



On November 29, 2025, the government issued an ordinance to establish the long-desired Supreme Court Secretariat, with a view to ensuring the independence of the judiciary.

FILE VISUAL: SALMAN SAKIB SHAHRYAR

# Without the rule of law, nothing else will work

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This created a perilous dual reality: the façade of legal process alongside the brute force enforcement of political will. Most critically, this erosion fatally compromised the institution designed to be the final bulwark—the judiciary. The principle is sacrosanct: once a case is before a court, only the law and the facts should matter. Yet in countless instances following the regime's fall, courts across the hierarchy failed this basic test of objectivity. The political identity of the accused, particularly their association with the fallen regime, became an overwhelming, if unspoken, factor in judicial decision-making.

This represents more than partiality; it is the judicialisation of the political victor's justice. When courts cannot separate individual culpability from collective political identity, they cease to be arbiters of law and become instruments of political consolidation. The promise of the uprising—a new foundation built on justice and law—is thus hollowed out, replaced by a system in which the forms of legality mask a continuation of polarised conflict, merely with reversed beneficiaries. The failure to establish genuine, neutral legal authority is the single greatest threat to the durable democracy that was sought.

Furthermore, the rule of law deficit directly fuels the pervasive corruption that every political party vows to fight. Corruption is not merely a moral failing; it is a structural outcome of a system in which legal accountability is selective. When the law can be bent, bypassed, or weaponised, rent-seeking becomes a rational strategy. The upcoming government must understand that anti corruption drives, without an overarching, immutable framework of law applied equally to the powerful and the weak, are destined to be seen as political theatre. A truly independent judiciary and a robust, impartial prosecutorial body are the only engines for sustainable anti-corruption, not temporary commissions or rhetorical campaigns.

The erosion of the rule of law also stifles the very creativity and civic vitality Bangladesh

needs for its next chapter. A society in which dissent is criminalised through opaque legal processes, in which civil society operates under a spectre of surveillance and restriction, and in which the media fears overreach, is a society that loses its capacity for self-correction and innovation. The vibrant intellectual and entrepreneurial spirit of Bangladesh cannot reach its full potential in an environment of legal uncertainty and fear. The right to speak, to associate, and to hold power accountable are not Western imports; they are enshrined in Bangladesh's own Constitution and are prerequisites for a resilient, adaptive, and just society.

Therefore, for the incoming government, prioritising the rule of law and judicial independence is not a concession but a strategic masterstroke. It is the key that unlocks success in all other priority areas. How can this be translated from a lofty principle into a concrete governance agenda?

By invoking contempt of court, the judiciary has long shielded itself from criticism, often to mask its own failings. This resistance to scrutiny has impeded the development of a truly independent judicial system. Courts must instead learn to

endure critique as a necessary part of progress. It is fundamentally unjust to deny ordinary citizens—the very people subjected to open trials—their right to question the institution. An entity charged with delivering justice cannot itself act unjustly. Ultimately, the judiciary will only course-correct when the public is empowered to actively question its functioning. Therefore, a key goal for the next elected government must be to foster this public empowerment and enable deeper citizen engagement with judicial processes.

The recruitment process for Supreme Court judges remains opaque, despite new legislation permitting prospective candidates to apply directly and establishing a committee to oversee the recruitment process. The specific criteria and selection procedures continue to lack public transparency.

Moreover, key provisions of the ordinance appear to

contradict established constitutional principles, notably by diminishing the traditional primacy of the Chief Justice in judicial appointments. The elected government must therefore endeavour to scrutinise the ordinances passed during the interim administration and refrain from mechanically endorsing them without due examination.

The next government must embark on a war against the case backlog and judicial delay. This requires massive investment in court infrastructure, digitalisation of case management, an increase in the number of judges and court staff, the provision of adequate training, and the streamlining of procedures. Speedy justice is a fundamental right; delay is a denial of justice. A special focus must be placed on lower courts, where most citizens encounter the legal system, to ensure they are adequately resourced and insulated from local power dynamics.

The government must demonstrate an unwavering commitment to ending impunity. This means allowing and empowering law enforcement and anti-corruption agencies to operate without political interference, even when investigations touch powerful interests within, or aligned with, the ruling structure. High-profile, credible prosecutions and convictions in corruption and abuse-of-power cases would do more to restore public faith than a thousand speeches.

