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ON
“The Myth & the Reality of Securing the Rule of Law
in Bangladesh Context”**

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Subject: Submission of Research Monograph on “The Myth & the Reality of Securing the Rule of Law in Bangladesh Context”

Honorable Sir,

It is an immense pleasure to submit this Research Monograph on “**The Myth & the Reality of Securing the Rule of Law in Bangladesh Context.**” I have tried to fulfill all the requirements regarding preparing a standard research monograph and hope you will not be disappointed.

I therefore hope that you would be kind enough to accept my research monograph for evaluation. I am available for any further clarification of this paper at your convenience.

Sincerely yours,



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This is to certify that, the work “**The Myth & The Reality of Securing Rule of Law in Bangladesh Context**” is an original work prepared by **Rezwanur Rahman**, bearing ID: 0242310008133003, Department of Law, Daffodil International University. This research monograph is prepared with my guidance and under my supervision to partially fulfill the credit requirements for awarding the Master of Laws degree.



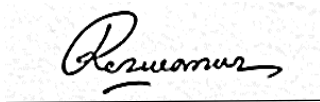
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Declaration

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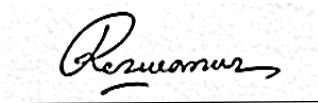
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Acknowledgment

Alhamdulillah, for the blessings of Almighty Allah.

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Abstract

In the preamble of the Constitution of the People's Republic of Bangladesh the fundamental aim was set, realizing a socialist society, free from exploitation, through a democratic process where fundamental human rights, freedom, equality, and justice will be secured. Where the will of people, the Constitution will be the supreme command and will be protected and followed. Which means, the pledge was ultimately about ensuring the Rule of Law. Because, if rule of law is ensured, which means the constitution is held the supreme command and followed properly, the fundamental principles will be followed, the fundamental rights will be ensured, every organ of the state will perform properly. Overall, the sole purpose or fundamental aim as mentioned in the Constitution of the People's Republic of Bangladesh will be served. But today there are lot of violations of fundamental rights of the people, arbitrary use of power by Government and its organs, difficulties in access to justice, inequality, etc. Which are against the fundamental aim mentioned in the constitution. Therefore, the question arises, whether complete Rule of Law exists, or it is just a myth, or mere words written in a document? This study is made to find out whether Rule of Law exists in Bangladesh, or it is just a myth. To point out the difficulties in ensuring Rule of Law and their causes.

Key Words: Rule of Law, Existence, Constitution of the People's Republic of Bangladesh, Supremacy of the Constitution, Accountability, Absence of Corruption.

Abbreviation

Anti-Corruption Commission	ACC
Appellate Division	AD
Article	Art
Bangladesh Legal Aid and Services Trust	BLAST
Chief Election Commissioner	CEC
Code of Criminal Procedure	CrPC
Cyber Security Act	CSA
Detective Branch	DB
Digital Security Act	DSA
Dhaka Law Report	DLR
Election Commission	EC
High Court Division	HCD
Information and Communication Technology	ICT
International Commission of Jurist	ICJ
International Network to Promote Rule of Law	INPROL
Member of Parliament	MP
Non-government Organization	NGO
Police Bureau of Investigation	PBI
Rapid Action Battalion	RAB
Supreme Court	SC
Sustainable Development Goals	SDG
Transparency International Bangladesh	TIB
United Nations	UN
United Nations Declaration on Human Rights	UDHR
United Nations Security Council	UNSC
World Justice Project	WJP

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Chapter One

Preliminary

1.1 Introduction

The Peoples's Republic of Bangladesh, a democratic country which is independent for 53 years. In the constitution of the Peoples's Republic of Bangladesh a pledge was made to follow the ideals of nationalism, socialism, democracy and secularism as fundamental principles. Another pledge was made regarding the fundamental aim of the state, which was to realise a socialist society, free from exploitation, through a democratic process where fundamental human rights, freedom, equality, and justice will be secured. Where the will of people, the Constitution will be the supreme command and will be protected and followed.¹ Which means, the pledge was ultimately about ensuring the Rule of Law.

Because, if rule of law is ensured, which means the constitution is held the supreme command and followed properly, the fundamental principles will be followed, the fundamental rights will be ensured, every organ of the state will perform properly, overall, the sole purpose or fundamental aim as mentioned in the Constitution of the People's Republic of Bangladesh will be served. But today there are a lot of violations of fundamental rights of the people, arbitrary use of power by govt and its organs, difficulties in access to justice, inequality, etc. Which are against the fundamental aim mentioned in the constitution. Therefore, the question arises, whether a complete Rule of Law exists, or it is just a myth, or mere words written in a document.

Because a great number of occurrences and affairs of different organs of the government are questionable and at the same time there are many examples of providing justice by the judicial system to those who suffered loss or became victims of arbitrary use of power. Thus, bare eyes see the existence of both positive and negative aspects, but what is the actual scenario of existence of Rule of Law needs to be found out. Because if lacking exists, then proper steps or actions need to be taken to overcome those.

¹ The Constitution of the People's Republic of Bangladesh, 1972.

1.2 Problem Statement

Firstly, people are witnessing law serving the higher classes with privileges and immunities while at the same time suppressing the people of middle class or lower class. Which is a clear case of inequality before law or absence of protection of law.

Secondly, arbitrary use of power by government organs and law enforcing agencies in form of enforced disappearance, extra judicial killings, tortures, etc., are indicating that rule of law is absent in Bangladesh.

Thirdly, the absence of democracy or violation of democracy is being witnessed in almost every sector. Mostly in the national elections. Even the voting system of parliament members for passing any bill presented by his party is questionable as well.

Lastly but not least, several laws are made and enforced only to suppress the voices of people against injustice or violences, the opinions or thoughts of people, to keep the crowd in chains. Which is a violation of fundamental rights and may be inconsistent with the constitution as well.

It is not like that rule of law is totally absent, but it doesn't exist completely either. It is necessary to find out to what extent rule of law exists and where there are challenges before it, what are those challenges, their reasons and their solutions.

1.3 Objectives of Research

The main objective of this study is to find out clearly, whether Rule of Law exist in Bangladesh in every sector, or it is just confined within the words of the constitution?

At the same time, this study's objective is to search for the difficulties and challenges causing absence of rule of law and what can be the solutions to overcome those and to ensure the complete rule of law.

1.4 Scope of the Study

Complete rule of law is essential to meet the fundamental aim of this republic as mentioned in the constitution. If lacking or challenges exists, for which it becomes difficult to ensure rule of law, then those needs to be wiped out.

This study identifies sectors where rule of law should exist but doesn't. This study identifies the reasons for absence of rule of law and provides the probable solutions which can be considered and applied to overcome the challenges and to ensure complete rule of law.

1.5 Research Methodology

This study is based on secondary data mainly, most of which are qualitative, and a few are quantitative. The collected data are analyzed from normative aspect and the study is made in an analytical approach, by holding several criteria as standards or essentials for existence of rule of law and comparing what the scenario ought to be and what it actually is.

