

Rebuilding Bangladesh's Governance: A Critical Review of the 2024 Reform Commission Reports

May 2025

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“The recommendation to restore the caretaker government and impose term limits is more than a structural fix, it is a moral reckoning with the legacy of executive overreach. These proposals aim to rupture the culture of impunity that flourished under indefinite rule, and signal a shift toward a system in which political power must once again answer to democratic legitimacy.”

The background of the entire page is a photograph of an elderly man with grey hair, wearing a white kurta over a striped shirt. He is seated in a wooden chair and looking directly at the camera. The image is covered with a semi-transparent green filter. In the bottom left corner, there is a dark green rectangular box containing the text 'Executive Summary' in white.

Executive Summary



Executive Summary

In the wake of Bangladesh's 2024 mass uprising and political transition, six Reform Commissions were established to recommend sweeping changes to the country's governance architecture.

This White Paper critically examines the reports of the Constitution Reform Commission, Electoral System Reform Commission, Judiciary Reform Commission, Public Administration Reform Commission, Anti-Corruption Commission Reform Commission, and Police Reform Commission.

The Commissions collectively propose a rebalancing of state power, including a return to a non-partisan caretaker government for elections and a new bicameral legislature to prevent executive domination¹. They urge strengthening of independent institutions (judiciary, election commission, anti-corruption watchdog, etc.) through legal and constitutional safeguard².

Reforms span from imposing term limits on the prime minister and repealing anti-defection laws, to overhauling civil service promotions and policing practices. While the recommendations are ambitious and largely coherent in vision, their successful implementation faces significant practical and political hurdles.

Resistance from entrenched interests, from bureaucratic cadres opposing civil service reforms³ to political actors wary of curbs on their power, could threaten the reforms' feasibility. Nevertheless, if adopted with broad consensus, these measures could inaugurate a new era of accountable, rights-respecting governance in Bangladesh.

“The credibility of elections is not measured by ballots cast, but by whether those ballots translate into genuine representation. The reforms envision a dual-vote system arepresentation to ensure that all voices including the dissenting, the marginalised, and the disenchanted, can find a place within the nation’s legislature.”

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Introduction



Introduction

After fifteen years of increasingly authoritarian rule, Bangladesh experienced a historic popular uprising in mid-2024 that led to the resignation and exile of Prime Minister Sheikh Hasina⁴. An interim government headed by Nobel Laureate Dr. Muhammad Yunus assumed office in August 2024 with a mandate to restore democratic governance⁵.

Recognising that mere elections would not suffice to undo years of institutional decay, the interim authorities launched an ambitious reform process. On 3 October 2024, six Reform Commissions were convened to address critical areas of state governance: the Constitution, Electoral System, Judiciary, Public Administration, Anti-Corruption Commission (ACC), and Police⁶. (Several additional commissions on media, health, labour, women's rights, etc., were formed subsequently⁷, but fall outside the scope of this brief).

Each commission comprised respected jurists, scholars, civil society leaders, and former officials, including protest leaders, to ensure a measure of inclusivity⁸. They were tasked with diagnosing the failings of their respective sectors and proposing comprehensive reforms within 90 days⁹.

By 15 January 2025 (and 31 January for the Judiciary Commission), the commissions submitted their reports to the Chief Adviser, laying out a blueprint for systemic change¹⁰. The interim government has signalled its intent to implement urgent reforms by ordinance or interim measures, to be ratified by an elected parliament in due course¹¹.

This White Paper distils the six commission reports, analyses their key proposals, and evaluates the overall reform package. It does so in a structured manner, treating each commission's recommendations in turn. Throughout, it offers a critical perspective on coherence (how well the proposals align and complement each other), feasibility (the practical and political viability of implementing these reforms), and implications (the likely consequences for governance and society).

Comparative references to other countries' experiences, from South Africa's entrenched independent institutions to South Asia's caretaker governments, are used to illustrate potential outcomes¹².

“Without judicial independence, even the most progressive constitutions become parchment barriers. The commission’s proposals to create an autonomous secretariat and merit-based judicial appointments mark a turning point, one that seeks to liberate justice from the long shadow of political influence and bureaucratic interference.”

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Constitution Reform Commission – Rebalancing Power and Reinvigorating Democracy



Constitution Reform Commission – Rebalancing Power and Reinvigorating Democracy

The Constitution Reform Commission (CRC) has recommended far-reaching amendments to recalibrate the distribution of state power and enshrine democratic principles¹³.

Notable proposals include:

1. Reinstating a Caretaker Government System:

A non-partisan Caretaker Government would supervise national elections, as was the practice in Bangladesh in the 1996–2008 period, to ensure neutral election-time governance¹⁴. This is a direct response to the recent history of election manipulation and is meant to restore public confidence in the electoral process.

2. Introducing a Bicameral Parliament: The CRC suggests a return to a bicameral legislature, establishing an Upper House alongside the existing Jatiya Sangsad (Lower House)¹⁵. The Upper House (likely with 100 seats) would be elected by proportional representation, giving voice to a broader spectrum of political and regional interests¹⁶. The Lower House would remain based on direct elections (expanded to 400 seats from the current 350)¹⁷.

3. Term Limits for the Prime Minister: To prevent excessive concentration of power in one individual, a two-term limit for any Prime Minister is proposed¹⁸. No person could hold the office for more than two consecutive terms, curbing the long incumbencies that have been blamed for authoritarian drift.

4. Balancing Executive Powers: The CRC seeks to rebalance authority between the Prime Minister and the President¹⁹. In Bangladesh's parliamentary system, the President's role is largely ceremonial; the reforms may empower the President

with certain veto, appointment, or oversight powers to act as a check on the Prime Minister's dominance²⁰. The exact mechanisms were not fully detailed in press reports, but the goal is a better separation of powers at the apex of the executive.

5. Lowering the Age of Candidacy: The minimum age to run for parliament would be reduced from 25 to 21 years, to encourage youth representation in politics²¹. This reflects the pivotal role of students and young citizens in the 2024 uprising.

6. Strengthening the Preamble and Fundamental Principles: The CRC proposes inserting the values of equality, human dignity, and social justice into the Constitution's Preamble, echoing the spirit of the 1971 Liberation War²². This symbolic change reaffirms Bangladesh's commitment to pluralistic democracy and inclusive development.

7. Empowering Parliament and Members: Measures to strengthen parliamentary oversight are recommended, such as bolstering the authority of Parliamentary Standing Committees to scrutinise government actions²³. Crucially, the CRC calls for repealing or amending Article 70 of the Constitution²⁴ – the anti-defection clause that prohibits Members of Parliament from voting against their party line. Article 70 has been criticised for undermining the legislature's independence by making MPs effectively answerable only to party bosses; its repeal would allow MPs greater freedom to hold the executive accountable²⁵.

8. Constitutional Status for Oversight Institutions: In line with global best practices (e.g.

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Constitution Reform Commission – Rebalancing Power and Reinvigorating Democracy continued...



South Africa's post-apartheid constitution), the CRC recommends granting constitutional status to key oversight bodies; notably the Anti-Corruption Commission (ACC) and the National Human Rights Commission; to safeguard their independence²⁶. It also proposes establishing a National Constitutional Council (NCC) with multipartisan composition to oversee appointments to these and other constitutional bodies²⁷. The envisioned NCC would include representatives from the government, opposition, judiciary, and both legislative chambers, thereby reducing unilateral executive control over vital posts²⁸.

The CRC's proposals amount to a comprehensive realignment of Bangladesh's governance model, aiming to prevent a recurrence of the executive aggrandisement seen under the previous regime. By reintroducing the caretaker government for elections and limiting a Prime Minister's tenure, the recommendations directly target the mechanisms by which incumbents entrenched themselves in power²⁹.

Indeed, the two-term limit echoes practices in many presidential systems; its transplantation into

a parliamentary context is uncommon but signifies the depth of mistrust toward indefinite rule. While this would certainly have prevented the 15-year continuous tenure of Sheikh Hasina, its effectiveness will depend on political parties' internal democracy – there is a risk of power merely shifting to a proxy if term limits are imposed (as seen in other contexts where leaders circumvent term limits via allies).

Restoring the caretaker system is arguably feasible as a near-term solution to ensure credible elections, but it is not without legal complexities. The concept was originally constitutionalised in Bangladesh's 13th Amendment (1996) but later nullified by the Supreme Court in 2011 on grounds that it was a "temporary" distortion of the normal constitutional scheme.³⁰

Reinstating it, even via a new constitutional amendment, must be done carefully to withstand judicial scrutiny. The CRC could consider refinements to the caretaker model (e.g. composition of the interim government, duration, safeguards against misuse) to address the court's concerns while meeting the public demand for impartial election administration.

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Constitution Reform Commission – Rebalancing Power and Reinvigorating Democracy continued...

Comparative experience suggests that while caretaker regimes can fill a trust deficit in polarised environments, they are a stop-gap measure. Permanent solutions such as a truly independent Election Commission and impartial judiciary are needed in the long run and it is noteworthy that those are also being pursued in tandem by the reforms.

A caretaker government for the upcoming election may be indispensable for legitimacy, but Bangladesh should aim to develop self-enforcing democratic institutions so that future elections can be free and fair without extraordinary arrangements.

The proposal for a bicameral parliament is a bold structural change. Bangladesh has been unicameral since 1972; an Upper House could introduce additional checks and expertise into law-making. A second chamber (100 seats) elected by proportional representation would allow smaller parties and minority groups to gain representation at the national level³¹, diluting the “winner-takes-all” character of the current system. It could also function as a revising chamber, cooling the haste of majoritarian politics.

However, implementing a bicameral legislature requires careful constitutional engineering – questions of how senators would be elected or appointed, what powers the Upper House would have vis-à-vis the Lower House, and how to ensure it does not simply replicate partisan divisions, will need answers. Feasibility will depend on broad political consensus; some politicians may resist an Upper House fearing it as a dilatory body or a challenge to their authority.

The increased number of lawmakers (rising from 350 to 400 in the Lower House, plus 100 in Upper) also has fiscal and administrative implications, though these may be justified by better representation of women and regions. If implemented, Bangladesh could look to examples

like Pakistan’s Senate or India’s Rajya Sabha for lessons, while tailoring the design to its unitary structure (perhaps each administrative division or a group of districts could form constituencies for the Upper House, ensuring regional balance).

The balance-of-power adjustments between President and Prime Minister hint at a semi-presidential twist to the system, or at least stronger ceremonial oversight. One possibility is giving the President discretion to consult multiple stakeholders (e.g. a Judicial or Constitutional Council) in appointing heads of the Election Commission, Anti-Corruption Commission, and other watchdog agencies – functions that, under the prior regime, the PM effectively controlled. This would resonate with the CRC’s call for new institutions to survey the executive³².

If the President’s office is strengthened, care must be taken to define those powers clearly in the Constitution to prevent future ambiguities or power struggles between the two heads of the executive. Historically, poorly defined dual-executive systems in fragile democracies can lead to conflict; Bangladesh’s own past (1990s) saw contention between President and PM until the Constitution was amended to make the presidency titular. Therefore, any re-balancing should institute precise checks – e.g. requiring multiparty consensus for certain presidential actions – so that a President cannot become an unchecked actor or a backdoor for military influence.

Coherence-wise, this balance of power aligns with the overarching theme: dispersing authority that was once centralised in the Prime Minister’s hands³³. It complements the introduction of term limits and independent bodies. As Ali Riaz, Chair of the CRC, noted, the aim is to create “more institutions to place the executive branch under surveillance and prevent the prime minister’s misuse of power”³⁴.

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Constitution Reform Commission – Rebalancing Power and Reinvigorating Democracy continued...

Lowering the candidacy age to 21, while a minor legal change, carries symbolic weight. It acknowledges the youth who led the protests and seeks to institutionalise their voice in politics. This is likely uncontroversial and easily achievable through a constitutional amendment or statutory reform.

The challenge will be more cultural, ensuring young candidates can actually win party nominations or run independent campaigns in a political landscape traditionally dominated by older elites. Quota or support mechanisms for youth candidates could be considered to make this more than a token change.

Perhaps the most controversial legal change suggested is the repeal of Article 70, the anti-floor-crossing provision³⁵. Article 70 has long been criticised for stifling parliamentary debate and oversight, as it effectively binds MPs to vote as their party leadership dictates, on pain of losing their seat. Its removal would empower legislators to vote their conscience (or constituency interest) on bills and motions, including no-confidence votes. This could significantly strengthen legislative oversight of the executive – a core objective of the reforms.

However, one must acknowledge that Article 70 was originally intended to prevent the chaos of frequent no-confidence motions and horse-trading that plagued early Bangladeshi parliaments in the 1990s. Repealing it outright may risk government instability, especially in any future scenario of fragile coalition governments.

A nuanced solution could involve amending Article 70 rather than deleting it: for instance, allowing cross-voting on ordinary bills and oversight matters, but maintaining the bar on voting against the government in confidence motions or budget votes. Such calibrated anti-defection rules exist in other democracies (India,

for example, limits the scope of anti-defection provisions to certain crucial votes).

The CRC's recommendation is aspirational in maximising MPs' independence; in practice, it will need broad political buy-in, since the major parties have benefited from Article 70 to discipline their ranks. To avoid potential deadlock in passing the amendment, Other advocates might press for an all-party agreement on a reformed Article 70 that balances accountability with stability.

The inclusion of equality, human dignity, and social justice in the Preamble reinforces the moral foundation of the Constitution³⁶. It harkens back to the ideals of Bangladesh's founding and counters the exclusionary, partisan ethos that had taken hold.

While largely symbolic, it can serve as an interpretive guide for courts and a rallying point for civic education, reminding officials and citizens alike that the state's purpose is to uphold the welfare and rights of all. This Preamble change aligns with proposals elsewhere (e.g., by the Women's Rights and Labor commissions, not detailed here) to foreground inclusive principles.

Finally, the CRC's call to entrench independent oversight bodies in the Constitution is a forward-looking reform aligned with international best practice³⁷. By giving the ACC, Human Rights Commission, and potentially the Election Commission and other bodies constitutional status, the reforms would protect these institutions from easy abolition or curtailment by a simple majority in parliament.

However, entrenchment alone is not a panacea – their independence must be buttressed by transparent appointment processes and financial autonomy. The suggested National Constitutional Council (or a similar multiparty appointment commission) is critical in this regard³⁸.

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Constitution Reform Commission – Rebalancing Power and Reinvigorating Democracy continued...

If properly designed, it could ensure that appointments of the Election Commissioners, ACC Commissioners, Ombudsman, and superior court judges are done by consensus rather than solely by the Prime Minister's office.

Comparative references abound: Nepal has a Constitutional Council for appointments, and South Africa's Chapter 9 institutions are constitutionally protected with multiparty input in appointments³⁹.

