

Implementing Legislation A Priory Assertion to Rule of Law in Bangladesh

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ABSTRACT: The constitution of Bangladesh contains a plethora of laws to maintain peace and security in the society through establishing the rule of law. The judiciary of the country is independent since 2007 but to some extent, the judiciary is being controlled by executive authorities. Therefore, a legislative procedure does not stop once a bill becomes law but the role of legislators comes to an end in the context of Bangladesh in many ways, although law must be put into effect or implemented by law enforcement authorities. Not surprisingly, Bangladesh has a praiseworthy legislative body and the legal system is designed by following the British legal system. But there is no such body or specific mechanism to monitor the ways of implementing legislation, the reason behind this may be administrative weakness or absence of a permanent mechanism for the same. In most cases, there is law but an absence of rule of law.

The paper will endeavor to assess the procedure of enforcing and implementing legislation. In the light of the present legal system, administrative procedure, and the role of law enforcing agencies will be discussed. In the second wave, the paper will analyze the approximate reasons behind the failure of proper enforcement and implementation of laws. Finally, it will critically evaluate the needs of a particular monitoring mechanism as well as possible reformation strategies to implement legislation, their adequacy, and the role of parliament with the citizen of the country to abolish the culture of impunity to establish rule of law.

KEYWORDS: Enforcement, Implementation, Legislation, Rule of law

I. INTRODUCTION

Bangladesh is an independence country since 1971, in terms of rule of law, the country is far ahead than any other country in the third world. In almost every aspect of life, the country has written laws but is as reluctant to apply it.¹ From the law enforcement agencies to the judicial institution and the citizens of the country have developed a culture of disobedience.² In addition to the longevity of the judicial system, there are many other aspects that constantly motivate the citizens to disobey. It is primarily a matter of upholding the rights of the citizen rather than the application of the law. Although the court still plays a major role in protecting civil rights because of the people's disloyalty to the governance system and the expectation of the people to the court is skyrocketing. As a result, sometimes the gap between expectations and attainment increases so does frustration regarding legal protection.

Law is to civilize society and one of the major issues of the law is the obedience of the people. The law that people obey does not require any force although it is never possible to obey the law with the law enforcement forces most of the cases. It conflicts with the spirit of the law.³ There is constitutional supremacy in Bangladesh and the constitution is the supreme law of the country, in the

¹ Ara, F., & Khan, M. M. R. (2006). Good governance: Bangladesh perspective. *The Social Sciences*, 1(2), 91-97.

² Sarker, A. E. (2004). Administrative reform in Bangladesh: three decades of failure. *International Public Management Journal*, 7(3), 365.

³ <https://www.dailyinqilab.com/article/58804/আইন-কনে-কার্যকর-হয়-না-সটো-গভীরভাবে-ভাবতে-হবে>

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fourth part of the constitution ensures the responsibility of protecting and supporting has been entrusted to the people of the country⁴, indicating the need to know the common law of the people.⁵ But in reality, people have no interest in knowing about the provision of laws and due to ignorance of the law, the common people deprived, being persecuted and deceived by the influencers of society.⁶ The constitution of Bangladesh provides full-fledged protection for its citizens and foreigners as well to some extent.⁷ But, it's a matter of great regret that, the social security and legal protections for the people have not yet ensured. Several barriers may found in this regard. There is law but the absence of legal protections in many ways.⁸ Moreover, proper implementation of legislation is one of the major obstacles to access to justice as law and enforcement must run in parallel.