1.6 Literature Review

In a paper named “**Rule of Law in Bangladesh: An Overview**” by Md. Awal Hossain Mollah, the concept of the rule of law is discussed, various theories of jurists are explained, the modern concept of the rule of law is explained and then the real scenario in Bangladesh is discussed. Where the author has only identified problems regarding access to justice and equality before the law but didn’t discuss the matter broadly, nor did it provide any reference to any incident or occurrence. Then he discussed the violation of the principle of separation of judiciary and interference of other organs in functions of the judiciary. Then, he discussed the application of the Special Powers Act for suppressing people arbitrarily but didn’t provide any reference to incidents or occurrences. Then he discussed loopholes in the law-making and misusing those laws. Lastly, he discussed the presence of corruption in the judicial system.²

Here, the study is quite analytical and mostly theoretical. No real-life references of any violation or incident occurred in Bangladesh is provided here. Since the question is whether rule of law exist in Bangladesh or it’s just a myth, a good number of references is needed to conclude it. Moreover, there remain several sectors which need to be evaluated.

In another paper named, “**Status of Rule of Law in Bangladesh**” by Mohammad Shahjahan Siddiqui, the status of rule of law in real-life practice in Bangladesh is presented by discussing various points such as, government’s use of unlimited power, interference of one organ in another’s functions, absence of transparency in every sector, questionable election system, unequal treatment by law, corruption, accountability, custodial torture, etc.³

Here, the status of rule of law is presented only, no conclusion is made upon the existence of rule of law. Besides, more analysis is needed regarding arbitrary use of power by different law-enforcing authorities and a few more points need to be considered to reach a conclusion regarding the existence of rule of law.

² Mollah, A. H. Rule of Law in Bangladesh: An Overview. *Academia*, 01-10.

[www.academia.edu/60361134/Rule of Law in Bangladesh An Overview](http://www.academia.edu/60361134/Rule_of_Law_in_Bangladesh_An_Overview)

³ Siddiqui, M. S. (2013). Status of rule of law in Bangladesh. *ResearchGate*, 01-04.

https://www.researchgate.net/publication/250002392_Status_of_rule_of_law_in_Bangladesh#fullTextFileContent

In another paper, **“Concept of Rule of Law and Justice: Difficulties of Application in Bangladesh”** by Dr. Md. Oliul Islam, several challenges were pointed out and about 300 people were interviewed about them and based on the data collected from them, the conclusion is found that, present condition of rule of law is not satisfactory.⁴

Here, the study is based upon primary data, mostly from the data collected from several interviews. Basically, it is the result of public opinion. But references regarding real-life occurrences, misconducts, etc. are needed to conclude properly, whether rule of law exist in Bangladesh.

In another paper named, **“Rule of Law in Bangladesh: Illusion or Reality”** by Md. Obaidullah, status of rule of law is evaluated upon, Bangladesh’s position in international survey, application of various provisions of the constitution, process of legal proceedings, corruption, violations of human rights, election system, suppression by government, crimes, etc.⁵

Here, a few more evaluations are needed in some sectors such as enforced disappearance, transparency in the system, government’s use of unlimited power etc. And up to date data is needed to conclude the present scenario.

⁴ Islam, O., Dr. (2019). Concept of Rule of Law and Justice: Difficulties of Application in Bangladesh. SSRN, 05(04), 01-04. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3754132

⁵ Obaidullah, M. (2020). Rule of Law in Bangladesh: Illusion or Reality. *Academia*, 02(II), 01-13. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3754132

Chapter Two

Concept of Rule of Law

2.1. Definition of Rule of Law

Rule of Law is the principle of governance where every person whether natural, artificial or legal and every entity whether public or private including the state shall be regulated and governed by the law. Here law shall be the supreme command. Nothing or no one shall go beyond the law. The government, its organs, everything shall function under the command of the supreme law. There shall be no arbitrary use of power by the government or any of its organs, no violation of provisions of law and if any violation takes place, access to justice must be ensured. There must be no interference in the function of the judiciary. Every person must be treated by the law equally. Law shall be just, known and accessible. Here everyone shall be accountable for their actions and subject to supreme law.

2.2. Origin and Development of the Concept of Rule of Law

Though the term “Rule of Law” was first used and popularized between 17th to 19th century, the concept of rule of law that, law should govern all and no one is above the law, was introduced and has been practiced since a long before of that.

In the 4th century BC, Aristotle wrote in his book “Politics”, law should govern all and if placing the supreme power in any person seems advantageous then he should be appointed as a guardian only and the servant of laws.⁶

In the 1st century BC, the Roman statesman Cicero cited that, “we are all servant of laws in order to be free”. At that time, the magistrates with controversies were put on trial after expiration of their terms. Which is an example of keeping law equal for all and above all.⁷

Religious scriptures are good examples of the practice of the concept of rule of law. In the 8th and 9th century BC, in Ramayana and Mahabharata it was provided that, it is the King’s duty to protect his subjects and if he fails, he should be executed. Which shows that law was held above the king as supreme command. In 6th century when Al QurAn was declared the complete code of life, the muslims are leading their life as per the commands of Al QurAn since then. Even today many Islamic nations follow Al QurAn as their constitution and supreme command. In the 9th century,

⁶ Politics. (2024, May 16). In Wikipedia. [https://en.wikipedia.org/wiki/Politics_\(Aristotle\)](https://en.wikipedia.org/wiki/Politics_(Aristotle))

⁷ Rule of law. (2024, July 6). In Wikipedia. https://en.wikipedia.org/wiki/Rule_of_law#Notes_and_references::~:~:text=The%20Roman%20statesman,sue%20the%20treasury

Alfred the great king of Anglo-Saxon reformed the laws of his kingdom and assembled the law code “Doom Book” based on biblical commandments. He ensured equality before law and justice to all.⁸

In 1215 the Magna Carta was introduced, and monarch was submitted to the law, access to justice was ensured for the Barons. It wasn’t for the people in general, only for the Barons. Though it wasn’t the complete rule of law, it was a foundational step.⁹

All these were the early foundational concepts or theories of rule of law. But the modern foundational concept was brought within 17th to 19th century, based on which the term rule of law was brought and through the long development, today’s concept of rule of law is placed before the world.

In 1644 Scottish Presbyterian minister Samuel Rutherford wrote in argument 4 in the part “Whether the king be above the law?” in his book, “Lex, Rex: the Law and the Prince: A dispute for the just Prerogative of King and People” that, the king shall be obliged by law and cannot be superior to law.¹⁰

The Magna Carta though wasn’t a complete foundation of Rule of Law, it was a base for the modern foundation. Based on the concept, in 1689 the Bill of Rights was the foundation of Rule of Law in UK. Which handed over the power to the Parliament instead of the Monarch.¹¹

Later in 1885 a British jurist Albert Venn Dicey wrote in his book, “Lectures introductory to the study of the law of the constitution” that, Rule of Law refer to absence of arbitrary power, equality before law and the supreme law is the result of ordinary laws.¹²

⁸ Rule of law. (2024, July 6). In *Wikipedia*.