The risk, as noted by observers, is that without careful rules, an ostensibly multipartisan body can still be captured by the ruling party or deadlocked by partisan conflicts⁴⁰. The CRC should therefore detail the composition and voting rules of the NCC to guarantee genuine cross-party participation.

For example, requiring a supermajority vote within the NCC for recommending a candidate could force compromise choices and prevent unilateral selections. Additionally, staggering appointments and ensuring members of the NCC themselves are persons of high repute can help.

As a cautionary note, the basic structure doctrine, which Bangladesh's Supreme Court recognises, means truly fundamental changes need broad consensus to be seen as legitimate⁴¹. The CRC's proposals, while not dismantling democracy's core, do significantly reconfigure it; thus, public consultation and support are vital (a point expanded in Section 7 on coherence and process).

The constitutional reforms recommended are sweeping but coherent: each aims to cure a specific pathology of the old system (electoral manipulation, over-centralisation of power, rubber-stamp legislature, eroded rule of law).

They are largely feasible through constitutional amendments, given sufficient political will. Their

implications are profound – if implemented, Bangladesh would emerge with stronger checks and balances, a more pluralistic legislature, and constitutionalised commitments to good governance.

However, these changes must be pursued with legitimacy and inclusion. The interim government's technocratic approach, while efficient, has drawn some criticism for limited public debate⁴².

It will be crucial to socialise these ideas among political parties and the public to avoid backlash. The next section turns to the Electoral Reform Commission's work, which dovetails with many constitutional proposals, particularly on election-time governance and legislative representation.

“The battle for democratic reform will be won or lost within the bureaucracy. By challenging entrenched privilege within the civil service and advancing a 50:50 cadre promotion model, the commission confronts the deeply rooted administrative caste system that has long insulated governance from expertise, equity, and accountability.”

4



Electoral System Reform Commission – Toward Free, Fair, and Inclusive Elections

4

Electoral System Reform Commission – Toward Free, Fair, and Inclusive Elections

The Electoral System Reform Commission focused on overhauling how elections are conducted and how the people's will be translated into parliamentary representation.

Key recommendations include:

1. Non-Party Caretaker Government for Elections:

Echoing the CRC, the Electoral Reform Commission supports reinstating a neutral caretaker government during election periods⁴³. This is seen as essential for levelling the playing field and preventing incumbent governments from abusing state machinery in elections.

2. Dual Voting System & Bicameral Legislature:

The commission fleshed out the mechanics of the proposed bicameral parliament. It suggests retaining the existing first-past-the-post (FPTP) method for the Lower House (whereby the candidate with the most votes in each constituency wins) and introducing proportional representation (PR) for the new Upper House⁴⁴. Under this dual system, voters would cast ballots for local MPs as before, but also perhaps vote for party lists for the Upper House, ensuring that parties' seat shares in the Upper Chamber reflect their overall national vote share. This combination aims to marry the virtues of constituency-based representation with the fairness of PR.

3. Increased and Directly Elected Women's Representation:

To promote gender inclusion, the commission advocates doubling the number of seats reserved for women in Parliament from 50 to 100, and crucially, filling all these seats by direct election rather than party nomination⁴⁵. In practical terms, this could mean either creating special women-only constituencies or integrating

female candidates into general constituencies with some mechanism to ensure 100 women are elected. The explicit intent is to move away from the current system where women's reserved seats are allocated to parties (who then often select relatives of male politicians), towards a system where women legislators have their own electoral mandate⁴⁶.

4. "No Vote" Option on Ballots: A "No"

vote (none-of-the-above) option would be reintroduced in ballot papers⁴⁷. This allows voters to reject all candidates if they find none acceptable. Bangladesh briefly had such an option in the late 2000s; its revival is intended to empower voters and send a message against poor or criminal candidates. If "No" wins a plurality in a constituency, presumably a re-election would be called with new candidates (the exact procedure would need to be defined in law).

5. Parliamentary Oversight of the Election Commission:

The commission recommends establishing a high-level parliamentary committee, chaired by the Speaker and composed of members from all major parties, to oversee the Election Commission (EC) and hold it accountable for any irregularities in elections⁴⁸. This committee would, for instance, inquire into failures or biases by Election Commissioners and could issue rebukes or recommend removal for serious misconduct. It is a novel mechanism to ensure the EC's performance is scrutinised beyond just court challenges.

6. Transparent and Merit-Based Appointments in the EC:

To insulate the EC from partisan influence, an amendment to the law governing appointment of Election Commissioners

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Electoral System Reform Commission – Toward Free, Fair, and Inclusive Elections continued...

(and the Chief Election Commissioner) is proposed⁴⁹. The exact formula was not detailed in media reports, but likely involves a search committee or constitutional council (possibly the NCC mentioned by the CRC) to vet and nominate commissioners, rather than leaving appointments solely to the Prime Minister or President's discretion. This goes hand in hand with constitutional entrenchment of the EC's independence.

7. Enhanced Powers and Accountability of the EC: Amendments to the Representation of the People Order (RPO), the primary electoral law, are urged to increase the EC's authority in managing and policing elections⁵⁰. The commission wants the EC to have stronger enforcement powers to curb electoral fraud and malpractices. Simultaneously, it calls for mechanisms to make the EC itself more accountable for its neutrality and effectiveness⁵¹. For example, the EC might be

required to report to Parliament or the proposed committee on actions taken during polls.

8. Candidate Financial Transparency: In collaboration with the ACC's recommendations, the Electoral Commission suggests that candidates for office disclose all assets (including foreign assets) and sources of income, with rigorous verification of affidavits⁵². False declarations should attract penalties. All political parties and candidates must also publicly disclose campaign finances and expenditure. The commission supports empowering agencies like the National Board of Revenue (tax authority) and ACC to assist the EC in verifying candidates' wealth statements⁵³.

9. Disqualification of Corrupt Individuals: Although primarily an ACC reform, the electoral commission aligns with the principle that political parties should refrain from nominating individuals



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Electoral System Reform Commission – Toward Free, Fair, and Inclusive Elections continued...

with records of corruption or serious crimes⁵⁴. By elevating ethical criteria for candidature (enforced through stronger affidavit scrutiny and party pressure), the aim is to improve the quality of elected representatives.

The electoral reforms are geared towards ensuring that future elections are genuinely competitive, transparent, and inclusive. They address both systemic structural issues (the electoral system and parliamentary composition) and process integrity issues (how elections are run day-to-day).

The introduction of proportional representation for the Upper House, combined with first-past-the-post for the Lower, is a creative solution to a longstanding debate. Bangladesh's FPTP system has often produced lopsided results, where a party with, say, 40% of votes could win an overwhelming majority of seats, marginalising large sections of voters.

The addition of PR seats offers a corrective, ensuring that minority voices, whether smaller political parties, independents, or interest groups, can still gain representation if they have significant support countrywide. This mixed system is used in various forms in countries like India (for Rajya Sabha), Nepal, and many others, although often the upper chamber is indirectly elected.

Here, a directly elected PR-based Senate would be somewhat unique, more akin to Italy's or the Philippines' Senate (though those aren't PR-elected in the same way). The benefit is greater diversity in the legislature; the risk is potential duplication or legislative gridlock if the two houses are controlled by different political forces. Mitigating that risk will depend on clearly defining the Upper House's powers (perhaps giving it a suspensive veto or review role rather than equal powers on money bills, etc).

Feasibility-wise, creating an Upper House will

require constitutional amendment and probably a law detailing its election. It may be ambitious to implement before the next general election due to the logistics of delineating constituencies or party-list systems. A phased approach could be adopted: e.g. hold the next election for an expanded Lower House with women's seats but constitute the Upper House a bit later once the legal framework is ready.

The expansion of women's representation and making those seats directly elected is a landmark step for gender equality in politics. It recognises that the past system of reserved seats (filled by party appointment proportional to parliamentary strength) did little to empower women voters or leaders at the grassroots.

Direct elections for women's reserved seats could take several forms: one idea is to have two members (one male, one female) elected from each constituency but that would double the size of parliament, which is not intended here. More likely, there will be separate women-only constituencies or a nationwide women's PR list. The commission favours increasing the total MPs to 400 (from 350) to accommodate more women⁵⁵.

This implies 50 additional seats, possibly all for women, raising their presence to 25% of the Lower House. There might be 50 general + 50 women seats added, or simply 50 new women constituencies nationwide. Whatever the design, this is feasible and highly beneficial: it can rapidly improve Bangladesh's dismally low women's political participation.

However, careful mapping is required to avoid a perception that women MPs represent "women's issues" only. They should have equal voice on all matters. Public reception is likely positive, but parties will need to find and promote capable women candidates. The onus will be on major parties to not treat these contests as

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Electoral System Reform Commission – Toward Free, Fair, and Inclusive Elections continued...

secondary; civil society could help by training and spotlighting prospective women leaders for election.

The “No Vote”/NOTA option empowers voters but could introduce some unpredictability. If many constituencies see “No” winning, by-elections or re-polls would be needed, possibly creating instability. However, in practice, NOTA typically garners a modest share unless public discontent is extremely high. It is more a message to parties to field better candidates.

The commission’s revival of this idea, which was briefly implemented in the 2008 election (where a “No” vote was indeed on the ballot paper), reflects the demand for accountable candidates. Legally, this is straightforward to do via an amendment to electoral rules. Politically, major parties may be lukewarm since it adds a new way to invalidate their candidates.

But given it existed before and was removed by the Awami League government, restoring it now can be framed as part of the rollback of AL’s anti-democratic measures. Importantly, the Election Commission would need to establish rules: e.g. if “No” wins, are all original candidates barred from the re-election? How to prevent endless cycles if voters keep rejecting candidates? Perhaps it could stipulate that a “No” majority triggers a new election in which those candidates from the first round are disqualified from running again. This would incentivise parties to avoid putting forward tainted individuals.

The recommendation for a Speaker-led multiparty committee to oversee the Election Commission is an interesting accountability mechanism⁵⁶. In principle, independent constitutional bodies like the EC should answer to the Constitution and, by extension, to Parliament (rather than the executive). A standing parliamentary committee on electoral matters could regularly review EC

reports, budgets, and even investigate complaints about election conduct. If the committee is truly bipartisan (with opposition MPs having equal voice), it could bolster EC’s impartiality: Election Commissioners would know their actions will be scrutinised by all sides.

However, there’s a delicate balance. The EC must not be micromanaged by politicians either, or its independence is compromised. The key is that this committee’s role should be ex-post oversight and perhaps recommend removal for serious misconduct under constitutionally defined grounds. It shouldn’t interfere in actual election operations or policy (that is the EC’s prerogative). The feasibility is high if included in constitutional or legal changes; it mostly requires political will to subject the EC to such scrutiny.

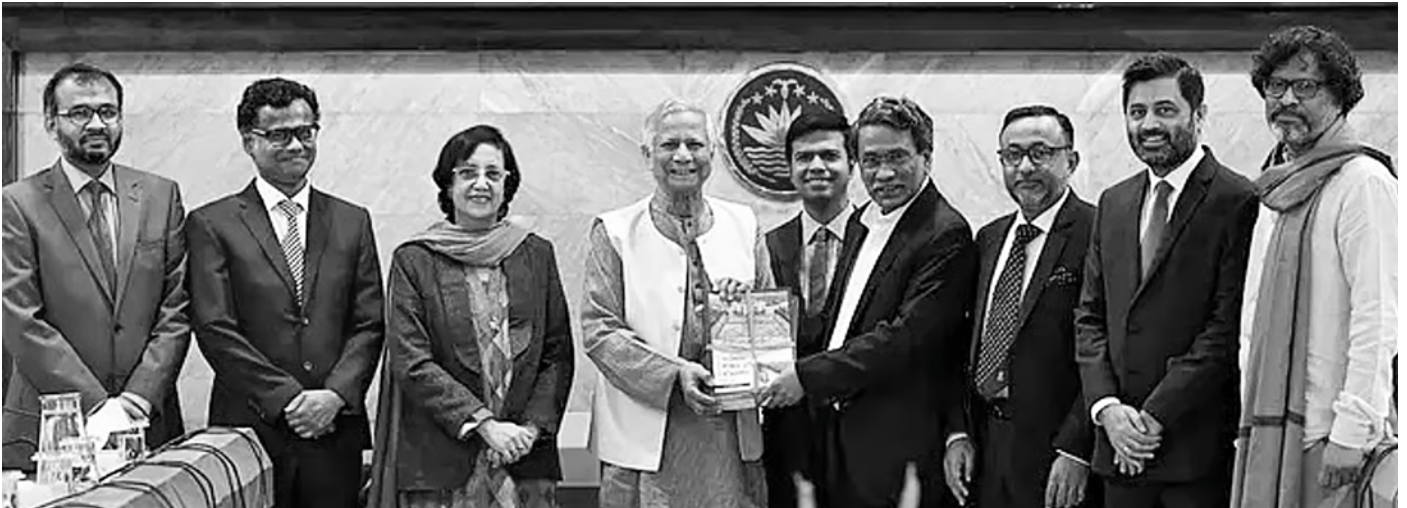
Some countries require the Election Commission to present an annual report to Parliament (India does so informally; Canada’s Chief Electoral Officer reports to Parliament), but a dedicated multi-party committee with teeth is somewhat novel. It could become a model for oversight of other bodies too.

Enhancing the appointment process for Election Commissioners aligns with global norms that election management bodies should be selected in a non-partisan, merit-based way. Currently, Bangladesh’s EC is appointed by the President on Prime Minister’s advice, typically after a search committee that largely follows government cues. The reform likely envisages a more independent search committee or a constitutionally mandated commission (possibly the aforementioned NCC or another body).

For example, one could imagine a committee including the Chief Justice, Ombudsman, and civil society representatives recommending names, which the President then is bound to consider. Such procedures exist (e.g. in Sri Lanka, a Constitutional Council recommends

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Electoral System Reform Commission – Toward Free, Fair, and Inclusive Elections continued...



appointments to independent commissions). This reform is both feasible and essential, a credible EC is the linchpin of fair elections, especially if caretaker governments are to be a temporary rather than permanent feature.

The proposals to strengthen EC's legal powers under the RPO could include allowing the Commission to void results in constituencies where gross fraud is detected, to discipline election officials, or to sanction candidates who violate codes of conduct (like using musclemen or overspending).

Currently, the EC's powers have sometimes been limited or not exercised e.g., reluctance to cancel flawed elections or punish security force interference. By explicitly augmenting these powers in law and backing them with the promised parliamentary oversight, the reforms aim to make the EC both empowered and answerable.