II. LEGISLATION AND IMPLEMENTING PROCEDURE

The present Judiciary of Bangladesh has a glorious history. Although the constitution of the country was enacted in 1972 the country owes its origin from two hundred years of British rule in Indian sub-continent, such as some laws and ordinance which are directly retained in the legal system of Bangladesh from British legal system. After the independence of 1971 till 2007 the judiciary of Bangladesh was not independent, in 2007 through the judgement of Masder Hossain Vs Bangladesh⁹ the Judiciary becomes independent. Within the decision of this case, some reformation has happened in the legal system of Bangladesh as well.¹⁰

In Bangladesh, the law-making power is mainly vested to the parliament and the parliament enjoys the right to make new laws. Generally, legislation means the process of making or enacting laws by the legislators¹¹ but, mainly the legislation includes the process of making laws by competent authorities by following proper ways thus law-making procedure is a complex web in many ways. Within the provisions of Article 80 to 92 of the constitution of Bangladesh has provided the procedure of making laws by the parliament.¹² The desirability of the new law is determined through various social and political realities. Both the government Bill and private members' Bill is introduced in the parliament by the member and the bill is published in the Gazette for the general information of the public then the bill is taken up for consideration or reference to the standing committee. After a general discussion on the Bill, the committee considers and reports to the parliament. Within the process of debate on the report, the speaker may propose an amendment to the bill and the bill can be passed when no amendment is required. As per the provision of Article 80 of the constitution, when parliament passes a bill, it is submitted to the president of the republic for assent. Within fifty days of presenting such a bill, the president has to assent to the Bill, if fails the bill is deemed to have been assented to. When the president returns a bill with some suggestions to reconsider the parliament considers the bill with the said suggestions. With or without amendment the bill is submitted to the president for assent within seven days if fails the bill is deemed to have assented to a bill passed by the parliament and publishes in the Gazette and becomes an Act of Parliament. Therefore, under the provision of Article 93 of the constitution, the president can make an ordinance at any time when the parliament is not in session but the circumstances require immediate action.¹³

The law-making procedure stops once a bill become law the than the law enforcement agencies and institutional mechanism come in the frontline but ensuring proper utilization of laws is treated as the most important part to ensure rule of law in a society.¹⁴ Generally, the word implementation and enforcement are closely related to each other. Implementation is a process of execution, performance, accomplishment, discharge, and redaction. On the other hand, enforcement refers to incitement, persuasion, motive,

⁴ Halim, M. (2006). The Legal System of Bangladesh.

⁵ Kamal, J. M. (2001). Bangladesh constitution: trends and issues. Dhaka University.

⁶ Hoque, A. (1980). The legal system of Bangladesh. Bangladesh Institute of Law and International Affairs.

⁷ Part III of the Constitution of the people Republic of Bangladesh

⁸ Khan, M. M. (2003). State of governance in Bangladesh. The Round Table, 92(370), 391-405.

⁹Secretary, Ministry of Finance v Masdar Hossain (1999) 52 DLR (AD) 82

¹⁰ Mollah, M. A. H. (2012). Separation of Judiciary and Judicial Independence in Bangladesh. International Journal of Law and Management, 54(01), 61-71.

¹¹ Joshim Ali, The constitutional law of Bangladesh.

¹² Article 80-92 of the Constitution of people Republic of Bangladesh

¹³ The statistics on Ordinances are taken from Md. Abdul Halim, constitution, Constitutional Law and politics: Bangladesh Perspective, 2nd Edition, MD. Yusuf Ali khan. Dhaka. 2003, P161-164

¹⁴ Podder, J., & Al Mamun, A. (2004). Loan loss provisioning system in Bangladesh banking: A critical analysis. Managerial Auditing Journal, 19(6), 729-740.

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inducement, and initiation. There are recognized law enforcement authorities in Bangladesh. To this extent, the institutional procedure is also mentionable.¹⁵

In the point of judicial institution, the highest court is the Supreme Court of Bangladesh which is formed under the provision of Article 94(1) of the constitution of Bangladesh.¹⁶ The Supreme court has two divisions such as the High Court Division and Appellate Division, both divisions have two types of power ensured by the constitution as well as ordinary laws of Bangladesh. Writ jurisdiction¹⁷ is one of the constitutional jurisdictions of the High Court Division. Under Article 102 of the Constitution of Bangladesh, jurisdiction provides the right to enforce fundamental rights as guaranteed in part III of the constitution of the country. The judiciary of the country has both civil and criminal branches followed by civil courts Act, 1987 and code of criminal procedure (amended up to 2009). There are five types of civil courts with original, pecuniary and appellate jurisdictions mainly. The highest civil court is District judge courts and the lowest one is assistant judge court. On the other hand, there are two types of subordinate criminal courts, such as the Court of Sessions and Court of Magistrates.