[https://en.wikipedia.org/wiki/Rule_of_law#Notes_and_references:~:text=Alfred%20the%20Great%2C%20Anglo%2DSaxon%20king%20in%20the%209th%20century%2C%20reformed%20the%20law%20of%20his%20kingdom%20and%20assembled%20a%20law%20code%20\(the%20Doom%20Book\)%20which%20he%20grounded%20on%20biblical%20commandments.](https://en.wikipedia.org/wiki/Rule_of_law#Notes_and_references:~:text=Alfred%20the%20Great%2C%20Anglo%2DSaxon%20king%20in%20the%209th%20century%2C%20reformed%20the%20law%20of%20his%20kingdom%20and%20assembled%20a%20law%20code%20(the%20Doom%20Book)%20which%20he%20grounded%20on%20biblical%20commandments.)

⁹ *Magna Carta*. UK Parliament.

<https://www.parliament.uk/magnacarta/#:~:text=Magna%20Carta%20was%20issued%20in,as%20a%20power%20in%20itself.>

¹⁰ Rutherford, S. (1644). *Lex, Rex: The Law and the Prince: A Dispute for the Just Prerogative of King and People* (p. 237).

https://books.google.com.bd/books?id=tpIBAAAAQAAJ&dq=%22Samuel+Rutherford%22+and+%22but+under+rule+of+law%22&pg=PA237&redir_esc=y#v=onepage&q=%22Samuel%20Rutherford%22%20and%20%22but%20under%20rule%20of%20law%22&f=false

¹¹ (1689, December). *The Bill of Rights 1689: An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown*. UK Parliament. <https://www.parliament.uk/about/living-heritage/evolutionofparliament/parliamentaryauthority/revolution/collections1/collections-glorious-revolution/billofrights/>

¹² Dicey, A. V. (1885). *Lectures introductory to the study of the law of the constitution* (pp. 172, 177, 208). London, Macmillan and Co. <https://archive.org/details/lecturesintrodu03dicegoog/page/n8/mode/2up?view=theater>

In 1959 at the event Declaration of Delhi by the International Commission of Jurists, certain rights and freedoms were included in the concept of rule of law. Besides, independence of judiciary, social, economic and cultural condition were included.

The World Justice Project, an international organization working on conducting research, collecting and recording data regarding status of rule of law worldwide and spreading awareness to ensure rule of law. WJP's Rule of Law Index shows necessary factors of rule of law, rankings of nations according to their status regarding ensuring rule of law.¹³

The United Nation's Security Council has adopted resolutions realizing the necessity of various issues of rule of law. Besides, the Sustainable Development Goal 16 a part of 2030 agenda is ready to promote the rule of law at every level.

Thus, the concept of rule of law is being developed from time to time and various entities are working to identify new issues regarding rule of law, their causes, solutions and trying to spread awareness so that, rule of law can be ensured more effectively.

2.3 Essentials of Rule of Law

Analyzing various theories, concepts, principles, juristic views and results of research works including those mentioned above, the followings are the essentials for complete Rule of Law,

- i. Supremacy of Law
- ii. Transparent legislation process and just law.
- iii. Equality before law
- iv. Accessible justice system
- v. Independence of judiciary
- vi. Absence of arbitrary use of power
- vii. Absence of corruption
- viii. Democracy
- ix. Accountability to law
- x. Appropriate enforcement of law.

¹³ WJP Rule of Law Index. World Justice Project. <https://worldjusticeproject.org/rule-of-law-index/>

Chapter Three

Essentials of Rule of Law in Bangladesh Context

The Constitution of the People's Republic of Bangladesh, in its preamble, provided that, the fundamental principles of state policy nationalism, socialism, democracy and secularism shall be followed strictly, the rule of law shall be ensured, there shall be no exploitation, fundamental rights shall be ensured, equality and justice shall be ensured including political, social and economic aspects. Including these, a few other essentials need to be assessed to find out the existence of the rule of law.¹⁴

3.1. Supremacy of the constitution

Supremacy of the constitution is the most essential part in finding the existence of the rule of law because the constitution is the code of governance for a state and if its supremacy is ensured then it can be said that the rule of law exists.

3.2 Transparent Legislation and Just Law

The members of parliament are the representatives of the people. So, when they are taking part in the legislative procedure, they are performing on behalf of the people in general. Thus, people have the right to have clear knowledge of the legislation process, purpose of the legislation and scope and application of it. The law must be just for the people. It shouldn't be inconsistent with the provisions of the constitution.¹⁵ It shouldn't be a black one, which can be enforced against the people to suppress them.

3.3 Equality before Law

In the rule of law, the law must treat every person or entity standing before it equally without being partial. It includes every organ and body performing their duties of law enforcement and judicial functions. Every person shall get equal treatment whether it be protection of law or seeking justice. Law must treat equally irrespective of one's class, religion, gender etc. Law must treat the poor and an ordinary person equally as the rich and the well-known and powerful person. Law mustn't consider one's position or power while serving the people.

¹⁴ The Constitution of the People's Republic of Bangladesh, 1972.

¹⁵ The Constitution of the People's Republic of Bangladesh, 1972.

3.4 Absence of Arbitrary Use of Power

Where the rule of law exists, certain power is bestowed upon every person functioning under the law. They must function within the power they are conferred with abiding by the law. They cannot misuse their power or use it arbitrarily. If they do so, they'll be held accountable before the law. Thus, in the existence of the rule of law, arbitrary use of power cannot exist.

3.5 Accountability before Law

Rule of Law means, every person, body, entity is bound by the law. No one is above the law. Everyone must oblige to the law and shall be accountable to law for his every action. The government, its organs, enforcement agencies, every person performing function under the law, even the magistrate or judge deciding any case or suit must be accountable to law. Law shall assess them through Judicial Proceedings.

3.6 Access to Justice

An accessible justice system is an essential element of the rule of law. It makes the rule of law more effective. In the rule of law, all people's rights are protected, but if any violation occurs, judicial support is their only hope. Thus, the judicial system needs to be accessible to all and serve every person equally. The financial, political, or other social status of a person should not cause difficulties in seeking justice. People from every class, religion, and gender shall be treated equally while they seek justice. Justice should be accessible to all without being partial to any kind of influence.

3.7 Independence of Judiciary

Judiciary is the last hope for getting justice for the person who has suffered injustice and whose constitutional rights are violated. Thus, the judicial system needs to be accessible, impartial in itself and independent from any kind of interference or pressure from any person or entity or government organ. Judiciary can function properly only if it runs independently without being interfered with. Separation of power among the executive, legislative and the judiciary is thus very important. Because if judiciary cannot function independently then the persons in power will not be accountable to the judicial process and there will be arbitrary use of power which will ultimately cause disaster instead of securing the rule of law and justice will not be accessible to all.