Transparency measures such as asset declaration and finance disclosure are critical to curb the role of black money in politics. The Electoral Commission working in concert with ACC and the tax authority to verify candidate affidavits is a strong inter-institutional approach⁵⁷. In past elections, candidates often disclosed implausibly

low incomes or hid assets; enforcement was lax. Now, with digital records and coordination, false declarations can be prosecuted. Publicly accessible disclosures (e.g., posting candidate asset statements online) will also enable media and citizen watchdogs to scrutinise and report discrepancies.

This will put moral pressure on parties to nominate clean candidates – a form of soft vetting by the electorate. The suggestion that parties themselves avoid giving nominations to known corrupt figures is welcome, though it may rely more on normative change than enforceable law (barring candidates with criminal convictions, however, can be mandated by law – which already exists in part, but could be expanded to corruption convictions).

In evaluating coherence, the electoral reforms complement the constitutional reforms: caretaker government (temporary neutral executive) goes hand-in-hand with a strengthened Election Commission and new electoral system. They are all pieces of the puzzle to ensure elections become fairer and more representative.

One potential tension could be between the caretaker government and a highly empowered EC, one might argue if the EC is truly independent

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Electoral System Reform Commission – Toward Free, Fair, and Inclusive Elections continued...

and strong, a caretaker government is less necessary. However, given Bangladesh's trust deficit, the commissions prudently recommend both: an immediate fix (caretaker) and a longer-term fix (robust EC and laws). Over time, if the EC gains public trust, the caretaker provision could sunset or be used sparingly.

Feasibility of these proposals is moderate to high. Legally, they require constitutional amendments (for caretaker, upper house, reserved seats) and ordinary law changes (for EC appointment, RPO amendments, disclosures).

The caretaker issue we've discussed under the Constitution Commission; it will likely be enacted via a constitutional amendment or transitional provision. The upper house and women's seats would definitely be part of a comprehensive constitutional amendment, which an elected parliament post-election would have to ratify if not done before.

One must note timing: The interim government's term is limited, and elections are presumably due in 2025. Implementing a bicameral parliament by then would be extremely challenging. It might be that the commissions intend the next Parliament to act as a constituent assembly of sorts to adopt these structural changes after the first free election is held under caretaker. Indeed, opposition voices (including the BNP) have suggested that major constitutional reforms should ultimately be decided by an elected government to ensure legitimacy⁵⁸.

The interim regime might prepare draft amendments and hold consultations, but leave final passage to the incoming Parliament, which would be a wise course to avoid legitimacy questions. In contrast, electoral law improvements (like the "No" vote, appointment process, and disclosure rules) could be enacted more quickly via ordinance so that they apply in the upcoming

election, these are less controversial and more procedural in nature.

The implications of successful electoral reforms are profound: Bangladesh could witness genuinely contested elections with high turnout, minimal violence, and results accepted by all. A proportional Upper House could institutionalise coalition-building and dialogue, as no single party would likely dominate it under normal vote distributions. More women in the legislature would bring fresh perspectives and perhaps greater focus on social issues and consensus politics (as studies in other countries often show women legislators prioritising inclusive policies).

A credible EC and caretaker system would ensure that the dark days of midnight ballot-stuffing and biased administration are past, thereby encouraging opposition parties to participate in elections rather than boycott (a boycotting culture marred Bangladesh in 2014 and earlier). Over time, if these institutions take root, the transfer of power could become routine and peaceful, without the need for mass street protests to rectify injustices.

In conclusion, the Electoral Reform Commission's blueprint is holistic and largely well-conceived. It seeks to make elections not only fairer but also more reflective of the electorate's will and more participatory (with youth and women inclusion).

If the constitutional commission's proposals address the separation of powers, the electoral commission's proposals address the transmission of popular sovereignty, ensuring the people's voice is accurately and freely translated into governance. Both are two sides of the democratic coin and reinforce each other. We now turn to the Judiciary Reform Commission's report, which tackles the third critical pillar: the justice system that upholds the rule of law.

“Corruption in Bangladesh has not merely been a failure of enforcement—it has been a failure of political imagination. The proposed constitutional entrenchment of anti-corruption principles, combined with transparency mechanisms and structural independence, seeks to rebuild public trust by ensuring that the law applies equally to the powerful and the powerless alike.”

5



Judiciary Reform Commission – Ensuring Independence, Access, and Integrity in Justice



Judiciary Reform Commission – Ensuring Independence, Access, and Integrity in Justice

The Judiciary Reform Commission (JRC) delivered a voluminous report (352 pages) recommending structural and procedural changes to fortify judicial independence and improve the efficiency of the justice system⁵⁹.

Key recommendations include:

1. Separate Judicial Secretariat: Establishing a separate secretariat for the judiciary under the Supreme Court to administer courts, budgets, and personnel, independent of the Ministry of Law⁶⁰. This would free the judiciary from executive branch control in administrative matters, a longstanding issue in Bangladesh where lower court appointments and finances were historically influenced by the executive.

2. Decentralisation of Higher Judiciary: Creating permanent High Court Division benches in all divisional cities (major regions) of Bangladesh⁶¹. Currently, the High Court sits only in Dhaka; regional benches would make higher justice more accessible and expedite case disposal. The commission also proposes expanding the subordinate courts to the upazila (sub-district) level across the country⁶², effectively establishing courts closer to rural populations who now must travel to district towns for justice.

3. Judicial Appointments Commission: Enacting a new law (and any necessary constitutional amendments) to form a Supreme Court Judges Appointment Commission of nine members chaired by the Chief Justice⁶³. This commission would openly advertise vacancies, accept applications, and recommend appointees based on merit and integrity⁶⁴. The goal is to make the appointment of Supreme Court judges

transparent and free from executive influence, replacing the opaque system of direct presidential (read: prime ministerial) appointments⁶⁵.

4. Permanent Judicial Service and Prosecutorial Service: Establishing a permanent “Attorney Service” or prosecution service separate from the general administration⁶⁶. This implies creating a career cadre for government lawyers (public prosecutors, government pleaders, etc.) who would be independent professionals under the Supreme Court’s or an independent commission’s supervision, rather than being appointed through political patronage by the Law Ministry. It also recommends a Judicial Service Pay Commission to ensure judges’ salaries and benefits are set independently to attract talent and reduce corruption temptations⁶⁷.

5. Independent Investigation Agency: Forming an independent investigation agency attached to the judiciary⁶⁸. While details are sparse, this could be a specialised investigative wing (perhaps akin to a judicial police) to investigate complex cases or assist judges in inquiry (especially in corruption, financial crimes or in enforcement of court directives). It might also serve to investigate misconduct within the judiciary under the Supreme Judicial Council.

6. Shielding Judiciary from Political Influence: The commission emphatically recommended measures to keep courts free from political interference or partisanship⁶⁹. This includes prohibiting political activities or rallies on court premises⁷⁰ and discouraging judges and lawyers from overt political engagement (e.g., barring practicing lawyers from holding office in political parties, if that was suggested). The intent is to



Judiciary Reform Commission – Ensuring Independence, Access, and Integrity in Justice continued...

foster an impartial judicial culture.

7. Empowering the Supreme Judicial Council (SJC): Amendments were proposed to revitalise the Supreme Judicial Council, a constitutional body of top judges, giving it the power to initiate investigations into judicial misconduct on its own motion (*suo motu*), not just on presidential reference⁷¹. This would strengthen accountability within the judiciary, allowing peers to police ethical breaches. Coupled with this, the commission advises a new Judges' Code of Conduct and periodic asset declaration by judges and judicial officers, with publication of their asset statements every three years on the Supreme Court website⁷², to enhance transparency and public trust.

8. Increasing Judicial Capacity and Efficiency: Several recommendations aim to reduce case backlogs and improve access:

- Raising the retirement age of judges from 67 to 70⁷³, to retain experienced judges longer (which also could reduce the frequency of appointments that a government can influence).
- Enhancing qualifications for new judges, e.g., requiring a minimum of 15 years' legal experience for appointment to the higher courts, ensuring competent appointees⁷⁴.
- Legal Education Reform: Establishing a permanent board under the Education Ministry to oversee and improve the quality of legal education and training⁷⁵, addressing concerns that the influx of poorly trained lawyers contributes to poor case quality and delays.
- Village Courts and Mobile Courts: The commission looks to strengthen informal dispute resolution at the village level but within a framework of minimum judicial standards⁷⁶. It also recommended curbing the powers of

executive-run Mobile Courts, limiting them to imposing fines only, and requiring that any summary trial functions be overseen by judicial magistrates rather than executive officers⁷⁷. This is to ensure the separation of judicial power from the executive at the local level, a principle affirmed by Bangladesh's higher courts but not fully implemented.

9. Commercial and Specialised Courts: Though not explicitly in the excerpt above, earlier reports mentioned commerce-related (commercial) courts to handle business disputes efficiently⁷⁸. We infer that the JRC likely proposed creating specialised tribunals or benches for commercial cases, labor disputes, etc., to expedite those matters and improve the business climate. (The mention of "commerce-related courts" in the press suggests this).

The JRC's recommendations are expansive, targeting the twin goals of judicial independence and judicial effectiveness. If the Constitution Commission dealt with power at the apex and the Electoral Commission with representation, the Judiciary Commission addresses the enforcement of rule of law – ensuring that laws, once made, are fairly applied and adjudicated.

Foremost, the separate judicial secretariat is a reform decades in the making. Bangladesh's judiciary, especially at the lower courts, has historically been under the shadow of the executive, mainly via control over postings, promotions, and finances (Article 116 of the Constitution currently gives the executive a role in lower court personnel management). Despite a landmark Supreme Court judgment in 1999 (the Masdar Hossain case) that mandated separation of the judiciary, progress has been partial. The commission's proposal to formally sever administrative links – placing a secretariat under the direct authority of the Supreme Court would cement the judiciary as an autonomous branch⁷⁹.



Judiciary Reform Commission – Ensuring Independence, Access, and Integrity in Justice continued...

This aligns with common practice in many jurisdictions: for instance, Pakistan and India have judicial services commissions or high court supervision of lower courts, though even there tensions with the executive exist. Feasibility is high if political leaders are willing to cede control; it requires constitutional amendment (to Article 116) and enabling legislation. The interim government and future parliament should find this acceptable in principle, as it's a widely supported reform among the legal community.

However, ministries and bureaucrats may resist losing their grip on lower courts which they have sometimes used to influence magistrates in politically sensitive cases. Overcoming that resistance will require sustained advocacy, perhaps highlighting that an independent judiciary is a cornerstone of any credible democracy and a key to regaining public trust (and indeed international confidence in Bangladesh's rule of law).

Decentralising the High Court by establishing permanent regional benches is a public-friendly measure⁸⁰. It acknowledges the Dhaka-centricity of justice has been a barrier for many. This will likely require amending Article 100 of the Constitution (which currently, in fact, mentions the seat of the High Court and was amended in 1989 to allow for permanent benches outside Dhaka, a provision that was later nullified in 1989 and then revived in principle though not implemented fully). The JRC explicitly says a constitutional amendment is needed for divisional HC benches⁸¹.

There may be some institutional reluctance within the Supreme Court itself – historically, some Chief Justices feared that dividing the High Court could dilute its cohesion or prestige. But the backlog of cases and geographical inequity make a strong case for this reform. It's feasible if packaged as part of the larger amendment bill.





Judiciary Reform Commission – Ensuring Independence, Access, and Integrity in Justice continued...

Upazila-level courts are similarly logical: many upazilas (sub-districts) already have executive magistrates for administrative tasks; creating magistrate courts or circuit courts there can bring justice closer to the people and reduce travel/logistical burdens on litigants. Of course, more courts require more judges and resources, so budgeting and judicial appointments must increase in tandem. The commission's emphasis on "bringing the judiciary to the doorstep of the people"⁸² speaks to access to justice – a fundamental right.

The creation of a Judges Appointment Commission is a pivotal proposal to ensure the higher judiciary's impartiality⁸³. Currently, Supreme Court judges are appointed by the President, traditionally in consultation with the Chief Justice, but effectively on the Prime Minister's advice. This has led to accusations of partisan appointments and has occasionally undermined confidence in the judiciary's independence.

By instituting a multi-member commission led by the Chief Justice and including senior judges and possibly eminent persons, the process becomes more meritocratic and transparent. Open applications and published criteria can help select the best legal minds, as opposed to those with the best political connections. Many countries have adopted judicial commissions (e.g., UK's Judicial Appointments Commission for selecting judges, South Africa's Judicial Service Commission, Canada's appointment committees for Supreme Court justices, etc.) to depoliticise appointments.

Bangladesh's proposed model⁸⁴ appears to be in line with these best practices. The challenge will be to ensure the commission itself is seen as balanced – perhaps including representation from both executive and opposition, the bar council, and retired judges, so it's not an echo chamber. Another critical aspect is whether the

commission's recommendations will be binding on the President or just advisory. The reform should ideally mandate that the President must appoint from the commission's shortlist, thus preventing arbitrary bypass.

There also definitely needs a constitutional amendment (to Articles 95-98 regarding judge appointments) and a detailed law. It will likely garner support from the legal fraternity and opposition parties, but any ruling party may be lukewarm since it reduces patronage power.

However, given the current context of reform consensus, it could pass if framed as essential for restoring credibility of the courts post-Hasina era. The Commission's proposals to also tighten qualification and increase retirement age complements this – ensuring judges are seasoned but also can serve longer (which reduces frequency of new appointments a government can make, indirectly limiting politicisation).

The recommendation for a permanent Attorney (Prosecution) Service is a subtle but important reform. In Bangladesh, public prosecutors and government attorneys are often appointed on political consideration (ruling parties typically replace the entire roster of public prosecutors across the country with loyalists upon taking power). This undermines the quality and neutrality of prosecutions. A career service, with recruitment based on exam and merit (perhaps through the Public Service Commission or under judiciary supervision), would create a corps of skilled, impartial prosecutors who pursue cases based on law, not political instructions.

It's akin to having a Crown Prosecution Service (like the UK) or an independent Department of Public Prosecutions. If implemented, over time it would reduce politically motivated prosecutions and ensure continuity in handling cases even as governments change. It requires legislation,



Judiciary Reform Commission – Ensuring Independence, Access, and Integrity in Justice continued...

possibly amendment of existing Code of Criminal Procedure provisions, and resources to implement (salaries for career prosecutors).

The commission also recommends better pay for these roles⁸⁵, which is crucial to attract talent and prevent corruption (currently, low-paid prosecution lawyers often succumb to bribes or are simply inept). This proposal is likely to be resisted quietly by political actors who prefer loyal prosecutors to shield themselves and harass opponents but it is vital for rule of law. Allies should highlight how previous regime's impunity and current grievances both stem from politicised justice; an attorney service is a fix for all parties' long-term benefit.

An independent investigation agency appears to target the investigative stage of criminal justice. This could mean creating something like an FBI-style body or strengthening the Police Bureau of Investigation (PBI) but making it answerable to the judiciary or an independent commission rather than the Home Ministry.