In the context of law enforcement, mainly Bangladesh police along with some special branches play very vital roles. The police of Bangladesh are mainly overseen by the Ministry of Home Affairs. The primary responsibilities of police are to ensure law, order and internal security of the state. The police department is composed of several specialized branches including Rapid Action Battalion (RAB), Metropolitan and Range police and Criminal investigation department (CID).

III. EXISTING BARRIERS TO PROPER IMPLEMENTATION

In evaluating any justice system two things to be considered. Firstly, how long does it take to ensure a trial and secondly, whether the available trial is transparent and standard or not? Most of the cases, both of these elements are there in the present judicial system of Bangladesh, for this reason, proper implementation is being inhibited in many ways. To this extent, law enforcement agencies, institutions such as courts and ministries with few departments have to play a very crucial role.

Justice delayed is justice denied, this legal maxim is closely related to the justice system of Bangladesh. One of the major weaknesses of Bangladesh's justice system is that it takes a long time to ensure fair justice. The trial procedure is very lengthy in the context of Bangladesh, for this reason, people usually impair their faith in the court system and trial process. Delay in the disposal of cases or lengthy trial process is one of the barriers of the judiciary in Bangladesh.¹⁸

Practically when a case is filled the parties even do not know when it will be disposed of. (Akkas, 2004). In regards to Journalist Sagar- Runi murder case, immediately, after the murder, the then Home Minister, Sahara Khatun, claimed to identified the murderers and they would be arrested within forty-eight hours. Therefore, the Rapid Action Battalion Force (RAB) is investigating the murder case and claims that some progress is being made in their investigation. But the RAB has not been able to submit an inquiry report even after taking forty-six time till date. In opposition to, Nusrat killing case, the special Tribunal of Feni has declared the verdict within sixty-one days of filling case.¹⁹

Therefore, about ninety-eight percent of land related suits are pending in the civil court of Bangladesh²⁰ and disputes over land have arisen as a result of deliberate or involuntary influences of employees working in the executive department and the Deputy Commissioner is legally the District Collector. As a collector, he is actively involved with the land management of the district. Although the Ministry of Land is separate, it is run by the executive officers under the Ministry of Public Administration, such as

¹⁵ Jakaria Salam, M. (2010). *INDEPENDENCE OF JUDICIARY IN BANGLADESH AFTER MASDER HOSSAIN CASE: AN APPRAISAL* (Doctoral dissertation, Stamford University Bangladesh).

¹⁶ Article 94 of the constitution of Bangladesh,

¹⁷ Definition of writ, and classification

¹⁸ Khan, M. M., & Husain, S. A. (1996). Process of democratization in Bangladesh. *Contemporary South Asia*, 5(3), 319-334.

¹⁹ Nusrat Jahan Rafi is a Bangladesh school girl was killed by fire in her educational institutes in Feni the district of Bangladesh. A case was filed by her father in the the Special Tribunal for the Prevention of Women and Child Abuse Feni district. Within 61 days of filling case the verdict was given by the Judge Mohammad Mamunur Rashid and the court said all the allegations against the accused were proved. Thus, all sixteen accused have been sentenced to death. Twenty-one people were arrested in the case. Five of them were released.