3.8 Democracy

The government of People's Republic of Bangladesh is a representative government. It represents the people of Bangladesh and function in the governing system. People participate in selecting their representative through election and exercise democracy. But it is not the only sector for exercising democracy. There are several sectors where decisions about the fate of the people are made by their representatives through voting. Where the representative exercises democracy. Democracy is a principle, a fundamental principle of state policy. It is necessary for the legislation process and for every decision-making process in every sector. Thus, it is important in ensuring the rule of law.

3.9 Absence of Corruption

Corruption is the violation of principles. Thus, it causes damage in every sector in securing the rule of law. Corruption causes arbitrary use of power, interference in the judiciary's functions, absence of accountability and ultimately disrupts the rule of law. That is why zero corruption is an essential goal to reach to ensure complete rule of law.

Chapter Four

Present Scenario of Rule of Law in Bangladesh

4.1. Arbitrary use of Power by Government and Law Enforcement Agencies

Enforced disappearance, extra-judicial killings, torture or death at custody, violation of fundamental rights, etc. are some of the forms of arbitrary use of power by the government and its organs. Arbitrary use of power by the government or any of its organs is mostly being used to suppress the voices against the government whenever it acts stepping out of the legal framework whether it be corruption or any act violating the fundamental rights of the people or the fundamental principles of state policy. In these situations, the government puts forward law enforcement agencies to handle the situation and sometimes the judicial system is also being used by the government.

Firstly, the power to arrest without a warrant is conferred under section 54 of the Code of Criminal Procedure, 1898 (CrPC).¹⁶ Under section 167 of the CrPC and section 27 of the Evidence Act, police can seek custody of the arrestee respectively for incomplete investigation within 15 days and regarding the purpose of the investigation to find out any material fact. Section 3 of the Special Powers Act is also misused for preventive detention.¹⁷ Here, various vague terms from various laws in force which can be easily interpreted and can be misused easily against the people raising their voices against the government. Such as the term “Prejudicial Act” in section 3 of the Special Powers Act, “Reasonable Suspicion” in section 54 of the Code of Criminal Procedure, etc. are mostly being misused to suppress the people when they raise their voices against the corruption of the government or at the time of election to suppress the opposition.

In the appeal, “*Bangladesh & others Vs. Bangladesh Legal Aid and Services Trust (BLAST) & others*. [2016] 8 SCOB 1 (AD)” from the judgement of life imprisonment of AC Akram of DB for torturing and killing Shamim Reza Rubel in custody, the Appellate Division (AD) provided several directions for the law enforcing agencies and for the magistrates and judges, which are as follows,

- ◆ Preparing memorandum of arrest
- ◆ Informing the relatives or friends of the arrestee about his arrest and place of custody
- ◆ Maintaining diary and keep entry of information about the informant and about informing the friend or family of the arrestee
- ◆ Registering the case
- ◆ Disclosure of identity while arresting

¹⁶ The Code of Criminal Procedure, 1898.

¹⁷ The Special Powers Act, 1974.

- ◆ No arrest without warrant under section 3 of the Special Powers Act.
- ◆ Recording existing injuries prior to the arrest
- ◆ Let the arrestee consult with his lawyer.
- ◆ If an officer seeks judicial custody but can't present entries in the diary, then the magistrate shall release the arrestee.
- ◆ In case of petition for shown arrest of the arrestee in any other case, officer shall present the arrestee and the diary with entries before the court
- ◆ If arrested in case of preventive detention, judicial custody won't be allowed.
- ◆ If any officer acts in contrary to the directions of law, court shall proceed against him
- ◆ If death or torture occurs in custody, magistrate shall order for medical examination immediately.¹⁸

Even though the AD has provided these directions, arbitrary arrest, unlawful detention, extrajudicial killings, torture, etc. are still occurring. Besides, during the election period, cases of enforced disappearance rise rapidly.

Secondly, “The Human Rights Reports” by “Odhikar” from 2017 to the present day,¹⁹ shows that,

	Extra-Judicial Killings	Enforced Disappearance	Death in Custody	Attacks upon Journalists	Victimized under the ICT Act or Digital Security Act or the Cyber Security Act
2017	155	86	59	45	32
2018	466	97	81	104	55
2019	391	34	60	45	
2020	225	31	76	150	155
2021	107	23	72	114	134
2022	31	21	68	183	71
2023	24	52	128	413	52
2024	21	1	41	85	0

These data show that, from 2017 till today, the arbitrary use of power in the form of arbitrary arrest, enforced disappearance, extra-judicial killings, death in custody, attacks upon media, victimization under black laws, etc. are decreasing day by day. Though in 2018 and 2023 these data jumped, in 2024 in the first 3 months record of these arbitrary use of powers is quite low. The reason for these spikes in 2018 and 2023 is the national election. The time when the arbitrary use of power has been seen mostly used to suppress the opposition and the media.

¹⁸ *Bangladesh & others Vs. BLAST & others*. [2016] 8 SCOB 1 (AD)

¹⁹ *Annual Human Rights Report*. Odhikar. <https://odhikar.org/category/reports/annual/>

Thirdly, there are several laws in force, which are being used against the people to suppress their voices. The practice was started with the Special Powers Act 1974. Similarly, the Information and Communication Technology Act 2006 (ICT ACT), Digital Security Act 2018 (DSA), and Cyber Security Act 2023 (CSA). The Special Powers Act was meant to prevent probable violations. But because of some vague terms used in the Act, it has been and is being used arbitrarily. The ICT Act was replaced by the DSA in 2018 with some changes and recently the DSA was replaced by the CSA. In 2017, 32 people were arrested under the ICT Act arbitrarily by taking advantage of vague terms in the provisions.²⁰ To control the rising questions, in 2018 the ICT Act was replaced by the DSA. Section 56 of the Act was also quite similarly used against the people arbitrarily. In 2018, 40 people were arrested under the ICT Act and 15 people were arrested under the DSA arbitrarily.²¹

Similarly, the Cyber Security Rules, 2024 (CSR) contains such scopes that will allow law enforcement agencies to arbitrarily use the rules against the people to suppress them. Such as the CSR contains vague definitions which are not clearly defined and can be easily manipulated while interpreting and applying. Rule 26 provides the Director General more power than prescribed in the CSA. in the CSA. Which provides scopes for the arbitrary use of power. Furthermore, the rules require the digital space to be under the surveillance of the government. Where the internet is an open platform and the government wants to keep it under surveillance, it will be a breach of people's privacy. privacy. Besides, the design of the National Cyber Security Agency contains flaws and lacks mechanisms to ensure transparency and accountability.²²

Fourthly, the number of victims of enforced disappearance in 2023 was 52, which was 21 in 2022 and 23 in 2021. Due to the election period the number spiked in 2023. In the first 3 months of 2024, the number is only one. Which is a good sign.

Lastly, the number of extra-judicial killings between 2009 and 2021 is 2644. Which came down to below 30 in the past 3 years. Due to being highlighted at different times and by different entities. Whether it be step of any organization or the sanction of the USA upon the RAB in recent years.