In context, it might, for example, investigate allegations against judges (for SJC inquiries), or handle sensitive cases like human rights violations that regular police might cover up. The commission tags it onto judicial reform⁸⁶, possibly envisioning it as a support mechanism for the judiciary (e.g., to enforce court orders, investigate contempt, etc.). The details would matter; if it's too overlapping with police, turf wars might ensue.

However, given the severe mistrust of the existing police (addressed in the Police Reform section), having a reliable investigative arm can ensure that powerful offenders (including corrupt officials or politicians) cannot simply stymie investigations. It could be done via statute; the main need is to ensure its independence (maybe reporting to a board including judges, ACC, etc.). This recommendation complements ACC reforms

(since ACC also investigates corruption, one must delineate who handles what) and Police reforms (perhaps taking certain functions away from a compromised police force until it's reformed).

The measures to reduce political influence on the judiciary are sensible housekeeping. Banning political rallies on court premises⁸⁷ is aimed at the fact that Bangladesh's bar associations are highly politicised (aligned with AL or BNP). Clashes and strikes by lawyers affiliated with parties often disturb court functions.

While lawyers, as citizens, have political rights, curbing overt political activity in courthouses preserves decorum and impartiality. Similarly, discouraging judges from political engagement is obvious, sitting judges anyway cannot be involved in politics by law; this likely also targets retired judges taking political posts and thereby eroding the perception of neutrality. Enforcing these may be tricky but a strong statement of principle is made.

Strengthening the Supreme Judicial Council (SJC) for judicial accountability is crucial. Previously, allegations of misconduct by higher judiciary were rarely addressed, partly because the process required the President (often guided by the ruling party) to act. By allowing the SJC (comprised of the Chief Justice and two senior judges) to initiate inquiries on its own⁸⁸, the judiciary can police itself better.

The introduction of regular asset declarations for judges⁸⁹ is a transparency measure that could deter corruption and reveal any judge living beyond known means. In countries like India, such disclosures (though not public) are now mandated; making them public in Bangladesh would set a high standard and also perhaps invite controversy, but on balance, it builds trust. Judges will be aware that any unusual wealth could be noticed by the public and media, incentivising honesty or at least disclosure of conflicts.



Judiciary Reform Commission – Ensuring Independence, Access, and Integrity in Justice continued...



The capacity-building reforms (retirement age, qualifications, legal education, village courts, mobile courts) collectively aim at a more competent and efficient judiciary. Raising retirement age to 70⁹⁰ aligns with trends in some countries (for instance, many jurisdictions have 70 or even higher). It prevents sudden vacuum of experienced judges and could reduce appointment frequency – beneficial in times of attempted court packing.

The trade-off is older judges may be less in tune with contemporary issues, but that's marginal compared to the benefits in Bangladesh's context. The legal education board suggests recognising that the input (law graduates) quality affects the output of the system; a national standard can weed out sub-par law colleges and curriculum. Reform of village courts (which handle petty disputes in rural areas) and mobile courts (executive magistrate summary courts for minor offenses) is aimed at aligning them with rule of law standards.

Currently, mobile courts run by executive officers were criticised for bypassing proper judicial

process; limiting their punitive powers to fines and involving judicial officers would ensure that summary justice doesn't violate rights. This intersects with police and admin reforms, as executive magistrates are part of the civil service structure; shifting that judicial function fully to the judicial cadre is part of the separation of powers. These changes require legal amendments (Village Court Act, Mobile Court Act, etc.) and can be done if the interim or next government is committed to ending abuses of such systems (the previous regime used mobile courts to harass opponents and journalists under draconian laws, per reports).

The judicial reforms complement the anti-corruption and police reforms in establishing rule of law. An independent judiciary can uphold the laws that the other commissions propose (e.g., if Article 70 is repealed or if election laws are strengthened, only a courageous judiciary can enforce those against powerful actors).

There is strong coherence between setting up independent appointment processes in judiciary and similar processes proposed for ACC and EC, all point to a theme of insulating key institutions



Judiciary Reform Commission – Ensuring Independence, Access, and Integrity in Justice continued...

from partisan interference. One cross-cutting point is the recommendation for an Ombudsman under Article 77 (from ACC commission), a judiciary with expanded capacity could help make an Ombudsman effective, and vice versa, an Ombudsman could handle maladministration complaints to relieve courts. The commissions have wisely covered multiple angles: from prevention (e.g., better recruitment and training) to accountability (SJC, code of conduct) to capacity (more courts, higher retirement age).

Many judicial reforms require constitutional amendments (separate secretariat implicating Article 116, High Court benches Article 100, SJC powers Article 96, judges' appointment Article 95, retirement age Article 96, etc.). That is a heavy legislative lift, but if done in one consolidated amendment, it could pass with the necessary 2/3 majority if major parties agree. Given that an independent judiciary is in the interest of democracy and specifically benefits opposition (who typically suffer from politicised judiciary), it is likely to receive multi-party support provided the process of drafting these amendments involves consultation with the judiciary and bar to fine-tune details.

The interim government has these proposals now; ideally, they would produce a White Paper or draft amendment bill for discussion. It's feasible that some changes (like the secretariat and appointment commission) could even be initiated by ordinance, but constitutional changes via ordinance are risky and of doubtful legitimacy, so better to leave them to an elected body. Administrative steps, however, like preparing the infrastructure for regional HC benches or drafting the law for a judicial commission, can proceed so that the next government can act swiftly.

One potential implication and risk: making the judiciary truly independent could lead to more robust judicial review of executive actions, which

is positive for rule of law but could cause friction with the government of the day. For example, a newly independent Supreme Court might nullify laws or executive orders it finds unconstitutional, more readily than in the past.

This is intended, to check abuses but politicians must be prepared to accept a judiciary that is no longer compliant. This culture shift is significant; some future government might attempt to roll back these reforms if the courts become too inconvenient. That underscores why entrenching these by constitutional provisions and building public support for judicial independence is vital (people should see an independent judiciary as their protector, not just an elite concern).

Another implication: as the judiciary asserts itself, it must also reform internally to avoid the pitfalls of corruption or inefficiency tarnishing its legitimacy. The commission's internal accountability suggestions (SJC, asset declarations) are thus very important to implement alongside independence, or the judiciary could become a law unto itself.

For the public, the immediate effect of these reforms, if implemented, would be faster and more impartial justice. Cases might be resolved quicker due to more courts and better procedures; citizens might have more confidence to approach courts against powerful interests if they believe judges are impartial.

Over time, a strong judiciary helps protect fundamental rights (e.g., free speech, minority rights) even if the executive of the day is hostile, as long as judges are fearless. The 2024 uprising itself was partly fuelled by lack of justice (e.g., grievances over attacks on protesters, corruption with impunity); a reformed judiciary can address such grievances through institutional channels rather than people feeling forced to the streets



Judiciary Reform Commission – Ensuring Independence, Access, and Integrity in Justice continued...

The JRC's proposals draw inspiration from several places:

1. The idea of a Judicial Appointments Commission reflects global trends, akin to the UK's model for depoliticised appointment⁹¹, and also echoes long-standing demands in Bangladesh (various law commission reports in the past suggested such reforms, though never realised).

2. Decentralised High Courts exist in neighbours: Pakistan has High Courts in each province; India has multiple benches of some High Courts in large states. So Bangladesh joining that practice is logical given its population size.

3. Judicial independence through separate secretariat is something Pakistan achieved by a Supreme Court ruling in 1990s and subsequent tussles; Bangladesh now is formalising it via consensus, which is promising.

4. The emphasis on judicial integrity (asset disclosures) parallels measures in countries like Kenya, where judges underwent vetting after a political transition, and Ukraine, where judges must disclose assets publicly. These have met mixed success but generally improved transparency.

5. Notably, the commission refrained from any radical suggestion like reconstituting the entire judiciary or removing existing judges (which in some revolutions is done via lustration). Instead, it focuses on systemic fixes, indicating confidence that many judges, if freed from political pressure and given better systems, will perform justly. This moderate approach likely maintains stability and avoids demoralising the judiciary.

Overall, the Judiciary Reform Commission's recommendations are coherent with the broader reform agenda (ensuring that the laws and rights created by other reforms are enforceable), feasible

if tackled with political resolve, and indispensable for sustainable democracy. A free election means little if a politicised judiciary can later be used to harass the winners or shield the corrupt; thus, these judicial reforms are a linchpin for the success of all other reforms.

With the judiciary covered, we move next to the reform of the Public Administration, i.e., the civil service – a sector often cited as the backbone of governance but also criticised for politicisation and inefficiency. The Public Administration Reform Commission's proposals aimed to transform the state's bureaucratic machinery to be more merit-based and citizen-focused.

“A coercive state cannot be democratised without first reimagining the very instruments of coercion. Reforms aimed at community policing, professional standards, and insulation from political misuse mark the beginning of a shift from a force that disciplines society to one that protects it.”

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Public Administration Reform Commission – Modernising and Depoliticising the Civil Service

6

Public Administration Reform Commission – Modernising and Depoliticising the Civil Service

The Public Administration Reform Commission (PARC) confronted the challenge of restructuring Bangladesh's civil service system, which had become hierarchical, politicised, and riddled with intra-service disparities.

Major recommendations include:

1. Merit-Based Promotions and Competitive Exams:

The commission advocates overhauling the promotion system for mid-level and senior civil servants. Specifically, promotions to the ranks of Deputy Secretary up to Additional Secretary should be made through competitive examinations and merit evaluation, rather than exclusively by seniority or quota⁹². This is a significant shift aimed at injecting meritocracy and objective assessment into career progression for top bureaucrats.

2. 50:50 Quota in Deputy Secretary Promotions:

In place of the long-standing domination of the Administration Cadre (generalist civil servants) in senior posts, the PARC proposes a 50% reservation of Deputy Secretary positions for officials from other cadres (specialised civil services like education, health, engineering, etc.), leaving the other 50% for Administration Cadre officers⁹³. This replaces the current roughly 75% (admin) vs 25% (others) ratio, thereby greatly increasing opportunities for specialised cadre officers to ascend to policy-making roles.

3. Separate Cadres for Education and Health:

The commission recommended removing the Education and Health cadres from the general Bangladesh Civil Service cadre system⁹⁴. In effect,

this means the doctors and educators would be managed in their own professional streams (or perhaps under their own services or commissions), rather than being part of the unified civil service hierarchy where admin cadre often supervise them. This is intended to professionalise management of these crucial sectors and allow specialists to lead them.

4. "Superior Service" Entrance Exam: (This appears in some reports as a possibility.) To ensure quality at entry and to identify leadership material early, the commission considered introducing a Superior Administrative Service exam for higher entry, clustering recruitment for related ministries, etc.⁹⁵. While not confirmed in the final report summary available, the idea is to restructure how new recruits are allocated so that talent is better matched to roles and high performers have a fast track.

5. Decentralisation and Cluster Ministries:

Another idea reported (e.g., in The Daily Star) was a cluster system for ministries, grouping related ministries under coordinated leadership to reduce silo inefficiencies⁹⁶. The commission may have explored reorganising ministries and departments for better inter-agency cooperation and possibly devolving more administrative authority to local levels.

6. Ensuring Political Neutrality: The PARC likely included recommendations to enforce strict civil service neutrality. This could involve rules or codes of conduct preventing civil servants from engaging in political campaigning, and ensuring that transfers and postings can't be used as political rewards or punishments. (The context

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Public Administration Reform Commission – Modernising and Depoliticising the Civil Service continued...

of prior regime saw frequent partisan transfers; a reform might create an independent civil service board to manage postings based on objective criteria.)

7. Performance Accountability and Citizen-Centric Service: While not highlighted in the media extracts, it is typical for such commissions to recommend measures like Annual Performance Agreements, key performance indicators for ministries, citizen charters, and e-governance initiatives to make the bureaucracy more responsive. We can infer the report covers improvements in transparency, efficiency (perhaps digitisation of services), and accountability of public officials (maybe suggesting strengthening the role of an Ombudsman per Article 77, as also flagged by the ACC reform).

The public administration reforms are among the most contentious, because they deal with redistributing privilege and power within the bureaucracy, a key pillar of the state. The recommendations are aimed at creating a competent, fair, and non-partisan civil service that serves the public interest rather than political masters or its own narrow class interests.

The most high-profile proposal; the 50:50 quota for Deputy Secretary promotions – triggered intense backlash from the Bangladesh Administrative Service Association (the admin cadre lobby)⁹⁷. Administrative cadre officers, who historically occupy the majority of higher posts, see this as an erosion of their primacy, while officers from 25 other cadres (education, health, police, etc.) see it as long-overdue leveling of the playing field⁹⁸.

The commission's rationale is sound: the government's work is diverse and requires a mix of generalist and specialist leadership. Over-concentration of generalist administrators at the top has bred resentment and arguably

suboptimal policy outcomes in technical fields. By guaranteeing half of deputy secretary (and presumably upward to joint secretary) positions to non-admin cadres, the reform would motivate talented professionals in those cadres to remain in service (instead of leaving out of frustration) and use their expertise in policymaking.

However, feasibility is a challenge. The vehement protests including threats against the commission head and demands for his removal⁹⁹ demonstrate that internal resistance could be fierce. Many senior admin cadre officers likely have political connections; they could lobby sympathetic ministers or MPs to dilute or reject this reform. Indeed, news reports indicate an ultimatum was given by an "Inter-Cadre Discrimination Elimination Council" (the coalition of other cadres) demanding elimination of admin cadre's reservation entirely¹⁰⁰, while admin cadre gatherings demanded the commission retract its proposal¹⁰¹. This indicates a deep schism in the civil service community.

One way to address this conflict is through compromise and phasing. For instance, the commission also floated the idea of competitive exams for promotions¹⁰². If implemented, perhaps any cadre officer could sit for these promotion exams; the quota could be achieved de facto by those who score highest. A blended approach might reduce the perception of arbitrariness: say, a certain number of posts filled by exam (open to all cadres, which could naturally equalise representation) and the rest by seniority, ensuring at least 50% from non-admin.

Additionally, the government might consider raising the share gradually (e.g., from 25% to 40% to 50% over a few years) to allow the admin cadre time to adjust. However, delaying too much risks losing momentum and the confidence of the other cadres who have long felt marginalised; they see this reform as correcting an injustice. The open

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Public Administration Reform Commission – Modernising and Depoliticising the Civil Service continued...



confrontation in December 2024 suggests the interim government had to mediate; indeed, some reports suggest the commission adjusted some of its recommendations in response, possibly emphasising an exam-based system instead of a blunt quota¹⁰³.

