



Past Disputes and Future Obstacles in Bangladesh's Legal and Political Frameworks for Enforcing Human Rights Fifty Years Later

Md. Mahmudul Hasan Khan¹, Md. Humaun Kabir¹, A.K.M Sohel Habib Nowroz², Tauqir Ahmad³,
Md. Rakib Chowdhury^{4*}, Md. Mahbub Islam⁵, Lima Begum⁶, Md. Nazrul Islam⁶

¹Associate Professor, Department of Law, Sylhet International University, Bangladesh

²Assistant Professor, Department of Law, Sylhet International University, Bangladesh

³Lecturer, Department of Law, Sylhet International University, Bangladesh

⁴Apprentice Lawyer, Joypurhat District Bar Association, Bangladesh

⁵Apprentice Lawyer, Mymensingh District Bar Association, Bangladesh

⁶Apprentice Lawyer, Sunamganj District Bar Association, Bangladesh.

*Corresponding Author Md. Rakib Chowdhury

Apprentice Lawyer,
Joypurhat District Bar
Association, Bangladesh.

Article History

Received: 09.06.2024

Accepted: 21.06.2024

Published: 05.07.2024

Abstract: In preparation for Bangladesh's 50th anniversary of independence in 2021, this article offers a concise overview of the measures taken by the country to uphold human rights. Human rights as a framework for law and politics follows a brief overview of their background and theory, this study analyses the protection of fundamental rights guaranteed by the Bangladeshi constitution from 1971 until 2021 and the institutional and legal structures put in place to ensure their implementation. In addition to discussing the problems with human rights enforcement, the paper lays out a plan to fix them by implementing various reforms in the areas of law, administration, and the courts that would make it easier to punish those responsible for human rights abuses, compensate victims, and prevent future abuses. The importance of the various players' (legislative, executive, and judicial) positive commitment in preserving and safeguarding civil liberties in Bangladesh is emphasised towards the end. Fundamental freedoms enforcement and Bangladesh's capacity to empower its inhabitants are both hampered by the intricacies of national laws and politics, which are the subject of this paper's analysis.

Keywords: Bangladesh, Human rights, Independence, Constitution, Enforcement, Reforms, Civil liberties, Institutional structures.

Cite this article:

Khan, M. H., Kabir, M. H., Nowroz, A. K. M. S. H., Ahmad, T., Islam, M. M., Chowdhury, M. R., Begum, L., Islam, M. N., (2024). Past Disputes and Future Obstacles in Bangladesh's Legal and Political Frameworks for Enforcing Human Rights Fifty Years Later. *ISAR Journal of Arts, Humanities and Social Sciences*, 2(7), 17-27.

Introduction

The setting of a truly exceptional success story in the modern era is Bangladesh, which is located in Asia. The nation is about to pass the threshold from being a least developed nation to being a middle-income nation (Jha, 2020). Bangladesh has shown remarkable tenacity in protecting human rights throughout its fifty years of independence (1971–2021) and its involvement in the international legal system (Coomans & Oberleitner, 2018). Despite these advancements, The article states that there are still major differences between the intent and implementation of human rights laws in Bangladesh, even if a legal framework does exist in this country. Bangladesh ranks 124th out of 139 nations on the Worldwide Law Index, and civil liberties breaches are commonplace (Majhosev, 2021). Bangladesh needs to step up its game if it wants to see a better human rights scenario.

An outline of the human rights frameworks in Bangladesh is what this article is aiming to do, discuss the obstacles to effective human rights enforcement (both institutional and practical), and give

solutions to these problems. This study will accomplish its goals by first providing a theoretical framework for understanding human rights as tools for law and politics. Following a critical analysis of human rights provisions in various legal and institutional frameworks, the report delves into the history of human rights enforcement in Bangladesh from 1971 to 2021. These frameworks include the draught, laws, and passed treaties guaranteeing human rights. The report concludes by outlining a plan to resolve the disputes around human rights enforcement.

In sum, this article delves into the complex relationship between Bangladesh's laws and its isolated national politics, illuminating how the former hinders the latter's ability to uphold the human rights of its inhabitants. This study summarises and analyses the present human rights system in Bangladesh using a perspective methodology with a critical approach. While this method is akin to a review in that it offers "an informed and precise overview of the topic," the emphasis here is on narrowing the focus rather than covering the whole subject (Pugh, 2013).