²⁰ (2017). *Annual Human Rights Report 2017*. Odhikar. https://odhikar.org/wp-content/uploads/2018/01/Annual-HR-Report-2017_English.pdf

²¹ (2018). *Annual Human Rights Report 2018*. Odhikar. https://odhikar.org/wp-content/uploads/2019/08/Annual-HR-Report-2018_Engl.pdf

²² (2024). *Review of Proposed Cyber Security Rules, 2024*. Transparency International Bangladesh. <https://ti-bangladesh.org/upload/files/position-paper/2024/pcsr/Review-of-proposed-Cyber-Security-Rules-2024-En.pdf>

4.2. Practice of Democracy in National Election and Parliamentary Functions

Democracy is one of the fundamental principles of state policy as per the Constitution of the People's Republic of Bangladesh. Here, people elect their representatives in the government to decide on their behalf and to work for them. People practice democracy in the national election and local government elections. People get the scope to practice democracy directly in these elections only. Afterward, all the decisions are made on behalf of the people by their elected representatives. Now the question is whether people and their representatives are getting full opportunities to exercise their right to vote or not.

Suppressing the opposition, violence, enforced disappearance, etc. are very common plots at the time of election whether it be the national election or elections for the local government. These are very old practices. Keeping the past at side, evaluating the recent events shall be enough to understand the present scenario.

Firstly, in the 12th parliamentary election, only 40% of votes were cast.²³ Tough, the exact ratio is questionable because at 12:00 pm the Election Commission (EC) informed in a press briefing that 18% of votes were cast and till 3:00 pm, in about 7 hours of voting, only 26% of votes were cast and in the last hour suddenly the number spiked up to 40%. The Chief Election Commissioner (CEC) informed in a press briefing at 5 pm that 28% of votes had been cast in total but later corrected himself and informed that 40% of votes had been cast.²⁴

Secondly, the CEC Kazi Habibul Awal informed the media that, almost in all the centers only polling agents of the ruling party are present.²⁵ The Secretary of Election Commission Jahangir informed the media that voting at 7 centers had been cancelled due to ballot stuffing and 15 persons were convicted for such offenses.²⁶ Because of media coverage and quick spreading of news through online platforms, such occurrences got highlighted and the EC had no other option but to admit. Not just in those 7 centers, but in almost all the centers such types of occurrences are witnessed and complained about. However, due to lack of media coverage, those were suppressed and named as allegations.

²³ (2024, January 7). Turnout around 40 percent: CEC. *The Daily Star*. <https://www.thedailystar.net/election-2024/news/news/turnout-around-40-percent-cec-3513446>

²⁴ (2024, January 7). সিইসি প্রথমে বললেন ২৮ পরে ৪০ শতাংশ. *Manob Jamin*. <https://mzamin.com/news.php?news=92038>

²⁵ (2024, January 7). নৌকা ছাড়া কারো এজেন্ট নেই: সিইসি. *Bangla News 24*. <https://web.archive.org/web/20240107053643/https://www.banglanews24.com/election-comission/news/bd/1258249.details>

²⁶ (2024, January 7). ৭ ঘন্টায় ২৭.১৫% ভোট. *Bdnews24*. <https://bangla.bdnews24.com/bangladesh/vdj8379vis>

Thirdly, in most of the centers, agents of the ruling party were caught red-handed while rigging votes by stamping blank ballots during the voting period and at night before the voting day. During the vote in 20th center of Dhaka District Sports Association within ward 9 of Dhaka-8 constituency, a teenage boy Russel was caught voting. When he was questioned, he said that he was brought by the local cadre of the ruling party in the morning to vote in the name of Mohammad Abdur Rahman, voter no. 0475. He added that many more like him are voting illegally, some have cast one vote, and some have cast multiple.²⁷

All of these make sense, how does the rate of casting votes from 26% in 7-hours to 40% in the last hour. Because of such vote rigging, those people in whose name the votes were cast, were deprived of their right to vote. They were deprived of practicing democracy.

Not just in the parliament election 2024, but also in the prior elections of 2013, 2018, and in almost every local government election, the scenario is the same. A report “12th National Parliament Election Process Tracking” by “Transparency International Bangladesh” (TIB) highlights every aspect of the 2024 election, including the violations starting from difficulties in getting nominations, suppressing oppositions by enforced disappearance to vote rigging, ballot stuffing, etc.²⁸

Not only are the people deprived of practicing democracy but also their representatives are. The representatives sit in the parliament to choose on behalf of the people. To decide what will be good for the people and what will not be. While a bill of any new law or of any other matter is presented in the parliament for voting by the ruling party, every representative nominated by the ruling party must vote in favor of the bill. Otherwise, he will vacate his seat. Article 70 of the Constitution of the People’s Republic of Bangladesh provides such direction.

In literal interpretation, this direction is directly contradictory to the fundamental principle of state policy, Democracy. Since the Members of Parliament (MP) are representing the people, they also have the right to vote independently, practicing democracy. But, by providing an advantageous interpretation of the provision, such binding direction has been applied. Thus, an MP is helpless before his party and deprived of the right to vote independently.

²⁷ (2024, January 7). ‘কার ভোট দিচ্ছি জানিনা’, কিশোরদের দিয়ে ভোট কাস্টের চেষ্টা. *Desh Rupantar*.

<https://www.deshrupantar.com/480439/%E2%80%98%E0%A6%95%E0%A6%BE%E0%A6%B0-%E0%A6%AD%E0%A7%8B%E0%A6%9F-%E0%A6%A6%E0%A6%BF%E0%A6%9A%E0%A7%8D%E0%A6%9B%E0%A6%BF-%E0%A6%9C%E0%A6%BE%E0%A6%A8%E0%A6%BF%E0%A6%A8%E0%A6%BE%E2%80%99-%E0%A6%95%E0%A6%BF%E0%A6%B6%E0%A7%8B%E0%A6%B0%E0%A6%A6%E0%A7%87%E0%A6%B0-%E0%A6%A6%E0%A6%BF%E0%A7%9F%E0%A7%87-%E0%A6%AD%E0%A7%8B%E0%A6%9F-%E0%A6%95%E0%A6%BE%E0%A6%B8%E0%A7%8D%E0%A6%9F%E0%A7%87%E0%A6%B0>

²⁸ (2024, May 29). *12th National Parliament Election Process Tracking*. Transparency International Bangladesh. <https://www.ti-bangladesh.org/images/2024/report/ept/Executive-Summary-Election-Process-Tracking-English.pdf?v=1.6>

4.3. Corruption

There is no sector left corruption-free. Today in every sector, in every organ of the government, in every office, corruption has spread like a nest of a virus. Corruption is an incurable virus in the system. Which is the root of all problems and challenges in the way of ensuring the complete rule of law.

There is a proverb, “Money is the root of all problems”. Greed for money or wealth is the prime reason for every corrupt person to step out of his legal capacity, forget his ethics and morality, and violate rules. Then to conceal his deeds, he involves others or suppresses others using his powers arbitrarily. Every corrupt person and entity, including the government, does the same.