The recommendation to remove health and education cadres from the unified system is interesting. It could mean turning those into separate services like a Health Service and Education Service with their own rules and promotion tracks, or even corporatising parts of those sectors. The impetus is likely that doctors and teachers have very specific career structures and training needs that don't fit the mould of

general civil service. If they are no longer part of BCS (Bangladesh Civil Service) central pool, then theoretically an administrator from outside those fields would not lead, for example, the Health Ministry's directorates; instead, a senior health cadre official (doctor) would.

This can professionalise leadership but might also isolate those services. It is a bold suggestion, essentially fragmenting the civil service and might face resistance both from admin cadre (loath to relinquish control of ministries like Health/Education) and possibly from some within those cadres who fear losing status or exchange opportunities with general service. Nevertheless, global practice leans towards professionalising

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Public Administration Reform Commission – Modernising and Depoliticising the Civil Service continued...

technical sectors: e.g. many countries have separate education services for school teachers/principals, and separate medical services.

The key is to still ensure coordination among services for broader policy coherence. Implementing this likely just needs an administrative order or an amendment to service rules, but it requires follow-up, establishing separate cadres means separate recruitment, promotion boards, etc. Ideally, the government would consult with educators and doctors to design a system that improves their career prospects (so they support it) and improves service delivery (e.g., a teacher can become a district education officer rather than an admin cadre doing that job with little teaching experience).

The merit-based promotion exams align with the principle of a modern bureaucracy where advancement is based on performance, not just tenure or patronage. If promotions to senior ranks require passing a rigorous exam (and maybe an interview evaluating leadership and vision), it could incentivise ongoing professional development and identify the most capable officers. Bangladesh's bureaucracy has sometimes been criticised as slow and status-quoist; this could inject dynamism.

However, designing fair and comprehensive exams for officers with different specialties will be complex. Also, some argue that experience and on-the-job performance can't be fully captured in a written exam. Perhaps a combination of performance evaluation, exams, and board interviews would be best. This recommendation is not as politically sensitive to the public, but within service it might be. Senior officials nearing promotion might resist additional hurdles or fear bias in exam setting. Yet, if implemented well, this can be one of the most impactful reforms in raising bureaucratic quality.

A critical aspect not explicitly headlined but expected is depoliticisation of the civil service. Under the Awami League, promotions and postings were often reportedly based on loyalty (with alleged politicised appointment of even mid-level posts and contractual reappointments of favourites). The reforms must tackle this culture.

Possibly, the commission recommended that the Public Service Commission (PSC) be strengthened for recruitment on merit (the PSC itself might need reforms to ensure its independence). Also, creating a high-level Civil Service Management Board insulated from ministers' whims to oversee promotions and transfers could be suggested. In some countries, senior appointments are vetted by independent boards or have fixed tenures to prevent arbitrary firing or transfer.

From a coherence standpoint, public administration reforms intersect with anti-corruption, because a fair promotion system reduces the incentive for officers to curry political favor or engage in rent-seeking (if advancement is by merit, not patronage). It also ties into police and ACC reforms, as police and ACC staff often come from or interact with the broader civil service. Indeed, one ACC proposal was to bar bureaucrats from holding certain posts in ACC to avoid conflict of interest¹⁰⁴; a reformed civil service that encourages integrity would reduce the need for such exclusions.

Similarly, an Ombudsman office (proposed by ACC commission) to handle public complaints against maladministration would be more effective if the civil service is cooperative and not defensive. The PARC presumably also touched on accountability mechanisms like that. If bureaucrats remain politicised or demoralised, they could sabotage other reforms (for example, not enforcing new electoral rules or dragging feet on implementing judicial orders). Thus, a rejuvenated civil service is a linchpin to operationalise all changes.

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Public Administration Reform Commission – Modernising and Depoliticising the Civil Service continued...

Among all commissions, the Public Administration reform perhaps encountered the most immediate pushback, since it directly affects the self-interest of powerful bureaucrats. The interim government must weigh how far to push these before elections. They did extend the PARC's deadline after the controversy, indicating sensitivity. One approach could be to implement uncontentious parts (like e-governance, performance appraisals, training enhancements) quickly, while deferring the most contentious (quota changes) to further negotiation.

However, deferring too much risks the reforms dying on the vine if a new government, reliant on bureaucracy, hesitates. Perhaps a compromise solution is to pilot the promotion exam and quota in a limited way initially. For example, the next round of deputy secretary promotions could be done 50:50 by exam merit vs seniority, observed by neutral monitors, to demonstrate fairness, and then institutionalise it.

The implications of success here are significant: A more egalitarian civil service would likely boost morale across the 30+ cadres, reducing the brain-drain of technical experts. Citizens may benefit from having specialists in leadership of technical departments (education policy led by educators, health by medical experts) potentially translating to more sensible policies and efficient service delivery. A merit-driven culture could also gradually erode the petty corruption and "speed money" practices if performance is tracked and rewarded, not seen as static.

On the flip side, an unhappy bureaucracy could slow down everything since they are the implementers. We already see an example: during the reform process, some officials made "vitriolic remarks" and had to be suspended¹⁰⁵. The interim government had to discipline a few to maintain order. This indicates the risk of administrative pushback: if pushed too hard without buy-in,

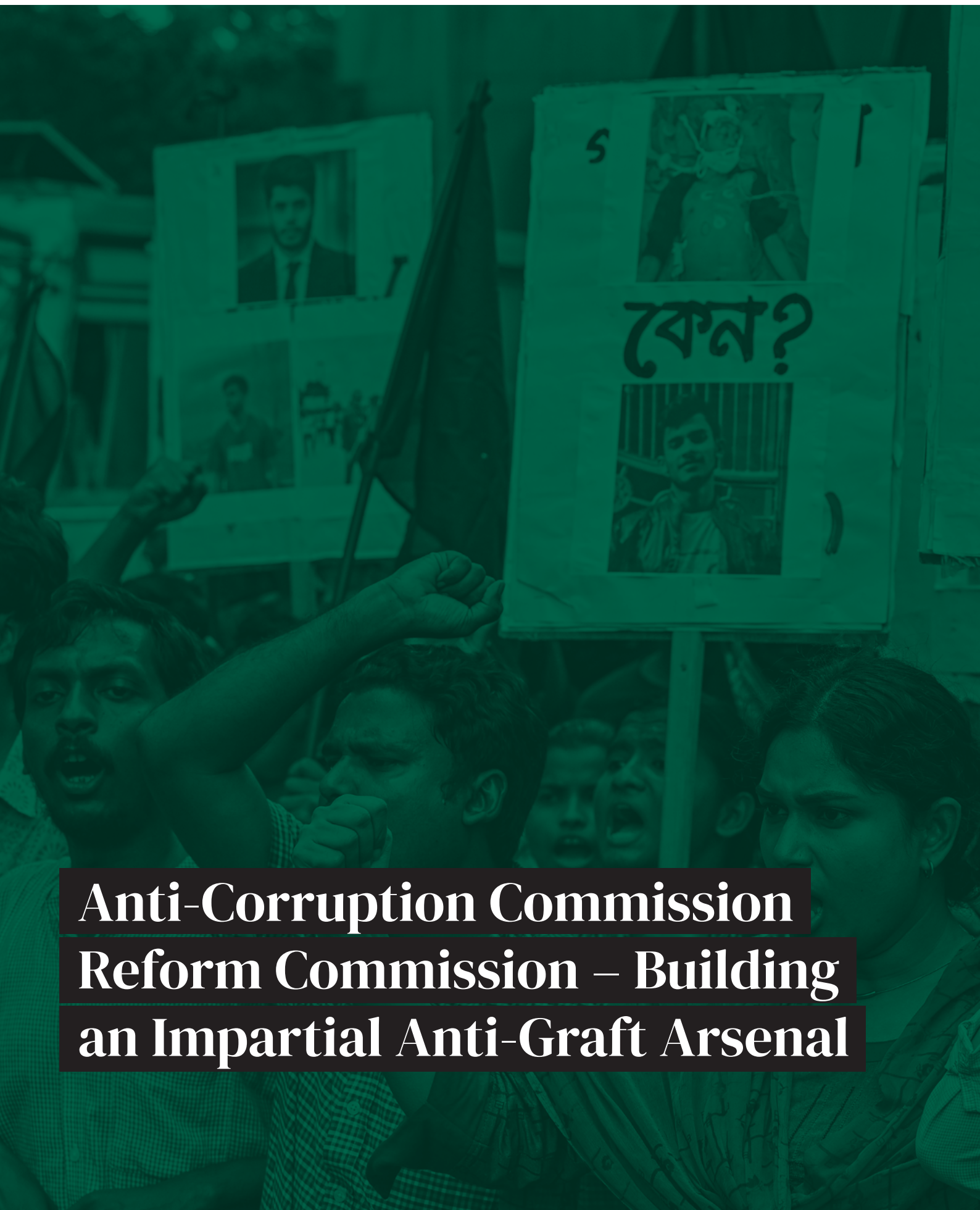
civil servants might engage in go-slows, or leak information to political patrons to undermine reforms.

Finally, on a strategic note, the interim government formed additional commissions on local government, etc. Many administrative reforms might tie into those (decentralising power to local elected bodies, for example). The PARC's suggestions should be harmonised with those forthcoming proposals e.g., if local governance is strengthened, the role of the field administration (DCs, UNOs, who are admin cadre) would change. The commission likely has thoughts on that interplay.

Public administration reforms are essential for making the machinery of government align with democratic principles and efficient service delivery. They are logically coherent with the anti-authoritarian thrust of the overall reform agenda: just as political power is being checked by constitutional and electoral reforms, administrative power is being checked by internal meritocracy and accountability.

These reforms face stiff resistance, but if implemented even partially, they can gradually transform the culture of governance. For policymakers, it's a balancing act – push enough to achieve meaningful change but manage the backlash through dialogue and phased implementation. For civil society, keeping the pressure on for a fair civil service will be important, lest a quietly resistant bureaucracy stall the broader democratic project.

“Institutional reform is not a collection of disconnected upgrades—it is a reconfiguration of how power is distributed, contested, and restrained. The success of these commissions will hinge on whether they can form a coherent constitutional ecosystem, where checks and balances are not only legal but lived.”



Anti-Corruption Commission Reform Commission – Building an Impartial Anti-Graft Arsenal



Anti-Corruption Commission Reform Commission – Building an Impartial Anti-Graft Arsenal

The Anti-Corruption Commission Reform Commission (ACCRC) delivered 47 specific recommendations aimed at transforming the ACC into an independent, effective bulwark against corruption.

Key among these proposals are:

1. Constitutional Anti-Corruption Safeguard:

Amend the Constitution (Article 20, clause 2) to include an explicit commitment that no individual may abuse public office for personal gain¹⁰⁶. In other words, enshrine a principle that the state shall prevent abuse of power and corruption. This elevates anti-corruption to a constitutional value, guiding all branches of government.

2. National Anti-Corruption Strategy & Ombudsman:

Launch a comprehensive National Anti-Corruption Strategy (replacing the outdated 2010 integrity strategy) and establish an independent Ombudsman office under Article 77 of the Constitution to complement the ACC¹⁰⁷. The Ombudsman would handle citizens' grievances on maladministration, providing an avenue for accountability outside of criminal prosecutions.

3. Legal Reforms to Close Loopholes: Proposals include enacting a law to permanently outlaw practices that legitimise illicit enrichment (for instance, no more “whitening” of black money via special amnesties)¹⁰⁸, and introducing a robust Conflict of Interest law to bar officials from decision-making where they have personal interests¹⁰⁹. Additionally, the commission urges adopting global best practices like a Beneficial Ownership Register – requiring transparency of the real owners of companies, trusts, and foundations, accessible to the public¹¹⁰. This would help

curb the hiding of corruption proceeds behind corporate veils.

4. Political Finance Reforms: Echoing the Electoral Commission, ensure transparency and integrity in political and electoral financing. Parties and candidates must publish detailed accounts of campaign financing; the Election Commission, aided by the tax authority (NBR) and ACC, should verify the accuracy of candidates' wealth and income declarations¹¹¹. All elected officials should file yearly asset statements (including for family members) within 3 months of assuming office, to be published on the EC's website¹¹². Parties should also be discouraged or barred from nominating individuals with known corruption records¹¹³, effectively linking anti-corruption with electoral candidacy.

5. End-to-End E-Governance: Digitise public service delivery to reduce petty corruption opportunities¹¹⁴. This includes automating services in land records, registrations, tax collection, passports, and at local government offices, minimising face-to-face interactions where bribes occur. E-governance is recommended as a broad policy to enhance transparency and efficiency across the administration.

6. Strengthening the ACC's Independence: A crucial set of proposals deals with shielding the ACC from political and bureaucratic interference:

- Bar serving bureaucrats from key ACC posts: It is recommended that no government officials on deputation hold positions from Director up to Secretary in the ACC¹¹⁵. The rationale is to prevent conflicts of interest where career civil servants might be reluctant to probe their



Anti-Corruption Commission Reform Commission – Building an Impartial Anti-Graft Arsenal continued...

peers or superiors. The ACC's Secretary (the top administrative post) and directors should ideally be dedicated ACC professionals or contract hires, not seconded officials with loyalties elsewhere.

- **Neutral, High-Caliber Leadership:** Ensure that ACC Commissioners and the Chairman are persons of indisputable neutrality and integrity, selected through a transparent process¹¹⁶. The commission likely calls for a more independent appointment process (perhaps via the aforementioned National Constitutional Council or a special search committee) to avoid partisan appointments.

- **Expand the Commission and Local Presence:** Increase the number of ACC commissioners from 3 to 5 members to broaden expertise and reduce the chance of one person dominating¹¹⁷. Also, establish ACC offices in all 64 districts (from the current 36)¹¹⁸ to improve reach so that citizens across the country can lodge complaints and seek ACC help without coming to Dhaka.

- **Repeal ACC's internal Rule 54:** This infamous rule in the ACC's employee regulations gave the ACC Secretary (often a deputed bureaucrat) the power to transfer or even fire ACC investigators without notice¹¹⁹. The commission recommends abolishing this rule¹²⁰, as it undermines investigators' independence and security of tenure – a tool allegedly used to quash sensitive investigations by reassigning honest officers.

- **Selection and Review Committee:** The ACCRC proposes forming a Selection Committee (as touched on above for appointments) which would not only recommend appointments of Commissioners through a transparent, multi-step process (public advertisements, interviews, etc.)¹²¹, but also act as a Review Committee overseeing ACC's performance¹²². This committee, composed of diverse high officials (e.g., judges, CAG, PSC Chair, nominees of PM and opposition, and an anti-corruption expert)¹²³, would receive ACC's

performance reports every six months and hold public hearings to evaluate progress in fighting corruption¹²⁴. Such oversight aims to ensure the ACC remains accountable and effective without undermining its operational independence.