Methodology of the Study

From 1971–2021, this research looks at how well human rights were enforced in Bangladesh using a critical and analytical approach. After providing some background on the use of human rights in legal and political contexts, it delves into a comprehensive analysis of human rights protections under Bangladesh's constitution, other statutes, and approved international conventions. By looking back fifty years, we can see how human rights enforcement has changed thanks to important legislative, judicial, and presidential decisions. Through an analysis of existing frameworks and practices, the study also reveals the theoretical and practical barriers to efficient human rights enforcement. This study offers the basis for recommendations that seek to amend laws, strengthen capacities, raise public awareness, involve civil society, and hold the government accountable. Human rights enforcement in Bangladesh can be enhanced by the use of this methodology, which integrates historical, legal, and policy studies to offer a thorough overview and practical solutions.

Legal Protections for Human Rights and Their Function

Respect for human dignity, according to Bhuiyan (2017), have long been seen as a way to legislate respect for human dignity. People are seen as the subjects in this procedure. They have some rights just because they are humans. To put these rights into action, state legislatures pass laws establishing them. This respects people's rights as taught in the natural school, which holds that all humans are born with certain fundamental rights (Dembour, 2010). Human rights can only be legitimate if the people who possess them may use them to challenge the authority that is responsible for enforcing them, be it a legislature, the government, or the state (Dworkin & Waldron, 1984).

Human rights are upheld in Bangladeshi law according to this perspective, which is based on the Constitution. This document is seen as a social agreement between citizens and their government, or citizens. This perspective was first put forth by contractarian thinkers like a moral necessity according to Hobbes and Locke (Thomas, 1994). One limitation of rights of individuals as a tool for lawmaking in Bangladesh is that, according to Article 8(2) of the country's constitution, economic, social, and cultural rights (ESCR) are not justiciable, whereas civil and political rights (CPR) are. Human rights, as defined by the National Human Rights Commission Act (NHRCA), 2009, place greater emphasis on CPR (including explicit mention of several of them) than on ESCR (Government of the People's Republic of Bangladesh, 2009). Additionally, there is no particular process pertaining to ESCR in the institutionalised manner of human rights enforcement, which is carried out by the National Human Rights Commission.

With the exception of the 2010 case of Major General KM Shafullah v. Bangladesh, the only other instance in the previous half-century in which the Supreme Court expressly enforced an ESCR was the preservation of national monuments under Article 24. To begin with, the Constitution states in its preamble, the state promises to realise basic liberties and rights of every individual (Habermas, 2002). Therefore, in theory, the state is obligated to ensure all human rights through legislation. It is so difficult to say that all inhabitants of There is now a chance for the people of Bangladesh to exercise their fundamental rights within the current legal system, given that ESCR are not enforceable by courts. Since legislation (such as the specified fundamental principles of state

policy (FPSP) in the Constitution of Bangladesh) may forbid certain rights being enforced by the courts, viewing civil liberties merely as a formal document maintains some rights outside the scope of direct enforcement. Next, we'll talk about how seeing human rights as a political tool might give people more agency to exercise their rights beyond what's written in constitutions and laws.

Moral Principles and Their Political Function

As a tool of political struggle, human rights highlight the importance of people's demands and actions in bringing about these rights' actualization. According to this view, duty-bearers, usually the government, should take the lead in protecting human rights. As is customary in democracies, when individuals bring claims against the state, the state is obligated to defend and preserve these rights (Starkey, 2016). This notion is reflected in the democratic process of legislation passed in response to public demands. Modern natural responsibility theorists of political duty, including Christiano (2008), hold that justice necessitates the equitable promotion of individual interests; their views are congruent with this position. So, the government can't make laws that infringe on people's rights unless it follows democratic processes (Christiano, 2008).

The independence proclamation of Bangladesh is the first known instance of human rights being used as a political tool. In the years that followed, there were significant events such as the 1989 revolution that brought back parliamentary democracy and the persistent work of NGOs such as the Bangladesh Environmental Lawyers Association (BELA) to protect the environment as a basic human right. This work was recognised in the 1997 case of Dr. Mohiuddin Farooque v. Bangladesh, which ultimately resulted in the inclusion of Article 18A in the Bangladeshi constitution.

The protection of CPR has been a recurrent theme in non-governmental organisation (NGO) campaigns. Cases such as Bangladesh Legal Aid and Services Trust (BLAST) v. Government of Bangladesh (2010), Mohammad Tayeeb v. Government of the People's Republic of Bangladesh (2015), and Bangladesh National Women Lawyers Association (BNWLA) v. Government of Bangladesh (2011) demonstrate this. Other examples include the Torture and Custodial Death (Prevention) Act, 2013, which criminalised custodial torture and death, efforts to curb arbitrary arrest and detention by police, and other similar cases. State v. Metropolitan Police Commissioner (2008) and BLAST v. Bangladesh (2010) are two more examples of citizen-led initiatives that have resulted in the state defending and promoting rights, such as those of children.

