Bangladesh's three information commissioners—vacancies that, almost a year and a half on—have left the Right to Information (RTI) regime severely debilitated, with replacements still inexplicably pending. However, instead of lamenting about it today, let's learn how the country's dedicated RTI activists—our "RTI warriors"—are coping with the situation. Trained over the years by a handful of committed NGOs, these individuals are locally recognised for helping people use the law to promote transparency and oversight in governance. In the absence of a functioning information commission, their work has become riskier and more complex, demanding greater perseverance and strategic acuity.

Encouragingly, although some have grown disheartened and stepped back, a significant number continue with remarkable determination and tenacity. Rather than retreating in the face of bureaucratic inertia, these RTI warriors have adopted a strategy of persistence: signalling to public officials that—even without formal oversight—citizens remain vigilant, committed to monitoring public services, and prepared to demand accountability.

The experiences they shared—several of which will be mentioned later—show how ordinary citizens have continued to use the RTI Act not only to resolve immediate problems but also to signal

institutional scrutiny, promote transparency, and sustain civic pressure on authorities. These examples demonstrate the power of citizen engagement, even when institutional support is temporarily lacking, and offer critical insights into the resilience, strategies and impact of Bangladesh's RTI movement.

The following case studies highlight how RTI has been used to ensure public health accountability, protect infrastructure, and safeguard citizens' rights despite the challenges posed by a dormant information commission.

### Ensuring public health accountability

In June 2025, Mukta Akter used the RTI Act to address the denial of free medicines to her sick brother at Jaldhaka Sadar Hospital in Nilphamari district. Despite entitlement under government policy, hospital staff told her to buy medicines privately and responded dismissively when questioned.

Mukta, trained in RTI law by an NGO, filed an RTI application requesting (i) lists of medicines provided by the hospital and those purchased externally, and (ii) the hospital's annual government allocation for medicines for FY2024-2025.

Fearing scrutiny, the hospital immediately provided all required medicines free of cost, corrected staff behaviour, and improved procedures—demonstrating RTI's power to secure services, enforce transparency, and catalyse institutional reform while strengthening public trust.

### Protecting public infrastructure

In Sarkar Para, Nilphamari Sadar upazila, residents were isolated after a private landowner illegally

excavated a pond beside an unpaved road, which then collapsed during heavy rain. Trespass over adjoining private land by the neighbouring population became impossible when the owner blocked access. The excavation violated buffer requirements and provisions of the Penal Code, 1860, and the Land-related Offences Prevention and Remedy Act (LCPRA), 2021.

On November 26, 2025, RTI-savvy residents filed applications with the Nilphamari Settlement Office and the assistant commissioner (Land), seeking mouza maps and khatyan records to establish the road's legal status. Confirmation of the land as public triggered the AC (Land)'s obligations under the LCPRA to investigate, issue recovery orders, and complete remedial action within three months. The case illustrates RTI's value as a non-judicial tool for evidence-gathering and administrative accountability, enabling communities to protect infrastructure and enforce legal remedies efficiently.

### The deterrent power of RTI

On September 29, 2025, following a severe accidental electrocution, Dayal Chandra Roy's son was admitted to Nilphamari Sadar Hospital. Although entitled to free treatment, the attending doctor demanded that the father supply a required utensil and purchase medicines externally. After an altercation on the matter, the doctor abruptly referred the child elsewhere for treatment.

Aggrieved by the doctor's decision, the father, with support from a local RTI advocate, threatened to file an RTI application, signalling scrutiny of the denial of treatment, the availability of medicines, and the doctor's administrative conduct.

The hospital superintendent intervened immediately: care continued uninterrupted, regular updates were ordered, and the doctor and nurse apologised. The episode demonstrates RTI's deterrent effect—compelling responsible conduct and reinforcing transparency under the prospect of legal oversight.

These cases show the continuing, practical power of the RTI Act, 2009—even without a fully

operational information commission. Strategically invoked, RTI enables citizens to secure essential services, correct administrative failures, protect public assets, and hold officials to account. They also testify to the resilience, creativity and impact of Bangladesh's RTI activists in promoting transparency, safeguarding rights, and reinforcing institutional accountability.

We hope the interim government—

now preparing for a free and fair general election—will heed citizens' aspirations for transparent, accountable governance, as illustrated earlier, and promptly revitalise the RTI regime and advance a more robust, citizen-friendly RTI law. It is equally fundamental that all political parties seeking a mandate to govern uphold and promote the RTI Act as a cornerstone of good governance and participatory democracy.

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