7. Capacity Building and Incentives: The report emphasises improving the ACC's investigative and prosecutorial capacity:

- Better training and resources for investigators, perhaps hiring experts (forensic accountants, IT experts) to tackle sophisticated financial crimes.

- Enhanced salaries and benefits for ACC officials to attract talent and dissuade bribery; coupled with internal disciplinary mechanisms to maintain integrity¹²⁵.

- Strengthening inter-agency cooperation e.g., with prosecution service (once reformed), police, and financial intelligence units to create a "whole-of-government" approach against corruption¹²⁶.

The ACC reform recommendations aim to turn the anti-graft body from a toothless or politically misused entity into a robust, impartial institution capable of tackling corruption from high to low levels. Bangladesh's ACC has had a fraught history – sometimes lauded (e.g., mid-2000s under a caretaker regime it took bold steps), but often neutered by ruling party influence, resulting in selective enforcement. The reforms address legal, structural, and cultural aspects of anti-corruption efforts.

Enshrining an anti-corruption principle in the Constitution is a strong symbolic and legal step¹²⁷. While by itself it doesn't catch the corrupt, it sets the tone that integrity is a foundational state goal. Courts could potentially use that principle to interpret laws (for example, striking down amnesty schemes for the corrupt as unconstitutional). It parallels how some countries



Anti-Corruption Commission Reform Commission – Building an Impartial Anti-Graft Arsenal continued...



include environmental or anti-corruption duties in their constitutions. This change is straightforward (amending Article 20 to add a clause) and likely uncontroversial – who will openly oppose a constitutional mandate against abuse of power? It signals both to citizens and international partners that Bangladesh is committing at the highest level to fight corruption.

The call for a comprehensive National Anti-Corruption Strategy and an Ombudsman is about creating an ecosystem for integrity¹²⁸. Bangladesh's Constitution always had provision for an Ombudsman (Article 77), but no one was ever appointed. Reviving that idea – an independent official to investigate complaints of maladministration or injustices by public authorities – could vastly help ordinary people get

redress (for example, against a negligent public service or local official). An Ombudsman can act on patterns of corruption that may not necessarily be criminal but indicate misgovernance. The Ombudsman, being constitutional, would complement the ACC (which focuses on criminal corruption).

Passing an Ombudsman Act and appointing someone respected to the role would be needed; some political leaders might worry an active Ombudsman could embarrass the government, but as part of this broad reform, it fits well and could appeal to the public and donors. The National Anti-Corruption Strategy would lay out roles for all institutions, this is more of a policy document, but having it in law ensures continuity beyond one government's whim. It



Anti-Corruption Commission Reform Commission – Building an Impartial Anti-Graft Arsenal continued...

underscores that ACC alone cannot eliminate corruption; education, public awareness, reforms in procurement, etc., are part of a holistic plan.

The legislative reforms – conflict of interest, beneficial ownership, ending legal covers for illicit income – tackle systemic enablers of corruption. In the previous regime, for example, there were instances of allowing money launderers to repatriate money with minimal penalty (“whitening” money by paying a tax). Abolishing such practices sends a zero-tolerance message¹²⁹. A conflict of interest law would prevent, say, an official from awarding contracts to a company he secretly owns – a pervasive problem. Beneficial ownership transparency is especially relevant for Bangladesh’s financial sector, where loan defaults and shell companies have been major corruption avenues¹³⁰.

By making ownership public, journalists and watchdogs can trace who is behind shady companies, and ACC can prosecute more effectively. These reforms are in line with international standards (UNCAC – UN Convention Against Corruption – requires measures on conflicts and transparency). Enacting them is feasible if the new parliament is reform-minded; likely some pushback may come from business elites or politicians with business interests. But since corruption was a rallying cry of the uprising, public sentiment would endorse tough laws.

On political finance, the synergy between ACC and Election Commission reforms is evident, tackling the supply side of political corruption. By forcing disclosure of funds, it deters illegal election spending (vote-buying) and helps voters make informed choices. The ACC’s involvement in verifying affidavits¹³¹ is notable; it means candidates can’t as easily lie about wealth. If ACC finds discrepancies, presumably those candidates can be taken to task or disqualified.

This collaborative approach ties anti-corruption to democratic processes intimately. It is coherent and sensible: free elections and anti-corruption reinforce each other. One caution is capacity – verifying every MP candidate’s finances is a huge task. It might need sampling or focusing on winners’ declarations. But with digital data from tax authorities, it’s doable with some automation. And publishing politicians’ asset growth over years can deter accumulation of unexplained wealth while in office (or at least make it an election issue).

ACC’s structural independence enhancements are perhaps the most critical. The commission essentially wants to end the practice of embedding government cadres into the ACC’s leadership who then act as internal saboteurs or informants to the administration. By barring deputed bureaucrats from secretary/director roles¹³², the ACC would rely on its own cadre or independent hires. This might require developing a stronger ACC cadre; historically ACC has hired investigators from police or civil service on deputation.

The reform implies more direct recruitment of permanent ACC staff who build career solely in ACC, loyal to its mission. There’s a trade-off: in short term, ACC might lose some experienced officials who came on deputation; but in long term, it gains a dedicated workforce. It will need time to recruit and train replacements. Political feasibility: bureaucrats may resist being cut off from ACC postings (some see an ACC stint as a stepping stone or a way to protect allies by controlling cases). But politically, outside of those circles, most will approve because the public perception has been that having govt officers inside ACC compromises it.

Expanding to 5 commissioners is intended to dilute power concentration and perhaps allow specialisation (one could focus on prevention, another on enforcement, etc.). Many countries



Anti-Corruption Commission Reform Commission – Building an Impartial Anti-Graft Arsenal continued...



have multi-member anti-corruption commissions. It also allows representation from different professional backgrounds (law, finance, administration, etc.). The risk can be decision-making by committee is slower or internal conflict. But given the context of ACC historically having 3, moving to 5 seems fine, it also permits including perhaps opposition-nominated or civil society-nominated members for credibility. That could be one way to choose the 5: e.g., one by President, one by CJ, one by opposition leader, etc., through the Selection Committee.

More offices at district level bring ACC closer to local corruption (e.g., misappropriation in local projects, graft in land offices). This will increase citizen access, currently someone in a rural area finds it hard to complain to ACC if they have to travel to a divisional city. If every district has an

ACC presence, petty corruption can be addressed more readily. Of course, with that expansion comes a need for significantly more manpower and budget. The government must be willing to invest in ACC (which in the past might not have been a priority). But given corruption's toll on the economy, it's justifiable.

Repealing Rule 54 is a surgical fix to a glaring internal problem¹³³. That rule has been used to punish upright investigators and protect the corrupt; its removal secures investigators' tenure and independence; no dismissal without due process or for political reasons. Implementation is easy (the ACC can amend its own rules or through a statutory change). Expect some quiet grumbling from those who liked to control ACC staff, but no open opposition can be made to this since it's an internal governance improvement.



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The proposed Selection Committee for ACC commissioners, with a rigorous process akin to hiring for high office (advertisements, interviews, etc.)¹³⁴, is excellent for legitimacy. If people see that ACC's top officials are chosen on merit, not as ruling party loyalists, trust in the ACC will rise. The composition mentioned (Chief Justice's nominee, senior judge, CAG, PSC Chair, reps from government and opposition, plus an anti-corruption expert)¹³⁵ ensures multi-stakeholder input. One could argue involvement of both government and opposition keeps it balanced.

The risk: if those political nominees deadlock or try to push their favourites. But since it's a recommendatory body forwarding two names per vacancy to the President¹³⁶, presumably the President must pick one, giving some finality. The inclusion of public advertisement and public hearings for candidates is quite innovative¹³⁷; it adds transparency; the public can even provide feedback on nominees. This sort of openness is seen in some countries for judges or ombudsmen appointments (e.g., Philippines JBC interviews, or US congressional hearings for officials). It would be new in Bangladesh but could set a precedent for other appointments too.

The notion that the same committee will review ACC's performance biannually¹³⁸ is also noteworthy. It introduces accountability: ACC must show results (e.g., how many complaints processed, how many cases filed, convictions, etc.). Public hearings on ACC's reports mean media and civil society can weigh in, which puts pressure on ACC to avoid inertia or favoritism. The ACC historically has been accused either of inaction or of witch-hunts. Regular oversight can keep it on track while still respecting its operational independence. Achieving this requires a legal mandate that ACC produce such reports and that the committee has authority to summon ACC officials for explanations.

ACC reforms strongly complement other reforms. For instance, corruption in the police or judiciary can be tackled if ACC is empowered and neutral – and the judiciary reforms ensure judges won't quash ACC cases under political pressure, while police reforms can support ACC investigations (or at least not hinder them). The CRC's push to constitutionalise ACC and set up the NCC for appointments is entirely in line with ACCRC's suggestions, showing a unified approach to fortifying oversight bodies¹³⁹.

The interplay with electoral reforms is direct, as discussed, tackling corruption in politics which is root of much governance failure. The public administration reforms, by promoting merit and punishing corrupt officials (e.g., recommending removal of those who made disparaging comments about reform¹⁴⁰, or ideally establishing stronger disciplinary processes), also align with ACC's goals; a cleaner civil service means fewer corrupt acts to investigate in the first place. If bureaucracy resists ACC oversight (which in the past it has – e.g., needing permission to charge civil servants under old laws), one hopes a reformed bureaucracy under new leadership will accept ACC's role.

One area to watch: military and security sector corruption, ACC's mandate historically doesn't extend clearly into defense procurement or assets of military officers. Given the interim government's civilian leadership and the nature of the uprising, they might not have addressed this hot potato directly. But for a holistic anti-corruption regime, eventually tackling all sectors is needed. Perhaps quietly, some understanding will be reached. In any case, ACC's structural empowerment is a cornerstone for long-term integrity.

Many ACC reforms can be done through amendments to the ACC Act 2004 and related rules. The interim government or next parliament



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can likely agree on those since ACC reform has public support. However, the actual enforcement of anti-corruption will test political will. As Bangladesh returns to electoral politics, will the party in power allow the ACC to investigate its own members? This is always a litmus test. The reforms attempt to make ACC independent enough that it can't be easily reined in.

But laws alone won't suffice; it's the ethos and unwritten norms that will determine ACC's true freedom. That said, with constitutional entrenchment and the new appointment/oversight system, it will be significantly harder for any future government to capture the ACC without blatantly undoing these reforms (which would draw public ire and maybe international

condemnation). It's a form of "insurance" that even if one actor is tempted to backslide, the institutional setup will resist.

The ACC commission's recommendations for modernisation (like tech use, training) are quite feasible with donor support. Often, agencies like ACC can get technical assistance (e.g., UNDP or ADB projects have supported ACC in past). The expanded offices and workforce need budgetary allocation; a reformed finance ministry (if corruption is cut, there's more resources for such institutions). International partners likely would be happy to fund capacity building, as a strong anti-corruption stance will make Bangladesh a more attractive partner and investment destination.





Anti-Corruption Commission Reform Commission – Building an Impartial Anti-Graft Arsenal continued...

If these reforms take root, Bangladesh could see a significant reduction in high-level corruption over time. A fearless ACC could investigate and bring to justice officials and politicians who abuse power, establishing a precedent that no one is above the law. This would deter future corruption (the “big fish” would think twice). Public trust in government would rise if people see corrupt elites being held accountable – a reversal from the impunity of the previous era¹⁴¹.

On the economic front, combating corruption can improve development outcomes: fair business competition, better public services (as funds are not siphoned off), increased foreign investment (since investors see rule of law). Bangladesh has historically lost huge sums to corruption (some estimates of public procurement losses, financial scams, etc.); plugging those leaks could free resources for public welfare.

However, one must be mindful: a suddenly activist ACC might also create short-term instability if it, say, indicts a large number of former officials or politically exposed persons at once. The interim period saw already many cases filed against former ruling party figures¹⁴². While accountability is needed, doing it in a way that respects due process is important so it's not dismissed as victor's justice.

The commission's stress on rule of law and due process (like presumption of innocence, proper investigations)¹⁴³ is relevant; ACC must build solid cases so that convictions stand in independent courts, not do ad-hoc roundups. Over-zealousness could backfire by drawing sympathy to the accused or overwhelming the courts. So a paced, strategic approach focusing on the worst offenders and systemic fixes (like the legal changes) might yield steadier gains.

In conclusion, the ACC Reform Commission's plan is ambitious but necessary. It aligns with a global understanding that without controlling corruption, democratic and development gains are hollow. The combination of preventative measures (laws, education, transparency) and punitive measures (strong investigations and prosecutions) is sound. If realised, Bangladesh could see its rankings in corruption perception improve, and more importantly, real improvements in governance. The biggest guarantee of these reforms sticking is if citizens come to expect and demand clean governance; then any government that backpedals does so at its peril. Thus, embedding anti-corruption as a societal norm is the ultimate goal, and these institutional reforms are a critical step toward that.

“Reform is not a technical challenge but a political confrontation. Every recommendation that rebalances power, from repealing Article 70 to decentralising judicial authority will be met with resistance by those who benefited from its absence. The future of these reforms depends not just on consensus, but on courage.”

8



Police Reform Commission – Transforming Law Enforcement for Public Trust and Safety

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Police Reform Commission – Transforming Law Enforcement for Public Trust and Safety

The Police Reform Commission focused on demilitarising police tactics, removing political influence, and instilling accountability in law enforcement.

Key recommendations include:

1. Use of Non-Lethal Weapons: The commission urges that police in crowd control and public order situations be restricted to non-lethal weapons and tactics, in line with standards in many European countries¹⁴⁴. This means greater reliance on water cannons, tear gas, batons, stun grenades, etc., and a prohibition on using live ammunition for dispersing protests or unruly crowds. The intent is to prevent the kind of bloodshed seen during the 2024 protests, where excessive force led to over a thousand deaths¹⁴⁵.

2. Eradicating Political Influence: A top recommendation is to free law enforcement agencies from political influence and partisan control¹⁴⁶. While not detailed in the snippet, this implies establishing safeguards so that the government of the day cannot use the police as a tool against opponents or to shield its allies. It could involve reforms in how senior police officers (Inspector General, Commissioners, SPs) are appointed and transferred – possibly through a neutral Police Commission or fixed tenure postings to resist ministerial meddling.

3. Accountability and Anti-Corruption within Police: The commission underscores reducing corruption in the police and ensuring accountability by exemplary punishment of offenders¹⁴⁷. This likely includes strengthening internal discipline (revamping the Police Internal Affairs units), ensuring any police

personnel involved in misconduct (like torture, custodial death, bribery) face prompt and public consequences, and ending the impunity that has protected “guns for hire” in the force.