Many of these rights were already part of Bangladesh's constitution and laws or were part of the country's promises under international human rights agreements, but their persistent infringement prompted right holders to demand that the government do something about it (Hadiprayitno, 2010). The recent passage of stringent regulations governing online spaces is one such example; these regulations muzzle free speech and expression in the name of "keeping the peace and safeguarding the nation." Restrictions placed on information that questions the government's activities, which is crucial in democracies, has reduced people's ability to use their rights that are guaranteed by the constitution (M. E. Bari & Dey, 2019). A reconsideration of laws that are alleged to violate

people's constitutional rights has been urged by the public uproar (Ul-Alam, n.d.).

These abuses demonstrate how national protections for civil liberties, judicial frameworks, and work hand in hand to enforce human rights. Using political channels to achieve and uphold human rights has been less prevalent in Bangladesh. Over the last half-century, judicial judgements have been the primary means by which human rights have been substantially realised. Legal documents and judicial interpretation have been crucial to protect Bangladeshis' right to self-determination.

Human Rights and Their Place in Bangladeshi Law

The first document that was written after Bangladesh gained its independence was the Proclamation of Independence, according to Haque (2020). In this text, ultimately be recognised for their civil liberties work. In the aftermath of the conclusion of Bangladesh's fight for independence on December 16, 1972, the new constitution of the country went into effect. According to Haque (2020), the International Bill of Rights model that was developed by the United Nations, which includes the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), has significantly affected Bangladesh's founding text. The fundamental principles of state policy (FPSP) are addressed in Part II of the Constitution, while fundamental rights (FR) are addressed in Part III. Following UN protocol, this is what is required, which the framers of the Constitution at the time divided into two principal components. This division brought to light the significance of both cardiopulmonary resuscitation (CPR) and emergency cardiopulmonary resuscitation (ESCR). The provisions that may be found in the International Covenant on Economic, Social, and Cultural Rights (ICESCR) are mirrored in Part II of the Constitution, while the provisions that can be found in the International Covenant on Civil and Political Rights (ICCPR) serve as the foundation for Part III of the Constitution.

An essential determination to construct a community where the liberty and essential liberties of every individual are guaranteed is made clear by even a cursory reading of the preamble. The phrase "the basic liberties of people" does not appear anywhere in American law as outlined in the Constitution without being defined or clarified. On the other hand, it is incorporated into the United Nations Proclamation on Human Rights with an Introduction. Haque contends that the rights that are protected by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights ought to be regarded as "fundamental human rights" as stated in the preamble (Haque, 2020). It is a commitment that is contained in the International Bill of Rights, which contains all of the rights that are protected by the document (Haque, 2020). This pledge aims to ensure that "the basic liberties of people" are guaranteed to all citizens. The fact that Bangladesh is a member of the United Nations and has joined both the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Discrimination against Women adds credibility to the allegations made by the authors, who reference Article 25 of the Constitution to support their arguments.

All of the activities that the government of Bangladesh engages in, ranging from the formulation of laws to the interpretation of the Constitution, are dependent on the FPSP, which is found in Part II. Based on the information provided by Das Basu (2022) and Ahamed & Rahman (2020), the Constitution acknowledges three unique types of FPSP. The first category is comprised of the state's anticipations and aspirations for the future. Articles 9–14 of the Constitution often include constitutional ideals such as human rights, socialism, freedom from exploitation, democracy, and secularism. This category also includes other fundamental values. You will discover provisions for requirements and guidance for interpreting other legislation and the Constitution in the second set, which is comprised of articles 15–19, 21, 22, and 25. These articles are considered to be the second set. As part of the economic and social rights that are mentioned in Articles 20–24 and the third set of articles, the protection of communities, ethnicities, and minority groups is included. It is not possible for the courts to enforce FPSP due to the grounds that were outlined above. The clauses contained in the Constitution's Second Amendment, on the other hand, have been put into practice as a result of judicial interpretation that has expanded the scope of the "the guarantee of life" that is specified in the Constitution's Third Article. When it comes to safeguarding fundamental freedoms, articles 11 and 25 of Part II are particularly pertinent and have a wide range of implications. As stated in the Constitution, particularly in Article 11, all decisions and acts taken by the government are required to incorporate adequate and active participation from the general population (Mollah, n.d.). According to Rahman (2009), an elected administration must have more complete political parity in order to function well. This particular level of equality can only be attained when democratic leadership is in place. As a result, ensuring that Article 11 is effectively followed provides establish a foundation for the realisation of other essential human rights for everyone. As a potential alternative, "adhering to the ideals stated in the UN Charter and international law" is discussed in Article 25. Using this provision, the Supreme Court has endorsed actions taken by the government that promoted international solidarity, peace, and security throughout several cases, including *M. Saleemullah v. Bangladesh* (1995) and *Saiful Islam Dilder v. Bangladesh* (1998), amongst others. The establishment and preservation of cordial relations with other countries depend on this clause, which is essential for the protection of human rights, the maintenance of global peace and order, and the formation of international order. If this were the case, the Constitution would be expressing that it acknowledges and respects the authority of the United Nations Charter as well as any other applicable international legal documents.