Firstly, the government organs and offices involved in corruption always keep others happy to keep their deeds silent. Whether it be the corruption for staying in office or power, or for financial benefits, or for staying out of judicial proceedings, etc.

To stay in power, the government corrupts the election system. First, it conducts the election under its own supervision. Then it suppresses the opposition in various manners such as enforced disappearance, etc. Then during the election, by any means ruling party allows vote rigging, ballot stuffing, etc.²⁹

To get financial benefits, corrupt person involves others, by providing them a share in benefits. For example, recently 17 people including 6 officials of the Bangladesh Public Service Commission (PSC) were arrested in charge of question leaking of Bangladesh Civil Service exam.³⁰

These are the scenarios of level one violations. The ultimate violation using corruption occurs in the judicial proceeding against the corrupt persons. The Judiciary is the last hope of getting justice, the entity that decides the consequences of every violation. But even in the proceeding, corruption is manipulating. Either because of the corrupt investigation officer and his manipulated report or because of the judicial officer. Example of the term “power and wealth can manipulate anything” is the final report given by the Police Bureau of Investigation (PBI) in Munia murder case. All the facts and scenarios were clear before the public. Even though it wasn’t a murder but still there was instigation in suicide. But the position and power of the accused turned over the investigation and the final report was submitted by PBI.³¹

²⁹ (2024, May 29). *12th National Parliament Election Process Tracking*. Transparency International Bangladesh. <https://www.ti-bangladesh.org/images/2024/report/ept/Executive-Summary-Election-Process-Tracking-English.pdf?v=1.6>

³⁰ (2024, July 9). Question leak: Six PSC officials, 11 others arrested. *The Daily Star*. <https://www.thedailystar.net/news/bangladesh/crime-justice/news/question-leak-six-psc-officials-11-others-arrested-3652071>

³¹ (2022, October 12). Munia murder case: PBI submits final report seeking Anvir’s exemption. *The Business Standards*. <https://www.tbsnews.net/bangladesh/crime/pbi-probe-report-clears-bashundhara-md-rape-murder->

4.4. Accountability before Law

Accountability is the key to the check and balance of the conduct of every person in power, and every entity, including the government and its organs. Accountability limits everyone and keeps them under the law. In the absence of accountability, man shall act above the law.

Today's harsh reality is that even though Bangladesh is a People's Republic but is running quite like a dictatorship of one. To make the scenario look normal, legal, or valid, the law is changed multiple times whenever needed for the sake of the government's needs.

Starting with the 3rd amendment of the Constitution. The Government took the initiative to exchange enclave areas with India but was obstructed by the provision of the constitution. To proceed with the exchange the government amended the constitution in 1974.³²

Consequently, whenever the government was obstructed by the law, in its way of getting what it wanted, the law was amended according to the government's need. To make all the arbitrary actions taken during the Martial law reign, the constitution was amended twice. Whenever it seemed necessary to have a caretaker government, the constitution was amended and when the party wanted to remain in power the constitution was amended to dissolve the caretaker government.³³

Thus, every time the government is obstructed in its way to any lawful or arbitrary act by the law, it somehow dodges it. Either by amending the law according to its need or by advantageously interpreting the law in its favor.

Government organs or officials use corruption as a method to avoid accountability for their conduct. First, they keep their conduct silent by using their power, then they involve others with him, to get support, and finally in case they face any investigation, they find a way to manipulate the investigation

charges-
[516106#:~:text=Jashim%20Uddin%2C%20deputy%20commissioner%20of,She%20died%20by%20suicide.](https://en.wikipedia.org/wiki/Jashim%20Uddin%2C%20deputy%20commissioner%20of%20She%20died%20by%20suicide.516106#:~:text=Jashim%20Uddin%2C%20deputy%20commissioner%20of,She%20died%20by%20suicide.)

³² *Amendments to the Constitution of Bangladesh*. Wikipedia.

https://en.wikipedia.org/wiki/Amendments_to_the_Constitution_of_Bangladesh#:~:text=Third%20Amendment%20was%20passed%20on,boundary%20lines%20between%20the%20countries.

³³ (2011, June 30). *15th Amendment to the Constitution of Bangladesh*. Wikipedia.

https://en.wikipedia.org/wiki/15th_amendment_to_the_Constitution_of_Bangladesh#:~:text=Abolished%20the%20caretaker%20government%20system%20which%20was%20incorporated%20through%2013th%20amendment%20to%20the%20constitution%20in%201996%20but%20later%20ruled%20out%20by%20the%20Supreme%20Court%20of%20Bangladesh.

4.5. Access to Justice, Independence of Judiciary and Equal Treatment before Law

The judiciary is the last hope for getting justice. The rule of law provides assurance of everyone's rights and in case any violation occurs, then it assures to provide justice through judicial process. Violations can be caused by arbitrary use of power, corruption, or crimes. Judiciary checks them and by providing justice balance everything.

Access to justice means to reach justice, not just seeking it. To reach there, equal treatment of law is a must. Moreover, even if the law treats everyone equally, independence of the judiciary is mandatory. Art 27 of the Constitution directs for equality before the law. Which means, the law shall treat every person equally irrespective of his class, religion, gender, etc.³⁴

First, the law discriminates among the parties if they are of different classes. Whenever a person of lower class is seeking justice against one in power and position, the process gets more than difficult for the victim. For example, in the Munia murder case, even though the matter was taken up for investigation, because of the accused person's position and power, PBI gave a final report after the investigation. The matter didn't even reach the trial. Rather ended in the primary stage.³⁵

In another case, where the High Court Division (HCD) directed for investigation into the matter of S.Alam Group's money laundering and establishing business in Singapore without permission, the AD dismissed the HCD's order for investigation.³⁶ It is an example of influence in the function of the judiciary. Position, power, either financial or political, interferes with the functions of the judiciary or somehow influences it, then the judiciary is not independent, and if it happens, justice cannot be ensured.

4.6. Supremacy of the Constitution

Art 7 of the Constitution prescribes all the powers of the Republic belong to the People and the Constitution will be the supreme law of the republic. If any other law seems inconsistent with the Constitution, then it shall be void to the extent of its inconsistency.

Fundamental principles of state policy, fundamental rights of the people, government organs, the election, service commissions, etc. everything needs to be according to the directions of the constitution. Only then can it be said that supremacy of the constitution exists.

³⁴ The Constitution of the People's Republic of Bangladesh, 1972.

³⁵ (2022, October 12). Munia murder case: PBI submits final report seeking Anvir's exemption. *The Business Standards*. <https://www.tbsnews.net/bangladesh/crime/pbi-probe-report-clears-bashundhara-md-rape-murder-charges-516106#:~:text=Jashim%20Uddin%2C%20deputy%20commissioner%20of,She%20died%20by%20suicide.>

³⁶ (2024, February 5). Appellate Division scraps HC order to investigate money laundering allegations against S Alam Group. *The Business Standards*. <https://www.tbsnews.net/bangladesh/appellate-division-scraps-hc-order-investigate-money-laundering-allegations-against-s>

Democracy, one of the fundamental principles of state policies, is kept out of practice. In the parliamentary election of 2024, only 40% of the total votes were cast. 60% of people abstain from participating because of malpractice of vote rigging, ballot stuffing, violence, etc. conducting elections under the supervision of the ruling party leaves no scope for an impartial election. Such cannot be called practicing Democracy properly.