4. Implementing Supreme Court Guidelines on Arrests and Detention:

A very detailed recommendation is to formally implement the directives issued by the High Court Division regarding arrests without warrant and treatment of detainees in remand¹⁴⁸. These directives (from the landmark BLAST vs Bangladesh case, 2003) include:

- Police must identify themselves and show ID when making an arrest¹⁴⁹.
- Reasons for arrest must be recorded in a register.
- The arrestee's relatives must be informed of the arrest within one hour¹⁵⁰.
- An arrested person must be allowed to consult a lawyer or relative immediately.
- Interrogations of detainees on remand must occur in a room with a glass wall, observed by the detainee's lawyer or relative (to prevent torture)¹⁵¹. These were judicial directives intended to curb arbitrary arrests and custodial torture, which have been largely ignored. The commission wants them codified and enforced as law or regulation.

5. Oversight Mechanisms: Although not explicitly mentioned, a thorough police reform would usually suggest creating independent oversight bodies such as a Police Complaints Authority or strengthening the National Human Rights Commission's mandate to investigate police

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Police Reform Commission – Transforming Law Enforcement for Public Trust and Safety continued...

abuse. It's possible the commission recommended an independent watchdog to handle public complaints against police, given the history of abuse.

6. Professionalisation and Training: The commission likely advises improving training on human rights, crowd management, and investigation techniques. Shifting police culture from “force” to “service” may involve community policing initiatives, better education in police academies, and a stricter recruitment vetting to weed out those with criminal or militant backgrounds (there have been instances of politicised recruitment in the past).

7. Reforming Paramilitary Units: Human rights observers have specifically pointed to the Rapid Action Battalion (RAB); an elite anti-crime unit notorious for extrajudicial killings and disappearances, as needing reform or disbandment¹⁵². While the commission's publicly reported points did not explicitly mention RAB (likely due to sensitivity), it is conceivable they discussed aligning RAB with legal norms or placing it under greater accountability (perhaps even recommending dissolving units that cannot be reformed). For example, Human Rights Watch has urged disbanding RAB following the “Monsoon Revolution”¹⁵³. The commission's broad stroke of freeing law enforcement from political misuse might encompass tackling such units.

8. Modernisation and Community Engagement: To reduce everyday corruption, proposals might include computerisation of FIRs (First Information Reports) in police stations, CCTV in custody areas, and community policing forums to rebuild trust between police and citizens.

Police reform is absolutely central to breaking the cycle of repression and violence that both sustained the previous regime and now threatens to tarnish the interim period. The mass uprising

was precipitated by police and ruling party brutality against students¹⁵⁴.

And as HRW noted, after the interim took over, there were concerning signs of revenge policing against Awami League supporters, with mass cases filed and abuses continuing in just a different direction¹⁵⁵. This underscores that unless the policing paradigm is changed, any government even well-intentioned can become an oppressor using the old machinery.

The recommendation to enforce non-lethal crowd control is a direct life-saving measure¹⁵⁶. Bangladesh's police and paramilitaries often resorted to live fire with impunity. Instituting a strict “no lethal force unless absolutely last resort to save life” policy could prevent tragedies. However, this requires equipping and training police with alternatives. Rubber bullets, proper tear gas usage, water cannons, and sound dispersal devices may need to be procured and taught. It's not enough to say “use non-lethal”; police must feel they have effective tools to manage violent mobs without guns. International partners could help provide such training and gear.

Also, clear rules of engagement consistent with the UN Basic Principles on Use of Force and Firearms should be incorporated. Feasibility is high on paper (just an order from the top), but the challenge will be changing the mindset of officers who for years have been told to “shoot the opposition.” Command responsibility must be enforced – if an officer violates the non-lethal rule and unjustifiably fires live rounds, they should face legal consequences. One possible step: embed human rights officers or magistrates with forces during major operations to oversee compliance.

Removing political influence from policing is perhaps the most difficult and most vital reform. In Bangladesh, the police hierarchy has been

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Police Reform Commission – Transforming Law Enforcement for Public Trust and Safety continued...



subservient to the Home Ministry and ruling party dictates – promotions often go to those showing political loyalty rather than professionalism. The commission might have proposed something akin to what the Supreme Court of India directed in the Prakash Singh case: establishing a Police Oversight Commission (comprising e.g., retired judges, civil society, etc.) for each province (in Bangladesh's case, maybe nationally or per division) that sets policing policy and oversees transfers of senior officers.

Also, ensuring a fixed minimum tenure (say 2 years) for key positions (IGP, district SPs) to shield them from arbitrary removal by politicians is a known reform measure. If the commission hasn't spelled out the mechanism, Allies could push for these specifics.

Feasibility is moderate; politicians are loath to give up control of the coercive apparatus. But given the interim nature, maybe now is the golden moment to put legal protections for police independence

because the interim government doesn't intend to cling to power and so can afford to de-politicise the force. For future elected governments, having a neutral police can actually save them from international embarrassment (as happened with AL regime's abuses).

Accountability for police misconduct ties into both internal and external checks. Internally, a stronger Professional Standards unit in police, empowered to investigate and refer for prosecution those officers who commit crimes, is needed. Externally, independent bodies like an Ombudsman or National Human Rights Commission should have access to investigate police abuses. The recommendation of "exemplary punishment"¹⁵⁷ is critical; if a few officers who tortured or killed get prosecuted and punished publicly, it will send shockwaves through the ranks that the old impunity is gone.

Currently, almost no police have been held to account for 2018 student protest shootings

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Police Reform Commission – Transforming Law Enforcement for Public Trust and Safety continued...

or the 2024 events. The interim government or new government might consider a truth and accountability mechanism for past abuses (perhaps a commission of inquiry or a special tribunal for serious human rights violations). Indeed, HRW recommended the interim government support a UN Human Rights Council resolution for continued monitoring to prevent future abuse¹⁵⁸, and to implement recommendations of inquiries including disbanding RAB¹⁵⁹. These moves complement domestic reform by bringing global scrutiny.

Codifying the arrest and detention guidelines into law would be a huge win for human rights¹⁶⁰. Those guidelines, originally given by the High Court, are very specific and practical. If every police station followed them, arbitrary detention and torture would diminish markedly. Feasibility is straightforward: Parliament or even an ordinance can amend the Code of Criminal Procedure to incorporate these.

The main barrier is police culture; will officers used to picking up people at will adapt to logging reasons, calling family, etc.? It will require strict supervision and making examples of those who violate. Technology can help: perhaps requiring every arrest to be entered into a centralised digital system accessible by senior officers and oversight bodies, making it harder to hide a wrongful detention. The glass-partitioned interrogation room idea is quite novel – it may require infrastructure (renovating rooms), but ensures transparency in interrogations. Setting that up nationwide is a logistical task but a visible sign of change.

The commission's alignment with these court directives shows a welcome respect for the judiciary's role in safeguarding rights. In fact, implementing those unfulfilled directives from 2003 is long overdue and would fulfill a promise of the judiciary to the people. It again exhibits

how these commissions reinforce each other: the judiciary commission calls for independent courts and judges, while the police commission ensures police abide by court orders and human rights norms.

RAB and other forces: Even if not explicit, any serious security sector reform must deal with RAB, which arguably was responsible for some of the worst abuses (and has US sanctions on it). The interim government has banned the ruling party's student wing for violence¹⁶¹; addressing RAB is trickier because it's within the state apparatus. Possibly, the commission left that to the new government, or recommended e.g., bringing RAB fully under police command and then reforming it or dissolving it gradually.

A recommendation to integrate RAB into a reformed police force (with vetting of its officers) could be one path. The Human Rights Watch report (Jan 2025) explicitly suggests disbanding RAB¹⁶².

However, that's a sensitive call because RAB, while notorious, also has public support in some quarters for its anti-crime effectiveness. Perhaps a compromise is: reform RAB by renaming and reorienting it under stricter legal constraints, eliminating military secondment in it (since mixing military in civilian policing has been problematic). This could align with the broader theme of civilian supremacy and accountability.

Coherence: Police reforms are closely linked to justice reforms (courts can only do justice if police gather evidence lawfully and professionally) and to political reforms (no point having fair elections if police intimidation continues). The commissions together provide a blueprint: neutralise the tools of repression (police), hold perpetrators accountable (judiciary and ACC), ensure new elections are fair (caretaker & EC) so that future governments are less likely to resort to repression.

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One cross-reference: the ACC recommended establishing an independent torture complaint mechanism (e.g., they mention establishing an investigation mechanism for torture complaints independent of law enforcement¹⁶³).

That could be in line with police reform too, an independent unit to investigate custodial torture could be under the NHRC or a new agency. Indeed, Bangladesh might consider ratifying the UN Convention Against Torture's Optional Protocol to allow international inspection of detention sites – a move that would reinforce domestic measures like the glass-wall interrogation room.

Feasibility: Many policing reforms require changes in laws (Police Act, CrPC, etc.) and in internal police regulations. These are doable if the government is on board. The bigger hurdle is institutional resistance within police ranks and the political class. Top police officers might fear losing their patronage and the comfortable nexus with political bosses.

But some officers likely also desire professionalisation, many in mid-level may support reforms that let them do real policing without political pressure. There's also likely a generational split: younger officers may be more open to modern concepts of community policing and human rights, whereas some entrenched ones might resist. The interim government can shuffle some key positions to ensure reform-minded leadership in police (e.g., appoint an IGP known for integrity and rights-respecting stance). It appears they have started some changes, but continuity is key.

For the public, an immediate visible impact of police reform would be a reduction in everyday harassment (e.g., fewer arbitrary arrests, less bribe extraction on roads) and the assurance that peaceful protest will not be met with lethal force. Over time, a depoliticised police means

any government's excesses would be curbed by officers refusing illegal orders – that's an aspiration seen in mature democracies where police professionalism trumps partisanship. It also means opposition parties would not see police as an enemy to be feared when they are out of power, which could reduce the tit-for-tat politicisation cycle.

One must also factor countering extremism and crime: often, arguments against limiting police powers are that it would hamper fighting terrorism or crime. The commission probably balanced this by focusing on accountability and proportionality rather than tying police's hands against genuine threats. Non-lethal doesn't mean soft on violent criminals; it means only using lethal force when absolutely necessary. And independent oversight doesn't stop policing, it just ensures it's by the book. Actually, a more trusted police will get more community cooperation, which helps fight crime better (people will report crime if they trust police).

If Bangladesh successfully reforms its police, it could break the cycle of state violence and retaliation that marred its politics. Peaceful assembly and dissent could become routine parts of democracy without fear of violent crackdowns. This in turn means that political disputes are more likely to be resolved through dialogue and legal process rather than street confrontations, a huge cultural shift.

On the other hand, if police reform falters, there's a grave risk: the same repressive toolkit could be picked up by a future government, even one that comes to power via fair elections, and used again, which could unravel other reforms. Many a democracy has slid backwards when security forces remained unreformed and became vehicles for authoritarian revival. Therefore, entrenching these reforms is essential for longevity of all changes.

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Police Reform Commission – Transforming Law Enforcement for Public Trust and Safety continued...

Ensuring continuity of these reforms with a new elected government that might include members of the old order or others who may have different views on law and order. Part of the interim's job, is to get all major political actors to commit to upholding these policing standards (perhaps through an all-party accord on not politicising law enforcement and respecting human rights commitments). If major parties sign on publicly, it will be politically costly for them to reverse later.

In conclusion, the Police Reform Commission's proposals are vital and urgent, aiming to transform a fearsome force into a public service. They align justice with security by stressing legality and rights. They are feasible with the right leadership and oversight, and their implications are foundational: a state where citizens do not fear those sworn to protect them is the hallmark of civilised governance. The roadmap will require persistence, training, and unwavering political support. But as the events of 2024 showed, the people of Bangladesh demand an end to the politics of terror and police reform is at the heart of delivering that promise.

“A democracy cannot be rebuilt on the backs of those it has historically excluded. By lowering the age of candidacy, expanding women’s representation through direct elections, and decentralising judicial and administrative power, these reforms do not merely reflect inclusion; they institutionalise it.”

9

Coherence, Feasibility and Implications of the Overall Reform Package

জনসংসদ সন্ত্রাস প্রতিরোধ ২০২৫

9

Coherence, Feasibility and Implications of the Overall Reform Package

Having examined each commission's recommendations in detail, we now step back to assess the reform agenda as a whole. These six commissions together outline a comprehensive blueprint for systemic change, touching every branch of government and key state institutions. The proposals are remarkably coherent in their overarching aim: to dismantle the centralisation of power and impunity that characterised the fallen regime, and to erect in its place a framework of accountability, rule of law, and inclusion.

There is a strong thematic unity across the reports, a deliberate system of checks and balances is being built:

- The executive's powers are to be checked by term limits, a reinvigorated presidency, stronger parliamentary oversight, and independent oversight bodies (ACC, HRC, etc.)¹⁶⁴.
- The legislature is to be more representative (through electoral reforms) and internally freer (via Article 70 changes)¹⁶⁵, so it can truly act as a check on executive and reflect diverse voices.
- The judiciary is fortified to act as a guardian of the Constitution and rights, independent of political interference and capable of calling foul on unlawful acts by officials¹⁶⁶.
- The civil service and police are being tuned to become neutral implementers of policy and law, rather than extensions of ruling party machinery¹⁶⁷. This means future governments, even if tempted, will find it harder to use administrative or coercive levers for undemocratic ends.
- The anti-corruption regime cuts across all areas, ensuring that those in power – whether elected officials, judges, or bureaucrats – are subject to scrutiny and legal consequences for abuses¹⁶⁸.