²⁰ The Daily star, more than 35.82 lakh cases now pending: Law minister,

<https://www.thedailystar.net/country/news/more-3582-lakh-cases-now-pending-law-minister-bangladesh-1758820>

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the District Collector, Additional District Collector, Assistant Commissioners (Land) and the Assistant Commissioner (Land) is a BCS (Administration) cadre. To be a cadre, any eligible citizen, whether educated in law or not, is appointed as a cadre of the BCS (administration) and after a few years as assistant commissioner (land), he decides all matters of the administration and land management of the Upazila. From the preparation of land records, mutation, amendments to hearing appeals, they deal with all the reading of the textbook of certain land laws. Again, to be a Sub register in the Upazila Sub registry Office, there is no obligation to know the law. After joining the BCS as a non-cadre officer, they started training on nominal land laws and started registering various documents.²¹ They work under the Ministry of Law on complex issues such as land registration just after reading the registration laws and registration rules²² do not gather enough legal knowledge. At the same time, in the Upazila Settlement Office Sub-Assistant Settlement Officer (SASO) and Assistant Settlement Officer (ASO) respectively hear land related objections and appeal without knowledge proper knowledge of land law. They work directly under the Ministry of Land.²³ These three types of officers in the above three land divisions are intimately involved in civil litigation. Generally, it can be ignored that their actions do not affect civil jurisdiction but indirectly.

In addition to, the most alarming decision has been made in the drafting of the Land and Establishment (Restoration of Occupation) Act, 2019 of the Government and Local Authorities. The mobile court has been empowered to handle and settle cases where a maximum fine of BDT 2 lakh has been imposed on a person for illegally occupying public land. The civil court has taken away the power and said, "No civil court can prevent the deputy commissioner from taking possession of the land or establishment under this law and impose temporary or interim sanctions." Thus, it is clear that the indirect intervention of the executive officials in the civil court of Bangladesh will be institutionalized this time.²⁴ In the Criminal Procedure, executive magistrates have little power to prosecute in the event of a breach of peace due to disputes over the possession of the property under section 145.²⁵

"Ignorance of the law is no excuse"²⁶, this proverb of the law has been established for hundreds of years from country to country throughout the world in an everlasting truth. This means that ignorance of the law is unforgivable or ignorance of the law can not be a reason for forgiveness. That is, the state will assume that citizens are aware of the rules of the relevant common law. So even if in reality anyone violates any legal provisions without knowing the relevant law and if the person shows any excuse for not knowing the relevant law then it will not be acceptable to the state. The person will have to be punished for breaking laws and most of the people of the country do not have enough legal knowledge and have no interest in knowing about the laws of the country. It is believed that the law, justice, crime, punishment, etc. are the only thing to be thought of by law students, teachers, and lawyers. But as a civilized citizen of the country, all must adhere to the laws of the country and the people need to be aware of the law itself. Over the time, many new laws are emerging as people's lives are complicated and the people are coming under those laws and are obeying them. Because nobody is beyond the law and ignorance of the law is not even forgiving.²⁷ The unwillingness of knowing legal provisions create a serious crisis in a society. Knowing the law helps one to avoid any criminal activity and it is easy to understand what, how and when to do the day-to-day legal activities. Knowing laws provide the differences between legal and illegal.

On the other hand, a number of barriers are closely related to the process of proper implementation of legislations, such as poverty, illiteracy, and discrimination from awareness of legal rights and knowledge of dispute resolution mechanisms. Therefore, by repelling laws de jure discrimination can be eradicated but de facto discrimination in this regards requires various strategies.

²¹ Khan, M. M. (2003). State of governance in Bangladesh. *The Round Table*, 92(370), 391-405. Mollah, M. A. H. (2008). Judiciary and good governance in Bangladesh. *South Asian Survey*, 15(2), 245-262.

²² Nahrin, K., & Rahman, M. S. U. (2009). Land Information System (LIS) for land administration and management in Bangladesh. *Journal of Bangladesh Institute of Planners*, 2, 116-125.

²³ Roy, R. C. K. (2000). *Land rights of the indigenous peoples of the Chittagong Hill Tracts, Bangladesh* (No. 99). Iwgia.

²⁴ Ali, A. S. (1987). Decentralization for development: Experiment in local government administration in Bangladesh. *Asian Survey*, 787-799.

²⁵ Hossain, M. S., & Hossain, M. I. (2012). Causes of Delay in the Administration of Civil Justice: A Look for Way Out in Bangladesh Perspective. *ASA University Review*, 6(2).