It is important to note that the current Constitution does not require the state to guarantee the direct application of international law, which includes legislation pertaining to human rights (Haque, 2020). According to (Shahabuddin, 2021), the primary reason for this is that Bangladesh is a dualist state like the United States and the United Kingdom. On the other hand, the Proclamation of Independence carried with it a resolution that reaffirmed the nation's commitment to the United Nations Charter.

The right of a person to privacy is protected by the Constitution, namely in Articles 26–47A of Part III. A number of the rights that are outlined in the Universal Declaration of Human Rights (UDHR) are included in these, including the following: the right to equality before the law and freedom from discrimination; the right

to freedom from unlawful arrest and detention; the freedom to travel, gather, associate, think, feel, and speak; the freedom to choose one's career path or religious affiliation; and the right to personal liberty and security. Certain rights are guaranteed in paragraphs 36–43, but they are subject to certain restrictions. On the other hand, other rights are guaranteed in articles 36–38, 39–40, 41–42, and 43.

In addition to the requirements imposed by its constitution, Bangladesh is also constrained by the fact that it is a member of a number of treaties that pertain to international law. Several important human rights accords include Bangladesh as a signatory, worldwide, which includes the Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination Against Women (1979), the Convention on the Rights of the Child (1984), and the Convention on the Rights of the Child (1989). The United Nations Human Rights Council (2012) states that these accords are essential in avoiding mistreatment of females and children as well as torture. This is despite the fact that it has expressed various concerns over particular treaty provision.

The section that follows is one that discusses the way in which human rights are enforced in Bangladesh.

Ensuring Respect for Humanity in Bangladesh

The two main mechanisms for enforcing human rights in Bangladesh are the judicial and institutional systems, as previously mentioned.

Enforcement by the Judiciary

There is a clear outline of the judicial enforcement of Fundamental Rights (FRs) in Bangladesh, which may be found in Article 44(1) (enforcement of Fundamental Rights) and Article 102(1) (writ jurisdiction of the High Court Division) of the Constitution of Bangladesh. In the event that individuals believe that their FRs under Part III have been violated by another party, they seek assistance from the High Court Division (HCD). Through the expansion of the notion of "any person aggrieved," the Supreme Court (SC) has successfully liberalised the locus standi doctrine (R. Chowdhury, 2021).

The HCD "may give such directions or orders... as may be appropriate," as stated in Article 102(1), in order to ensure that any of the fundamental rights are upheld. In the case of CCB Foundation v. Government of Bangladesh (2017), the High Court of Bangladesh (HCD) published an opinion that stated that a "direction, order, or writ necessary to secure enforcement of the fundamental right" might be issued. This view is consistent with the decision that the Indian Supreme Court made in the case of MC Mehta v. Union of India for the year 1987. This expansive reading has led to the creation of compensation, in addition to more traditional remedies such as declarations and injunctions.

As a result of the authority to nullify laws that are in conflict with FRs (Article 26) and the supremacy of the Constitution (Article 7(2)), Article 102(2) addresses the judicial assessment of laws, executive actions, and quasi-judicial orders. This authority is derived from Article 26. The authority to provide the following remedies is granted to the HCD by Article 102(2). These remedies include prohibition, mandamus, certiorari, habeas corpus, and quo warranto. A violation of the FRs outlined in Part III must be demonstrated in order for an application submitted in accordance with Article 102(1) to be taken into consideration.

In a number of decisions, the Supreme Court has maintained FRs by comparing legislation, presidential orders, and quasi-judicial decrees to the supremacy clause and Section III of the Constitution. This has been done over the course of several years. Public Interest Litigations (PILs) have been addressing issues like arbitrary arrest and incarceration, custodial torture and death, policy brutality in detention, children's rights, trial delays, and women's rights ever since the country gained its independence, according to Hoque (2013) and (Tripathi, 2007).