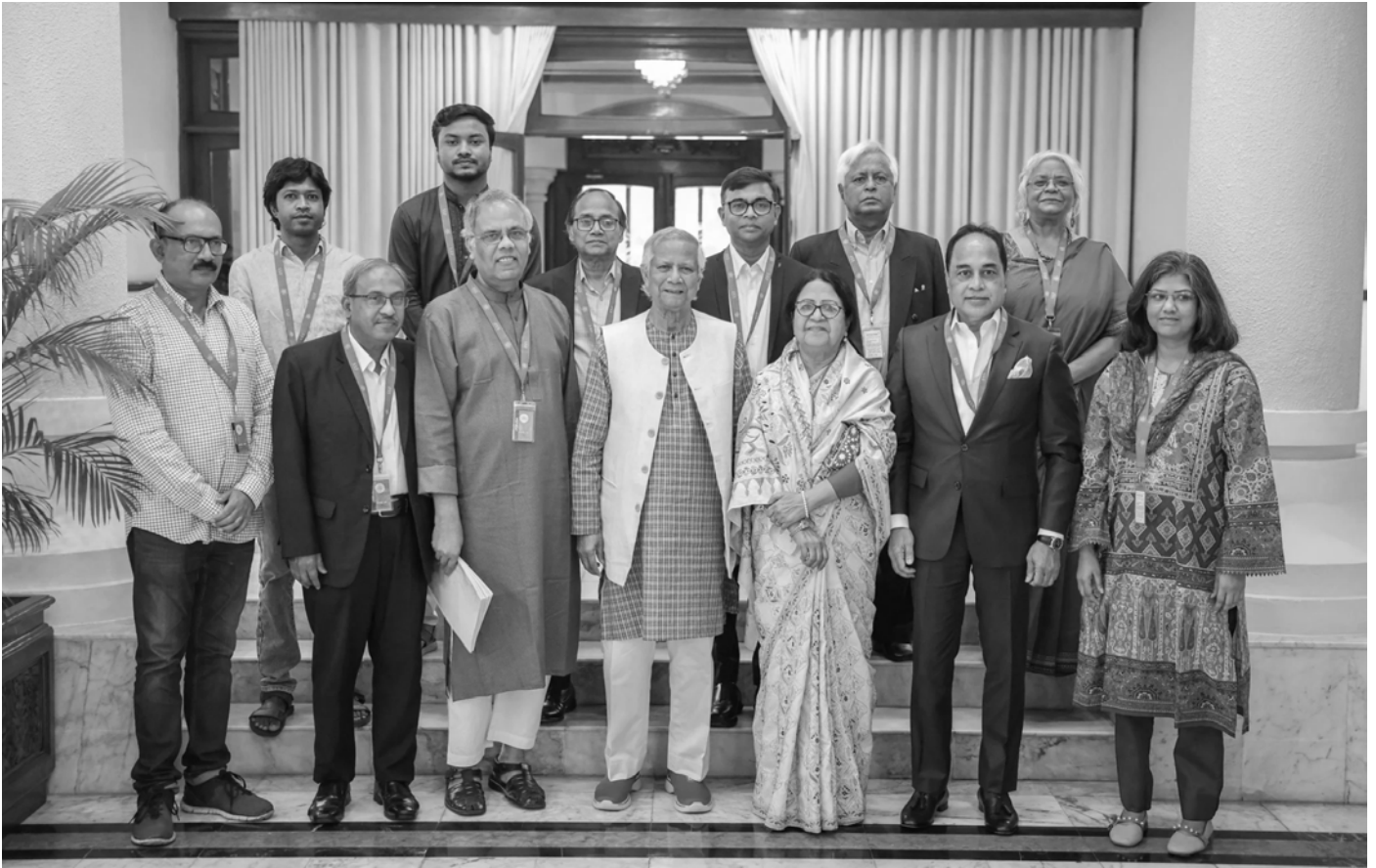
These pieces interlock. For example, an independent judiciary and ACC complement each other: courts uphold ACC prosecutions, ACC investigates judicial corruption if it occurs – a mutual accountability loop. The electoral reforms (caretaker govt and strong EC) ensure that the initial transition back to elected rule is fair, which is crucial for the legitimacy of implementing many reforms that likely will happen under the next elected government. Indeed, one commission report noted that after the six commissions, a seventh high-level commission, comprising the heads of the six and chaired by the Chief Adviser, will harmonise the proposals and steer implementation¹⁶⁹. This mechanism is meant to ensure coherence and resolve any inconsistencies among the reports.

Are there any notable conflicts or gaps between the commissions' recommendations? From available information, none of the proposals directly contradict each other. At most, there could be areas requiring coordination:

- The Constitution Commission might propose constitutional entrenchment for certain bodies (like ACC, EC, HRC) which the respective specialised commissions also recommend via legal reforms. These need syncing so that constitutional amendments and statutes align (e.g., size of ACC, appointment process – ensure what ACCRC suggests is reflected in constitutional draft from CRC).

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Coherence, Feasibility and Implications of the Overall Reform Package continued...



- The caretaker government proposal straddles constitution and electoral commissions – but both agree on it¹⁷⁰, so no divergence there.

- One potential area of careful handling: transitional justice for past abuses. The police commission wants accountability for police crimes; the ACC will likely go after grand corruption of former officials; the judiciary commission strengthens the SJC for any judicial complicity. These actions, while righteous, could be perceived by some as victors' justice if not handled impartially. Coherence here means applying the law to all sides – indeed, HRW cautioned that the interim must avoid simply flipping the script and persecuting the old ruling party in the same unjust ways¹⁷¹. The commissions implicitly support impartial justice (e.g., no political influence on police or ACC means no witch-hunts, only evidence-based cases).

The interim government's own commitment to neutrality will be tested in how these reforms are executed initially. For coherence, the implementation body (the heads-of-commissions group) should perhaps issue guiding principles that the reforms are not about revenge, but about establishing norms that bind everyone.

- Another area: the civil service reforms vs. capacity to implement reforms. If the bureaucracy is disgruntled (as seen with the public administration proposals conflict)¹⁷², they might drag feet in implementing other reforms (like cooperating with ACC or EC changes). Coherence here demands a careful rollout – winning over enough of the bureaucracy by perhaps phasing changes and including them in planning. This is more of an implementation strategy issue than a conceptual clash.

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Coherence, Feasibility and Implications of the Overall Reform Package continued...

Feasibility

The breadth of reforms is daunting in a short time-frame. Many require constitutional amendments. Bangladesh's constitution can be amended by a two-thirds majority in Parliament. Currently, there is no elected parliament; the interim regime can issue Proclamation Orders or ordinances, but major enduring changes are best done by an elected Constituent Assembly or Parliament to ensure legitimacy. A realistic path is likely:

- Implement via interim executive action or ordinances those reforms necessary for the immediate election (e.g., caretaker government legal basis, changes in election law like “No vote”, reconstitution of EC if needed, enforcing police non-lethal policy, interim appointments to ACC with new rules, etc.). These would set the stage for a fair election.
- Concurrently, prepare a draft of extensive constitutional amendments (perhaps even a new constitution) reflecting the commissions' work, to be placed before the newly elected Parliament.
- That Parliament, which hopefully will be more pluralistic and less beholden to one leader thanks to term limits and freer voting, can debate and adopt the reforms with necessary legitimacy. Some opposition figures have indeed argued an elected government should enact the big constitutional changes¹⁷³. If the election is free, whichever party/coalition comes to power will have a mandate to continue the reform process
- The interim period could also see some reforms enacted by consensus among major stakeholders even before elections – for instance, all major parties might publicly endorse the two-term limit and agree not to field any PM candidate beyond that in future, as a show of good faith. Such consensus building would greatly ease formal adoption later. Badiul Alam, head of the Electoral

Commission, mentioned these recommendations will be discussed within government and with political parties to reach consensus¹⁷⁴.

The timeline is a challenge. By February 2025, reports are in. Elections presumably need to be held by mid or late 2025. That's a short window to implement reforms. Some reforms (civil service, judiciary, police) are long-term processes that can start now but take years to fully realise (e.g., training new police, or building upazila courts). Feasibility thus depends on prioritisation and sequencing:

- **Priority 1:** Those affecting the next election – caretaker, EC empowerment, “No vote”, basic police non-partisanship (so election rallies aren't suppressed), and media freedom (from another commission) need immediate action.
- **Priority 2:** Constitutional and legal frameworks that can be set in motion e.g., drafts for constitutional amendments on term limits, upper house, independent commissions, to be ready for new parliament.
- **Priority 3:** Institutional capacity building – e.g., start recruiting for ACC new posts, start pilot High Court benches on a limited scale, initiate training programs for police on new protocols.
- **Priority 4:** Cultural change measures – longer-term efforts like educational campaigns on anti-corruption, building political culture of tolerance, etc., which civil society will need to sustain beyond the interim government.

One must also consider political risks: The Awami League regime figures are ousted now, but they (or their allies) could attempt to delegitimise or resist the reforms from exile or behind the scenes. Internationally, however, the EU and others are supportive of democratic reforms¹⁷⁵. The interim should capitalise on that support

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Coherence, Feasibility and Implications of the Overall Reform Package continued...

to bolster feasibility – technical aid, perhaps conditional incentives (like restoration of trade privileges or development aid tied to good governance progress). As HRW noted, donors and experts need to robustly support the interim government's reform agenda¹⁷⁶, which improves feasibility significantly.

A noteworthy feasibility factor: public support. The reforms largely align with what protesters demanded; end to corruption, fair elections, justice for abuses. If public opinion is mobilised in favour (through media, town halls, social media campaigns), it will be politically suicidal for any politician to openly oppose, say, term limits or ACC strengthening. An informed public can act as a watchdog and cheerleader for reforms, improving the likelihood of implementation. For example, if a new government tries to slow-walk the Article 70 repeal, public pressure can force the issue.

Implications

If the reforms are implemented in substance, Bangladesh stands to undergo a political transformation akin to a “Second Republic”; a new democratic dawn after years of creeping authoritarianism. The implications include:

- **Democratic Consolidation:** With fair elections, term limits, and empowered opposition in Parliament, politics could become more competitive and policy-driven rather than personality-cult or dynasty-driven. A true alternation of power could happen without crisis, as institutions (caretaker, EC, judiciary) guarantee fairness.

- **Rule of Law:** Strengthened courts, ACC, and police accountability mean that rule of law (everyone accountable under law) replaces rule by law (where law was a tool of the powerful). Human rights abuses would likely decrease, as perpetrators cannot assume impunity. Citizens

might increasingly resort to courts for remedies instead of street protests or resignation to fate.

- **Economic and Social Development:** Curbing corruption and improving governance generally boosts economic performance. Investors domestic and foreign will have more confidence in property rights and contract enforcement (thanks to judicial reforms and anti-corruption). Public funds will be better spent, improving services in health, education, infrastructure – delivering on the promise of “public welfare” mentioned as a goal of reforms¹⁷⁷. A more meritocratic civil service can execute development projects more effectively. Moreover, inclusion of youth and women in politics (via age reduction and women's seats) could yield more progressive social policies and innovation.

- **Civil-Military Relations:** Though not explicitly covered by these commissions, implicitly a stronger civilian institutional framework leaves less room or excuse for military intervention in politics. When the civilian state can govern accountably, the military (which in Bangladesh has intervened in the past) is more likely to stay in barracks. The presence of Yunus (a civilian) and no military overt role in the interim set-up is promising, but sustained only if institutions work. The reforms to police and an overall check-and-balance system act as a pressure relief valve for crises, making extrajudicial “saviors” (like coups) unnecessary.

- **Challenges and Unintended Effects:** However, one must anticipate some bumps. For example, repealing Article 70 might, in a highly factional polity, lead to short-lived governments or frequent re-alignments. The hope is improved political culture and two-term limit might mitigate that by encouraging parties to democratise internally and form stable coalitions. Another scenario: a future government might try to undo some reforms (say, a new PM chafes at term limits or oversight

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Coherence, Feasibility and Implications of the Overall Reform Package continued...

bodies). To preempt that, robust constitutional entrenchment is needed¹⁷⁸, plus continued civic vigilance. The suggested reforms are entrenching many things at constitutional level precisely to raise the hurdle for reversal.

A critical implication is the legitimacy of governance. The prior regime suffered a legitimacy crisis; these reforms seek to restore citizens' faith. Legitimacy will hinge on transparency and inclusion in the reform process itself. The interim government's "fast-paced, technocratic approach" has drawn some criticism¹⁷⁹. To ensure the reforms endure, the process going forward must broaden out: involve citizen consultations, dialogues with opposition parties, perhaps even a referendum on key constitutional changes if appropriate. Broad ownership will protect reforms from appearing as one group's agenda.

As one analysis noted, constitutions and major reforms succeed when built on consensus, not just expert input¹⁸⁰. If any group feels left out (for instance, Islamists fearing secular principles, or ethnic minorities wanting devolution, etc.), they could become sources of friction.

The commissions have covered a lot, but not explicitly issues like local autonomy or religious expression in constitution (though mention of pluralism was contested by Jamaat-e-Islami)¹⁸¹. The interim gov should manage those debates carefully. Possibly separate commissions (local gov, women, etc.) will address some.

The reform agenda is coherent and visionary. Feasibility will depend on sustained political will, sequencing, and the ability to forge consensus or at least acquiescence among key stakeholders (political parties, bureaucracy, security forces, civil society).

The implications, if successful, are nothing short of a rebirth of accountable democracy in

Bangladesh, with ripple effects potentially across South Asia (as a positive example of peaceful reform after a mass movement). Conversely, failure or half-hearted implementation could lead to disillusionment and a potential slide back or conflict. The stakes are extremely high, and all actors must recognise that this is a rare window of opportunity that must be seized fully.

“Blueprints are not breakthroughs. The reforms will only have meaning if they survive the political transition, embed themselves in law and practice, and outlast the interim government. The true test is whether these ideas can become enduring norms, not temporary concessions to crisis.”

10

Conclusion

Conclusion

Bangladesh stands at an inflection point in its history. The six reform commissions have charted a visionary path toward a republic grounded in democracy, justice, and accountability, addressing the very flaws that brought the country to the brink in 2024. This policy brief has critically evaluated their proposals – finding them largely sound, interlocking, and capable of ushering in a new era if carried out with commitment.

The challenges are non-trivial: vested interests, capacity constraints, and the sheer scope of change would test any nation. Yet, the coherence of the reform package offers hope that Bangladesh's governance can be re-engineered in a holistic manner, avoiding piecemeal fixes that fail to address root causes.

The target audiences, policymakers, civil society, the public, and international partners, each have roles defined herein. Policymakers are urged to act boldly but inclusively, institutionalising the commissions' work through law and practice. Civil society is called upon to educate, advocate, and monitor, serving as both partner and constructive critic in implementation.

The general public is to be the ultimate beneficiary and watchdog; informed of their rights and ready to defend the reforms that defend them. International partners are invited to support this delicate transition generously and respectfully, understanding its significance for the region and the world.

In the twilight of the old order and the dawn of the new, Bangladesh has a chance to heal the wounds of the past and build resilient institutions for the future. As a policy brief, this document not only analyses but also ardently supports the cause of a democratic Bangladesh reborn from the trials of 2024. The road ahead will demand patience, perseverance, and unity of purpose.

But with the reforms outlined and the collective will that made the Monsoon Revolution victorious, Bangladesh can indeed open a new chapter; one of liberty, equality, justice, and prosperity for all her people. It is the solemn responsibility of this generation of leaders and citizens to ensure that the promises of this moment are fully realised, and that never again will authoritarianism or corruption be allowed to betray the spirit of the nation.



FOOTNOTES

1 [https://www.thedailystar.net/news/bangladesh/news/reform-panels-aim-ensure-power-balance-3798826](https://www.thedailystar.net/news/bangladesh/news/reform-panels-aim-ensure-power-balance-3798826#:~:text=According%20to%20sources%20in%20the,prime%20minister%20and%20the%20president)

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