²⁶ *Ignorantia juris non excusat* or *ignorantia legis neminem excusat* (Latin for "ignorance of the law excuses not" and "ignorance of law excuses no one" respectively) is a legal principle holding that a person who is unaware of a law may not escape liability for violating that law merely because one was unaware of its content.

²⁷ Azmat, F., & Coghill, K. (2005). Good governance and market-based reforms: a study of Bangladesh. *International Review of Administrative Sciences*, 71(4), 625-638.

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Insufficient budget and human resources allocations, insufficient and unequal distributions of judicial institutions affect proper implementation of laws and treated as Institutional barriers.²⁸ On the other hand, in the absence of maintaining proper records of cases and laws, failure to register complaints is also the most common barrier of proper implementation of legislation.²⁹

The court structure is not also favourable to poor people, as the previous paragraph has already discussed the court structure of Bangladesh, here the lowest court is situated at the district level. Therefore, the judicial institutions, such as the court is physically remote and sometimes unaffordable for the poor.

On an average, more than 12 lakh cases are being settled every year. Not surprisingly, there is only one judge for every 94 thousand 444 people in Bangladesh. On the other hand, neighbouring country India has one judge for every 47,619 people and Pakistan for every 50,000 people. In the last 15 years, the number of pending cases in Bangladesh has doubled. As many as 42 lakh cases are currently pending in the country's courts.³⁰

Although the judiciary is independent in black and white but the judicial decisions are biased mostly by improper interference, the executive has direct or indirect control over the judiciary mainly the sub-ordinate judiciary.³¹ Not only the official activities but also in a time of discharge them from their office, the judicial officer is always in close contact with the political executive control mainly for their posting, promotion and other related activities. (Halim, 1998; Akkas, 2004, p. 102). Corruptions of law enforcing agency is not a new thing in the context of Bangladesh, most of the cases people do not rely on their activities. Very few police officer is found with a clean image or loyal. The Public Prosecutor (PP) is appointed by the state to handle the cases taken by the government based on the police report.³² The public prosecutor does not represent the police or the accused in the court, he merely represents the state in the interest of the state.³³

Although Bangladesh police have a glorious history but the department has some dark history as well, they have a record of committing various activities beyond power. According to policy brief series of Transparency International of Bangladesh (TIB)³⁴, the police have been used as undermining the rule of law by the successive governments and major political opponents, to arrest, committing torture in the name of remand, extrajudicial killings and finally enjoys political patrons. Such activities sometimes impact the independence, power of the police force and public loses their interest in the police.³⁵

IV. IMPLEMENTING LEGISLATION: POSSIBLE REFORMATION STRATEGIES

The tradition of disobedience of law can not be eradicated within a short time but several reformations can be introduced immediately. Within this paragraph, the paper tries to focus on some possible reformation strategies. To this extent, proper monitoring of court records, cases, and judgments, setting up Institutions to implement the laws, Police, judicial officers, prosecutors, service agencies, political leaders and other actors can play a very vital role.³⁶ Introducing Mobile Court system for speedy trial may be one of the better solutions to proper implementation of laws³⁷ as within the existing trial process, the victims have to spend a long time in filing a complaint in court.

Legal reformation such as, enacting laws that create discrimination between the people such as Sarkari Chakori Ain, 2019 (Government Job Act) should be discouraged. Maintaining a proper balance among the executives, legislations, and judiciary is also important.³⁸ Need to introduce fairness of the justice, proper enforcement and compliance mechanism to ensure fair and equitable

²⁸ Panday, P. K., & Mollah, A. H. (2011). The judicial system of Bangladesh: an overview from historical viewpoint. *International Journal of Law and Management*.

²⁹ Hoque, R. (2013). *Constitutionalism and the Judiciary in Bangladesh*. Comparative Constitutionalism in South Asia, Oxford: New Delhi, 303-340.