Art 19 of the constitution directs for equality of opportunities. However, 56% of government jobs are reserved for candidates from various quotas.³⁷

Art 27 directs for equality before the law, but in reality, the law discriminates based on class while people seek justice. Munia murder case, S.Alam money laundering case are suitable examples of it.

Art 33 directs for safeguard as to arrest and detention and Art 35 directs for protection in respect of trial and punishment. But arbitrary arrests, enforced disappearance, torture in custody, etc. are still happening.³⁸

Art 22 directs for separation of power. Art 96 and 116A are the references of independence of judiciary. But in the name of check and balance, other organs are still interfering in the functions of the judiciary. The election system and the service commissions became play yard of corruption.

4.7. World Justice Project (WJP): Rule of Law Index

The WJP's rule of law index collects data, evaluates it and prepares a world ranking of the countries based on their score of securing the rule of law. They conduct the preparation by evaluating,

- Constraints on Government Power
- Absence of Corruption
- Open Government
- Fundamental rights
- Order and security
- Regulatory enforcement
- Civil justice
- Criminal justice

³⁷ (2024, July 13). Quota system in govt jobs: Reforms must be well thought out. *The Daily Star*. <https://www.thedailystar.net/news/bangladesh/news/quota-system-govt-jobs-reforms-must-be-well-thought-out-3655376#:~:text=In%202018%2C%20the,persons%20with%20disabilities.>

³⁸ Annual Human Rights Report. Odhikar. <https://odhikar.org/category/reports/annual/>

Bangladesh's ranking according to their reports is,³⁹

Year	Score	Ranking
2015	0.42	93
2016	0.41	103
2017-2018	0.41	102
2019	0.41	111
2020	0.41	115
2021	0.40	124
2022	0.39	127
2023	0.38	127

³⁹ *WJP Rule of Law Index*. World Justice Project. <https://worldjusticeproject.org/rule-of-law-index/global>

Chapter Five

Conclusion

5.1. Evaluation of the Findings

- i) Regarding arbitrary use of power, though the number of extra-judicial killings, enforced disappearance, death in custody, attacks on journalists, victimization under black laws, etc. are decreasing compared to the previous years, but still the number is still not ignorable. Which means Arbitrary use of power exists in Bangladesh.
- ii) Regarding democracy, though democracy is directed as a fundamental principle of state policy, in practice democracy has been made an aesthetic product for showcasing. Where only 40% of the voters get engaged in the election, though the number is less than 40%, it cannot be called practicing democracy. The majority of the people have no confidence in the system. Thus, democracy doesn't exist completely in Bangladesh.
- iii) Corruption exists in every sector of the system. There is no doubt about that and there is no need for proof of that.
- iv) Regarding accountability before law, it is a debatable term. The person in power has that power and position then he is out of reach and even if law reaches him, then somehow, he manages to use corruption. But there are many cases where the person in power is held accountable, tried and decided. So, accountability before law exists but not 100% effectively.
- v) Regarding access to justice, the judiciary is still not completely independent and the corruption in the system doesn't allow it to treat everyone equally. Even though the judiciary seems clean, it is not able to serve effectively.
- vi) Regarding the supremacy of the constitution, the government, its organs are conducting on their own mostly and whether their acts are lawful or not, they advantageously interpret the provisions of the constitution or present their acts as complying with the provisions of the constitution. Thus, everything may seem to comply with the Constitution, but they do not.
- vii) Lastly, the WJP's rule of law index shows that Bangladesh's highest score was 0.42 out of 1 in 2015. In 2023 the score was 0.38 out of 1. In 2015, Bangladesh's ranking was 93 and in 2023 it became 127. Which clearly shows the status of the rule of law getting worse.

Thus, the findings show that, even if the rule of law exists in Bangladesh, it is not even 50% effective, which is not considerable.

5.2. Suggestions

First, every possible measure must be taken to abolish corruption completely. Then the accountability of every person needs to be ensured. The Judiciary must be allowed to function independently. Only then, every existing challenge in the way of securing the rule of law can be overcome.

5.3. Conclusion

Based on the findings and considering the status of the essential elements of the rule of law, the score of the existence of the rule of law in Bangladesh is less than 50% compared to the document, the Constitution of People's Republic of Bangladesh which aimed to secure the rule of law in 1872. Thus, considering the data, till today the Rule of Law doesn't exist completely. In these 53 years of independence and the promise made in the constitution, the rule of law is still not ensured completely. So, it can be said that securing the rule of law is still a myth, at least till today.

Reference

The Constitution of the People's Republic of Bangladesh, 1972.

The Code of Criminal Procedure, 1898.

The Special Powers Act, 1974.

Bangladesh & others Vs. BLAST & others. [2016] 8 SCOB 1 (AD).

https://www.supremecourt.gov.bd/resources/bulletin/8_SCOB_AD_1.pdf

Mollah, A. H. Rule of Law in Bangladesh: An Overview. *Academia*, 01-10.

[www.academia.edu/60361134/Rule of Law in Bangladesh An Overview](http://www.academia.edu/60361134/Rule_of_Law_in_Bangladesh_An_Overview)

Siddiqui, M. S. (2013). Status of rule of law in Bangladesh. *ResearchGate*, 01-04.

[https://www.researchgate.net/publication/250002392_Status of rule of law in Bangladesh#fullTextFileContent](https://www.researchgate.net/publication/250002392_Status_of_rule_of_law_in_Bangladesh#fullTextFileContent)

Islam, O., Dr. (2019). Concept of Rule of Law and Justice: Difficulties of Application in Bangladesh. *SSRN*, 05(04), 01-04.

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3754132

Obaidullah, M. (2020). Rule of Law in Bangladesh: Illusion or Reality. *Academia*, 02(II), 01-13.

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3754132

Politics. (2024, May 16). In *Wikipedia*.

[https://en.wikipedia.org/wiki/Politics_\(Aristotle\)](https://en.wikipedia.org/wiki/Politics_(Aristotle))

Rule of law. (2024, July 6). In *Wikipedia*.

[https://en.wikipedia.org/wiki/Rule_of_law#Notes and references:~:text=The%20Roman%20statesman,sue%20the%20treasury](https://en.wikipedia.org/wiki/Rule_of_law#Notes_and_references:~:text=The%20Roman%20statesman,sue%20the%20treasury)

Rule of law. (2024, July 6). In *Wikipedia*.