The Supreme Court has also attempted to apply the Fundamental Principles of State Policy (FPSP) in Part II by interpreting them in light of the rights in Part III (2). This is in spite of the fact that Article 8 puts restrictions on the use of these principles. An example of this would be the case of Dr. Mohiuddin Farooque v. Bangladesh (1997), in which the right to life was expanded to include preservation of the environment. The rights of slum dwellers, bans on the advertising of cigarettes, the value-added tax on health services, and the eviction of sex workers have all been addressed in verdicts that are comparable to one another (Ain o Salish Kendra v. Government of Bangladesh, 1999; Professor Nurul Islam v. Government of Bangladesh, 2000; Chairman, National Board of Revenue v. Advocate Zulhas Uddin, 2010; Bangladesh Society for the Enforcement of Human Rights (BSEHR) v. Government of Bangladesh, 2001).

Critics have contended that the piecemeal approach to defending the European Social Charter (ESCR) contradicts Article 8(2) and diminishes constitutional principles, the rule of law, and the separation of powers (Siddiq, 2018). According to some who are critical of them, the courts are only willing to intervene in the most extreme of situations, and they are reluctant to deal with violations of the European Convention on Human Rights (ECHR) and the Civil and Political Rights (CPR) (M. Chowdhury & Ali, 2011).

It was proven in the case of Ekushey Television v. Dr. Chowdhury Mahmood Hasan (2003) that the Appellate Division (AD) of the Supreme Court has the authority to administer "complete justice" in accordance with Article 104 in exceptional situations in order to rectify what appears to be an injustice. The Administrative Department (AD) proved its adaptability during the COVID-19 epidemic by extending the limitation period for judicial procedures to uphold FRs. This was demonstrated in the case of Md. Fazlul Haque Sarder v. Grameen Phone Limited (2019).

In circumstances where local laws are ambiguous or nonexistent, the Supreme Court will adopt human rights standards from foreign jurisdictions. This was proved in the cases of HM Ershad v. Bangladesh (2001) and BNWLA v. Bangladesh (2011). In instances such as M. Saleemullah v. Bangladesh (1995), Dr. Mohiuddin Farooque v. Bangladesh (1997), Professor Nurul Islam v. Government of Bangladesh (2000), and Tayazuddin v. the State (2001), the Supreme Court of Bangladesh has made decisions that have included principles from the United Nations Charter, the Rio Declaration, decisions made by the World Health Organisation, and the Universal Declaration of Human Rights. It has been observed by (Hasanat, 2013) that the popularity of this trend is increasing. In the case of Refugee and Migratory Movements Research Unit (RMMRU) v. Government of Bangladesh (2016), the High Court of Decisions (HCD) recently upheld the 1951 Refugee Convention (Article 33) as enforceable international law in Bangladesh. This decision was made in the context of the case.

Institutional Oversight and Management

In 2009, a piece of legislation known as the National Human Rights Commission Act (NHRCA) established the NHRC. One of the stated aims of the NHRC in the Preamble of the NHRCA 2009 is the establishment of a Commission for the protection, promotion, and assurance of human rights. According to Section 12(1) of the NHRC 2009 (Government of the People's Republic of Bangladesh, 2009), the NHRC has nineteen primary responsibilities and powers. One of these responsibilities is to compile reports on cases that the Supreme Court (SC) refers to in relation to applications submitted under Article 102. The National Human Rights Commission (NHRC) is able to mediate a settlement when its inquiry uncovers a violation of human rights. Following the failure of alternative dispute resolution procedures, the NHRCA 2009 specifies the following steps that the NHRC must take: See also NHRCA 2009, Sects. 12, 13, 14, 16, 17, and 21 for the NHRC's power to investigate complaints, issue summonses, and hold inquiries.

Based on the findings of the investigation, the NHRC may recommend that the government initiate criminal proceedings or other legal measures against the perpetrator in accordance with Section 19 of the NHRCA 2009 (Government of the People's Republic of Bangladesh, 2009). The National Human Rights Commission (NHRC) has the power to approach the High Court Division (HCD) on its own or on behalf of the aggrieved party in a petition under Section 19(2), as long as the relevant ruling or instruction is tenable under Article 102. The NHRC has the authority to suggest, at its discretion, that the appropriate authorities offer the impacted person or their family a kind of interim relief in the form of grants, according to Section 19(2) of the NHRCA 2009. Victims who may want immediate assistance can find it under this provision, which provides interim relief while their case is being processed by the legal system. This system also holds the government to account for failing to safeguard the human rights of the

Bangladeshi people. The NHRC has received multiple complaints alleging human rights breaches since its inception in 2009, but it has only used this section twice, in 2020 and 2022, despite the enormous authority it has been granted.