³⁰ <https://www.banglatribune.com/national/814596/১৫-বছর-মামলাজট-দ্বিগুণ-বচিরাধীন-৪২-লাখ>

³¹ Akkas, S.A. (2004), *Independence and Accountability of Judiciary – A Critical Review*, Center for Rights and Governance (CriG), Dhaka

³² The Daily Star (2007), "Politicization major reason for judicial graft in Bangladesh in TI Global Corruption Report", The Daily Star, Vol. 05 No. 1059, available at: www.thedailystar.net/

³³ Majumder, M. I., & Majumder, M. I. *Delay In Criminal Cases of Bangladesh: A Critical Analysis*.

³⁴ TIB series on police <https://www.ti-bangladesh.org/beta3/index.php/en/research-policy/111-policy-brief/4536-policy-brief-on-police-law-enforcement-agency>

³⁵ Hoque, R. (2009). The recent emergency and the politics of the judiciary in Bangladesh. *NUJS L. Rev.*, 2, 183.

³⁶ Alam, M.S. (2004), Comments on a book entitled "Independence and Accountability of Judiciary – a Critical Review" written by Sarkar Ali Akkas published in the Daily Star, available at: www.thedailystar.net/law/2004/10/01/book.htm

³⁷ Hosen, G. D., & Ferdous, S. R. (2010). The Role of Mobile Courts in the Enforcement of Laws in Bangladesh. *Northern University Journal of Law*, 1, 82-95.

³⁸ Rahman, M. M., & Ali, M. J. (2018). The Role of the Judiciary in Upholding the Rule of Law in Bangladesh. *BiLDBANGLADESH*, 22.

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justice.³⁹ The judicial procedure must be fair and equitable as well. Both the parties of the suit must be informed about judicial actions and cases. On the other hand, the information of justice must be easily accessible by general mass to scrutinize the legal process for ensuring fair justice. Enacting legal framework for the police force including transparency, integrity, and independence⁴⁰ and the branch should be free from political or administrative improper influences. The police officer who is accused of a crime such as corruption and human rights violations must be punished. To ensure proper management, the police department should reshape with proper training, modern equipment, IT support, salary, and other benefits. ⁴¹

The commencement of action should be recorded and the judiciary must be free from any improper influences.⁴² The case should be filed immediately in the competent court. Arrangements should be made to submit a report to the court by completing the investigation of the case quickly and efficiently. The evidence and witnesses of the case should be kept in a proper manner without timely delivery.⁴³ The victim's medical examination needs to be completed quickly. The trial of the case must be completed efficiently within a reasonable time. Victims and witnesses should be adequately protected during the trial. The members of the police force should be provided with modern and appropriate training in crime investigation. and public awareness should be created to prevent harassing false cases. To establish and uphold the constitutionally recognized rights, the appointment of an Ombudsman, the laws and regulations required for it should be formulated.⁴⁴ Under Article 77 of the constitution of Bangladesh provides the provision of Ombudsman but in reality it has not come into existence yet.⁴⁵ For proper implementing mechanism to this extent the role of Ombudsman must be praiseworthy. Therefore, forming a supreme judicial council is a demand of the time as well.⁴⁶

The police cannot be used for political purposes and the inspectors or investigation officers must inspect through proper accountability and without any political influences, human rights activists or representatives of the party or parties should be given ample opportunity to visit to strengthen and empower other constitutional bodies, including the National Human Rights Commission.⁴⁷ The role of law enforcement agencies should be more efficient than the present, the investigation process must be completed within prescribed time without any delay and in the name of investigation, harassment must have to be stopped. Inhuman activities such as extrajudicial killing must have to be abolished in the name of self-defence of police. At present, the number of judges is one of the major obstacles in the way of obtaining justice and speedy disposal of the case due to the crisis. Therefore, it is necessary to appoint judges quickly in vacant posts. A separate family court should be set up and a separate judge should be appointed.