[https://en.wikipedia.org/wiki/Rule_of_law#Notes and references:~:text=Alfred%20the%20Great%2C%20Anglo%2DSaxon%20king%20in%20the%209th%20century%2C%20reformed%20the%20law%20of%20his%20kingdom%20and%20assembled%20a%20law%20code%20\(the%20Doom%20Book\)%20which%20he%20grounded%20on%20biblical%20commandments.](https://en.wikipedia.org/wiki/Rule_of_law#Notes_and_references:~:text=Alfred%20the%20Great%2C%20Anglo%2DSaxon%20king%20in%20the%209th%20century%2C%20reformed%20the%20law%20of%20his%20kingdom%20and%20assembled%20a%20law%20code%20(the%20Doom%20Book)%20which%20he%20grounded%20on%20biblical%20commandments.)

Amendments to the Constitution of Bangladesh. *Wikipedia*.

[https://en.wikipedia.org/wiki/Amendments to the Constitution of Bangladesh#:~:text=Third%20Amendment%20was%20passed%20on,boundary%20lines%20between%20the%20countries.](https://en.wikipedia.org/wiki/Amendments_to_the_Constitution_of_Bangladesh#:~:text=Third%20Amendment%20was%20passed%20on,boundary%20lines%20between%20the%20countries.)

(2011, June 30). *15th Amendment to the Constitution of Bangladesh*. Wikipedia.
https://en.wikipedia.org/wiki/15th_amendment_to_the_Constitution_of_Bangladesh#:~:text=Abolished%20the%20caretaker%20government%20system%20which%20was%20incorporated%20through%2013th%20amendment%20to%20the%20constitution%20in%201996%20but%20later%20ruled%20out%20by%20the%20Supreme%20Court%20of%20Bangladesh.

Magna Carta. UK Parliament.

<https://www.parliament.uk/magnacarta/#:~:text=Magna%20Carta%20was%20issued%20in,as%20a%20power%20in%20itself.>

(1689, December). *The Bill of Rights 1689: An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown*. UK Parliament.

<https://www.parliament.uk/about/living-heritage/evolutionofparliament/parliamentaryauthority/revolution/collections1/collections-glorious-revolution/billofrights/>

Rutherford, S. (1644). *Lex, Rex: The Law and the Prince: A Dispute for the Just Prerogative of King and People* (p. 237).

https://books.google.com.bd/books?id=tpIBAAAQAAJ&dq=%22Samuel+Rutherford%22+and+%22but+under+rule+of+law%22&pg=PA237&redir_esc=y#v=onepage&q=%22Samuel%20Rutherford%22%20and%20%22but%20under%20rule%20of%20law%22&f=false

Dicey, A. V. (1885). *Lectures introductory to the study of the law of the constitution* (pp. 172, 177, 208). London, Macmillan and Co.

<https://archive.org/details/lecturesintrodu03dicegoog/page/n8/mode/2up?view=theater>

WJP Rule of Law Index. World Justice Project.

<https://worldjusticeproject.org/rule-of-law-index/>

Annual Human Rights Report. Odhikar.

<https://odhikar.org/category/reports/annual/>

(2017). *Annual Human Rights Report 2017*. Odhikar.

<https://odhikar.org/wp-content/uploads/2018/01/Annual-HR-Report-2017>

(2018). *Annual Human Rights Report 2018*. Odhikar.

https://odhikar.org/wp-content/uploads/2019/08/Annual-HR-Report-2018_Engl.pdf

(2024). *Review of Proposed Cyber Security Rules, 2024*. Transparency International Bangladesh.

<https://ti-bangladesh.org/upload/files/position-paper/2024/pcsr/Review-of-proposed-Cyber-Security-Rules-2024-En.pdf>

(2024, May 29). *12th National Parliament Election Process Tracking*. Transparency International Bangladesh.

<https://www.ti-bangladesh.org/images/2024/report/ept/Executive-Summary-Election-Process-Tracking-English.pdf?v=1.6>

(2024, May 29). 12th National Parliament Election Process Tracking. Transparency International Bangladesh.
<https://www.ti-bangladesh.org/images/2024/report/ept/Executive-Summary-Election-Process-Tracking-English.pdf?v=1.6>

(2024, January 7). Turnout around 40 percent: CEC. *The Daily Star*.
<https://www.thedailystar.net/election-2024/news/news/turnout-around-40-percent-cec-3513446>

(2024, January 7). সিইসি প্রথমে বললেন ২৮ পরে ৪০ শতাংশ. *Manob Jamin*.
<https://mzamin.com/news.php?news=92038>

(2024, January 7). নৌকা ছাড়া কারো এজেন্ট নেই: সিইসি. *Bangla News 24*.
<https://web.archive.org/web/20240107053643/https://www.banglanews24.com/election-comission/news/bd/1258249.details>

(2024, January 7). ৭ ঘণ্টায় ২৭.১৫% ভোট. *Bdnews24*.
<https://bangla.bdnews24.com/bangladesh/vdj8379vis>

(2024, January 7). ‘কার ভোট দিচ্ছি জানিনা’, কিশোরদের দিয়ে ভোট কাস্টের চেষ্টা. *Desh Rupantar*.
<https://www.deshrupantar.com/480439/%E2%80%98%E0%A6%95%E0%A6%BE%E0%A6%B0-%E0%A6%AD%E0%A7%8B%E0%A6%9F-%E0%A6%A6%E0%A6%BF%E0%A6%9A%E0%A7%8D%E0%A6%9B%E0%A6%BF-%E0%A6%9C%E0%A6%BE%E0%A6%A8%E0%A6%BF%E0%A6%A8%E0%A6%BE%E2%80%99-%E0%A6%95%E0%A6%BF%E0%A6%B6%E0%A7%8B%E0%A6%B0%E0%A6%A6%E0%A7%87%E0%A6%B0-%E0%A6%A6%E0%A6%BF%E0%A7%9F%E0%A7%87-%E0%A6%AD%E0%A7%8B%E0%A6%9F-%E0%A6%95%E0%A6%BE%E0%A6%B8%E0%A7%8D%E0%A6%9F%E0%A7%87%E0%A6%B0>

(2024, July 9). Question leak: Six PSC officials, 11 others arrested. *The Daily Star*.
<https://www.thedailystar.net/news/bangladesh/crime-justice/news/question-leak-six-psc-officials-11-others-arrested-3652071>

(2022, October 12). Munia murder case: PBI submits final report seeking Anvir’s exemption. *The Business Standards*.
<https://www.tbsnews.net/bangladesh/crime/pbi-probe-report-clears-bashundhara-md-rape-murder-charges-516106#:~:text=Jashim%20Uddin%2C%20deputy%20commissioner%20of,She%20died%20by%20suicide.>

(2024, February 5). Appellate Division scraps HC order to investigate money laundering allegations against S Alam Group. *The Business Standards*.
<https://www.tbsnews.net/bangladesh/appellate-division-scraps-hc-order-investigate-money-laundering-allegations-against-s>

(2024, July 13). Quota system in govt jobs: Reforms must be well thought out. *The Daily Star*.
<https://www.thedailystar.net/news/bangladesh/news/quota-system-govt-jobs-reforms-must-be-well-thought-out-3655376#:~:text=In%202018%2C%20the,persons%20with%20disabilities.>