In its first decade of operation (2010–2019), the National Health Reform Commission (NHRC) received 5,771 complaints and resolved 5,190 of them, for an 89.9 percent complaint disposal rate (MacLean, 2012). Controversy has surrounded human rights enforcement in Bangladesh since there is a lack of specific information about unresolved complaints.

Dilemmas Surrounding the Implementation of Human Rights

In view of the controversy that is currently surrounding the enforcement of human rights in Bangladesh, it is vital to conduct an investigation into the obligations of the Bangladeshi government, the court, and other institutions that are responsible for protecting the European Social Charter and Convention on Human Rights.

Controversies in the Enforcement of Economic, Social, and Cultural Rights (ESCR)

There has been a considerable deal of disagreement surrounding the implementation of Economic, Social, and Cultural Rights

(ESCR) in Bangladesh, with the majority of the controversy focusing on the provisions of the constitution. One of the provisions that has been the subject of debate is the final clause of Article 8(2), which states unequivocally that such rights "shall not be judicially enforceable." As a result of this clause, ESCR are no longer recognised to be justiciable, and the authority of the judiciary to defend them is severely restricted.

The integration of Part II of the Constitution under the basic provisions of Article 7B, which is often known as the unamendability clause, adds another layer of complexity to this matter. The text that defines these provisions is that they "shall not be amendable by way of insertion, modification, substitution, repeal, or by any other means" (Halim, 2014). This is the definition that is given to these provisions. As a consequence of this, future parliaments will have less authority to enact laws that encourage the actualization of the European Social Charter.

In accordance with the provisions of Article 8(2), the state is obligated to provide support for ESCR within the boundaries of its economic competence. On the other hand, Article 7B, which contradicts itself, makes it impossible for this provision to be fully applied (Halim, 2014).

Another case that generated a stir was *Kudrat-E-Elahi Panir v. Bangladesh* (1992), in which the Appellate Division (AD) made a categorical declaration that the provisions of the Constitution's Part II could not be implemented by the courts. This position was taken in response to a challenge to the constitutionality of a statute that was in direct opposition to Articles 9 and 11 of the Constitution. Chowdhury (2017), on the other hand, stated that this interpretation of Articles 7(2) and 8(2) was somewhat disheartening. Taking into consideration the savings clause, which is included in Article 47(1) of the Constitution, a more expansive interpretation of the Constitution would imply that it is not impossible to overturn a statute that is in disagreement with any of the provisions found in Part II.

The authors of the study emphasise that the implementation of ESCR in Bangladesh should be done in a gradual manner, drawing attention to the position taken by the Supreme Court in the case of *Kudrat-E-Elahi Panir v. Bangladesh* (1992). Article 7B is a problematic provision since it undermines both the original intention of the people who drafted the Constitution and this interpretation. The ability of the country to enforce the European Social Charter would be undermined regardless of the country's wealth or capacity to do so. Furthermore, it is remarkable that Bangladesh's legal system does not possess any institutional structures that are capable of achieving effective social control.

In the 2009 National Human Rights Commission Act (NHRCA) (RIOS, 2009), the concept of ESCR is not even defined as a human right. This is a very unfortunate situation. Consequently, the execution of ESCR is totally under the control of the government, which is susceptible to decisions made by ministers, limitations on resources, and socio-legal impediments, the most serious of which is corruption. Bangladesh received a score of 26 out of a possible 100 on the 2021 Corruption Perception Index, which was compiled by Transparency International (Index, 2021). This placed Bangladesh in the 147th position. Approximately two to three percent of Bangladesh's gross national revenue is lost annually due to corruption, which makes it more difficult for the country to meet the most essential requirements of its civilian population. The

dilemma that the government is currently in makes it impossible for it to carry out the responsibilities that are outlined in Part II of the Constitution, as stated by The Business Standard 2022 (J. Alam & Mashraf, 2023).