Under Article 35 of the constitution of Bangladesh, it provides protection in time of trial and certain laws have also provide protections for the victims as well but practically, the victims have to suffer a lot.⁴⁸ Most of the cases, by the improper influence of accused the victims obliged to withdraw the complaint. To ensure proper legal protection victims' service protections should ensure, so that, people of all walks of life come under the protection of laws.

In Bangladesh, the government has introduced Legal Aid for the poor and afflicted people in the country so that they can get legal help. With the enactment of the Legal Aid Act, 2000⁴⁹, to this extent, The National Legal Aid Services Organization (National Legal Aid Organization) is a statutory body of the Government of Bangladesh under the Ministry of Law, Justice and Parliamentary Affairs, responsible for providing legal assistance to poor Bangladeshis. If they apply to the government, they will get legal benefits in various cases. But in this case, they are also deprived of their fair advantage due to lack of awareness. With legal awareness,

³⁹ Houque, K.E. (2003), Administration of Justice in Bangladesh, Bangla Academy, Dhaka

⁴⁰ Hoque, R. (2009). The recent emergency and the politics of the judiciary in Bangladesh. NUJS L. Rev., 2, 183.

⁴¹ Democratic Transaction in Bangladesh, Academic, Dhaka. Mootham, O. (1983), The East India Company's Sadar Courts: 1801-1834, The Indian Law

⁴² Afroz, T. (2007). Sentencing Practices in Bangladesh. *Bangladesh Journal of Law, special*, (2007), 137.

⁴³ Ahmed, N. (2006). Executive-Judiciary Relations in Bangladesh. *Asian Affairs: An American Review*, 33(2), 103-122.

⁴⁴ Azmat, F., & Coghill, K. (2005). Good governance and market-based reforms: a study of Bangladesh. *International Review of Administrative Sciences*, 71(4), 625-638.

⁴⁵ Sarkar, M. M., & Alam, M. B. (2010). Ombudsman for good governance: Bangladesh perspective. *IBT JOURNAL OF BUSINESS STUDIES (JBS)*, 6(1).

⁴⁶ Ahmed, A. (1998), Theory and Practice of Bangladesh Constitution, HA, Dhaka, p. 133.

⁴⁷ TIB series on police <https://www.ti-bangladesh.org/beta3/index.php/en/research-policy/111-policy-brief/4536-policy-brief-on-police-law-enforcement-agency>

⁴⁸ Article 35 of the Constitution of the people's Republic of Bangladesh

⁴⁹ Legal Aid Act, 2000

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citizens will know what is the remedy to avoid harassment by police, doctors, businessmen, owners, etc. Where to find this remedy, how and what is he doing in this case.⁵⁰

Finally, a particular monitoring mechanism should ensure to monitor implementing procedure and the accessibility to people.

V. CONCLUSION

It is important to be aware of the ways of obtaining rights before establishing rights, that is, prevention is more like a good policy than a remedy. In this case, ignorance of the law becomes obstructed in the way of peace, as it is not only possible to establish peace by punishing the offender. There is no shortage of laws in Bangladesh but absence of willingness of policymakers in many ways. It is an important part of good governance to ensure the dignity and rights of citizens in light of the constitution and other laws of the state. The Constitution declared all citizens equal in the eyes of law.

The role of higher judiciary should increase to this extent as well. The goal of the rule of law is to differentiate between opinion and the way all beings in society deserve equality. This is the rule of law and through it, good governance can be established. But, constitutional institutions that were supposed to remain neutral, but now it is noticed that some government institutions have become obedient to the government by disrupting legal provision. Therefore, to ensure the rule of law in the society there need proper 'coordination' among the legislative, the judiciary and the executive. Although the limitation of resources^[1] is there but needs to ensure proper utilization as well. To ensure proper implementation of laws public awareness is important at the same time corruption and political unwillingness should be eradicated.^[2]

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⁵⁰Legislation and Implementation should parallel, Available at: <http://www.dailysangram.com/post/260433-আইন-এবং-প্রয়োগ-দুটো-ই-সমান্তরাল-চলতে-হবে>

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