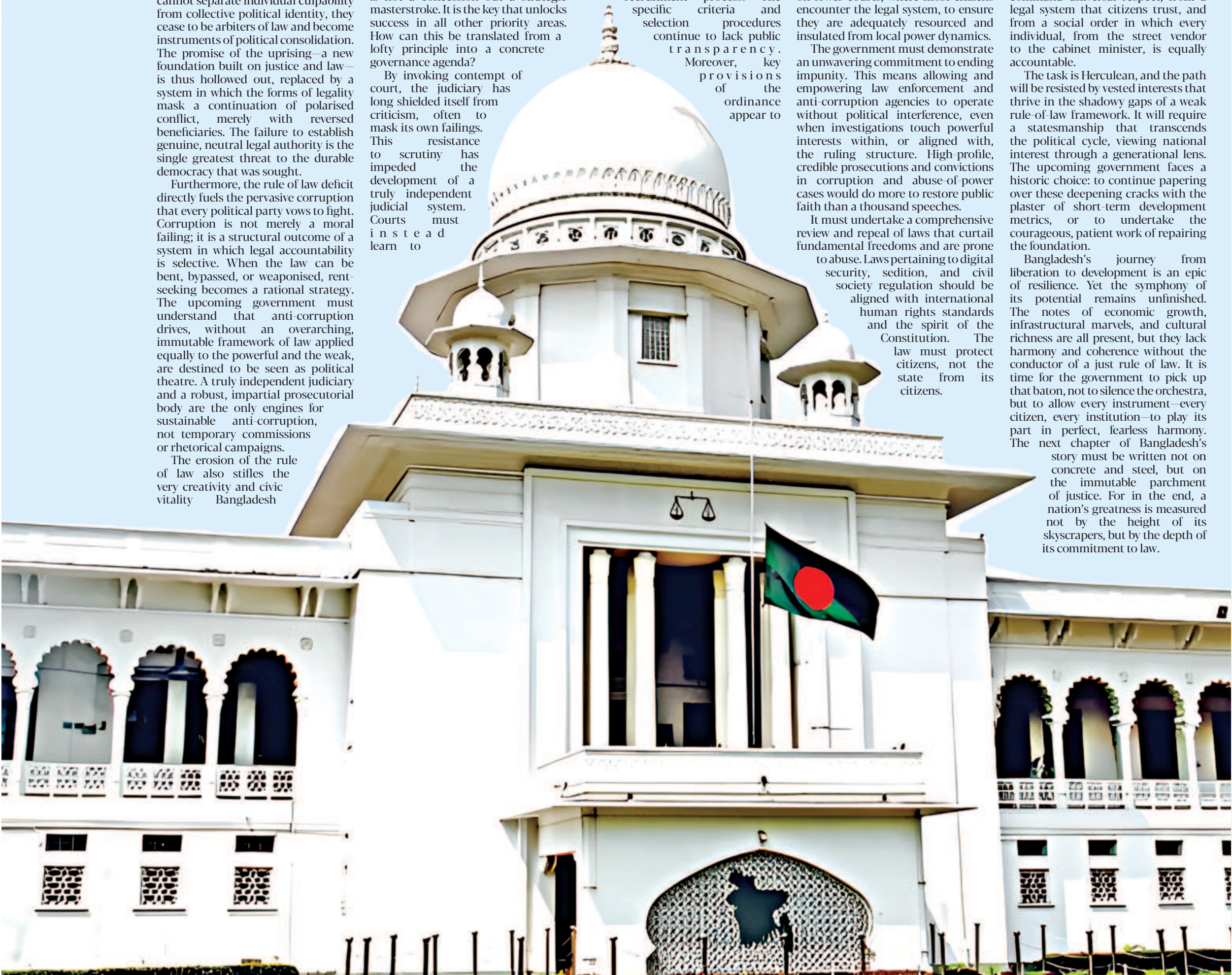
It must undertake a comprehensive review and repeal of laws that curtail fundamental freedoms and are prone to abuse. Laws pertaining to digital security, sedition, and civil society regulation should be aligned with international human rights standards and the spirit of the Constitution. The law must protect citizens, not the state from its citizens.

The government must practise restraint. The executive must lead by example, voluntarily submitting itself to the jurisdiction and scrutiny of an independent judiciary. It must refrain from using legal tools to settle political scores or silence critics. This political will from the very top is the single most important catalyst for change.

Critics will argue that in a developing nation facing immense pressures, a strong, unfettered executive is more effective in delivering results. This is a dangerous fallacy. Authoritarian efficiency is illusory and ephemeral. It builds towers but weakens foundations, leading to catastrophic fragility in the long term. True, sustainable strength is derived from institutions that command universal respect, from a legal system that citizens trust, and from a social order in which every individual, from the street vendor to the cabinet minister, is equally accountable.

The task is Herculean, and the path will be resisted by vested interests that thrive in the shadowy gaps of a weak rule-of-law framework. It will require a statesmanship that transcends the political cycle, viewing national interest through a generational lens. The upcoming government faces a historic choice: to continue papering over these deepening cracks with the plaster of short-term development metrics, or to undertake the courageous, patient work of repairing the foundation.

Bangladesh's journey from liberation to development is an epic of resilience. Yet the symphony of its potential remains unfinished. The notes of economic growth, infrastructural marvels, and cultural richness are all present, but they lack harmony and coherence without the conductor of a just rule of law. It is time for the government to pick up that baton, not to silence the orchestra, but to allow every instrument—every citizen, every institution—to play its part in perfect, fearless harmony. The next chapter of Bangladesh's story must be written not on concrete and steel, but on the immutable parchment of justice. For in the end, a nation's greatness is measured not by the height of its skyscrapers, but by the depth of its commitment to law.



Bangladesh High Court.

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