Conflicts Arising from the Application of Civil and Political Rights (CPR)

To begin, the use of cardiopulmonary resuscitation (CPR) is restricted by the Constitution's exclusion clauses. There are certain circumstances in which the exercise of this right is not permitted: Article 39 of the Constitution indicates that this is done "in the interests of the security of the state, friendly relations with foreign states, public order, decency, or morality, or in relation to contempt of court, defamation, or incitement to an offense." This is only one of the many reasons why this is done. "Respecting the rights or reputations of others, protecting national security or public order (ordre public), or public health or more, prohibiting propaganda for war, and prohibiting advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence" are some of the reasons that the International Covenant on Civil and Political Rights (ICCPR) uses to employ the restrictions that are outlined in Articles 19 and 20. Everyone possesses the natural and unalienable right to freely express themselves vocally and think anything they like, provided that they do so within certain boundaries that are established by public morals and cordial ties with other nations. This made it possible for two pieces of legislation to be passed that provided the government with additional leeway: the Digital Security Act (DSA) of 2018, which was passed in 2018, and the Information and Communication Technology Act of 2006, which had Section 57 removed. There is a clear violation of the right to freedom of speech (FoS) by Sections 25, 28, 29, and 31 of the DSA. This goes beyond what is needed by Article 39 and the guarantee that Bangladesh has made. 130 x In the case of J. Alam v. A. Mashraf, Article 19 of the International Covenant on Civil and Political Rights (2019) was cited. Despite the fact that the authors acknowledge the significance of formally implementing the International Covenant on Civil and Political Rights (ICCPR), they stress that fundamental human rights cannot be further restricted by employing constitutional language or other laws; these rights are inherently held by the people of Bangladesh. Further restrictions on the right to free expression are imposed by the repetition of offenses that were previously included in the Penal Code (PC), 1860, as well as by the imposition of harsher penalties and the use of descriptions that are ambiguous and overly generalized of these offenses (HOSSAIN, 2020). The fact that these laws have a negative impact is a fact that cannot be denied (M. E. Bari & Dey, 2019). In a briefing that was held in July 2021 by Amnesty International, it was said that since the establishment of the DSA in 2018, more than 1300 complaints have been lodged under it, involving more than 2000 individuals. As a consequence of the DSA, roughly one thousand individuals have been taken into custody (J. Alam & Mashraf, 2023). As a result of the DSA 2018, 142 individuals have been taken into custody in the year 2020, according to Alam & Mashraf (2023). Islam (2020) says that eighty-one individuals were put into custody under the DSA between the months of July and September 2021. These individuals were accused of posting social media messages that were derogatory to high-ranking government officials during the visit of the Indian prime minister to Bangladesh. In light of these findings, it is clear that the laws in question pose a threat to the right to

freedom of speech in Bangladesh. Additionally, the exemption clause in Article 39, which pertains to the maintenance of good ties with other countries, also poses a threat. The second point is that the right to life and personal liberty has been violated on several occasions, primarily by members of the law enforcement community, despite the fact that the Constitution and a number of decisions made by the Supreme Court have sanctified these rights. An act was passed in Bangladesh in 2013 with the purpose of outlawing torture and custodial death within prisons. The act also establishes a maximum sentence of life in prison and gives compensation to victims (St. 15). Furthermore, the act was passed in response to an increase in the number of violent occurrences that occurred within prisons. In the year 2020, a subordinate court in Bangla Deshi handed down the first conviction as a result of the 2013 Act for the crime of custodial death committed by police officials. There have been a total of seventeen cases that have been dismissed in compliance with the requirements of the Act since it was passed in 2013 (Asrafuzzaman, 2020). In 2020, Rafid says that 196 prisoners died from cross-feces, and 76 prisoners died while they were incarcerated. By the year 2021. As in the month of September in the year 2021, and according to (Rafid, 2022), the numbers are 35 and 54. Furthermore, authorities have frequently used Sections 54 and 167 of the Code of Criminal Procedure (CrPC), 1898, as well as Section 3 of the Special Powers Act, 1974, in order to detain and arrest individuals. This is the case despite the fact that the Constitution prohibits certain practices (Articles 31, 32, 33, and 35), and the Supreme Court has explicitly forbidden specific practices in cases such as Saifuzzaman v. State (2004) and Bangladesh v. BLAST (2016). The year 2020 saw Odhikar record a total of 31 cases of enforced disappearances, with 18 of those cases being reported up until September of that same year (2021 as well). According to the United Nations Committee against Torture (UNCAT), the current system of detention, enforced disappearances, inadequate procedures for investigating allegations of custodial torture, inadequate safeguards for detainees during remand and custody, and the fact that these problems are not even acknowledged are all reasons why there are a number of issues that need to be addressed (Hasan, 2020). Lastly, there is a significant amount of violence committed against women in Bangladesh. Throughout the past half-century, the legal and political aspects of human rights enforcement have been examined. Despite the fact that the Women and Children Repression (Prevention) Act of 2000, together with its amendment in 2020, increased the maximum sentence for rape and death by rape, among other offenses, was passed in the year 2000, There has been no change in the rates of violence against women, which are still at 131 1/3. Rafid (2022) says that there were a total of 1538 rapes that took place in the year 2020, with 1,152 of those rapes taking place in the first nine months of the year. A ruling was issued by the HCD on March 10, 2019, in response to a rape that occurred in Manikganj in February of 2019. The rule requested that the Inspector General of Police and any other relevant authorities provide an explanation as to why they should not be ordered by the court to compensate a young woman with BDT 50 lakh. According to Huda (2020), this decision is a first in our legal system, as it establishes rape as a violation of a woman's fundamental rights (FRs), which are outlined in Articles 32 and 36 of the Constitution. As stated in Article 102, the kind of remedy that is being sought in this situation is compensation. As opposed to being an isolated incident, Huda (2020) contends that the verdict offers a different

picture of rape by demonstrating how the state failed to defend the fundamental rights of its citizens. In the event that HCD brings about an absolute norm, the establishment of a precedent would hold the state accountable for its failure to defend the FRs of its citizenship. Not only is it not sufficient for governments to enact laws that punish rapists, but they must also ensure that their citizens have the right to travel and live according to their own personal beliefs. In the fourth place, the long-standing principle of separation of powers stipulates that the operations of the judiciary must be unrestricted by the other arms of the state, notably the legislative and executive branches. According to H. M. F. Bari (2019), major political parties in Bangladesh have been responsible for undermining the independence of the highest court in the country by repeatedly replacing senior justices with selections that are biased towards their party. During the process of revoking the 16th Amendment, Parliament was granted the ability to remove Supreme Court justices from their positions without cause. According to H. M. F. Bari (2019), the general public today has the perception that the judicial system is incapable of operating independently. The aforementioned points are not the only ones that are widely debated; the appropriate technique to undertake human rights enforcement within the existing human rights institutional structure is also a contentious issue. The National Human Rights Commission (NHRC) is subject to significant institutional, legislative, and fiscal constraints, despite the fact that it is authorized by law. According to Rafid (2022), the bulk of the workforce in the executive arm of the National Human Rights Commission (NHRC) has been accused of being excessively lenient towards the government as a result of several bureaucratic appointments. Regarding the United States Department of State 2022 (Wali et al., 2018), numerous human rights organizations have voiced their displeasure with the government's interference and apparent lack of interest in adhering to the recommendations made by the National Human Rights Commission (NHRC). According to these organizations, the government uses the National Human Rights Commission (NHRC) for political gain and provides an exaggerated image of the current state of human rights in the country. Establishing procedures for dealing with complaints and mediating or conciliation in order to address them is one of the most important tasks that the National Human Rights Commission (NHRC) needs to complete in order to fulfill its statutory mandate (Asrafuzzaman, 2020). The Human Rights Commission (HCD) had previously requested that the National Human Rights Commission (NHRC) provide an explanation as to why it should not be tasked with the responsibility of establishing guidelines in the case of *Md. Mozammel Haque v. National Human Rights Commission* (2013). As a result, this new development is highly concerning. HCD reaffirmed its position that the National Human Rights Commission (NHRC) ought to formulate regulations for the management of complaints and the efficient utilization of the resources that were allotted by the NHRCA in 2009. This belief was expressed in the case of *Children's Charity Bangladesh Foundation (CCB Foundation) v. National Human Rights Commission* (2018). A number of individuals have also expressed their unhappiness with the National Human Rights Commission's (NHRC) disposal rate as well as the manner in which it processes complaints. According to its annual reports (Asrafuzzaman, 2020), the organization has dealt with a total of seven incidents of extrajudicial killing, ten cases of torture in custody, and one instance of death in custody. During the

period of 2015 to 2019, the organization has dealt with nine cases of extrajudicial killing. When evaluating complaints against law enforcement officials, the National Human Rights Commission (NHRC) frequently cites the constraints imposed by Section 18 of the National Human Rights Commission Act of 2009 as a barrier. Section 18 has "teeth-less tigers" for the National Human Rights Commission to a certain degree, as the Human Rights Commission (HCD) pointed out in the case of *CCB Foundation v. National Human Rights Commission* (2018). In spite of this, the Human Rights Commission (HCD) discovered that the National Human Rights Commission (NHRC) had failed to respond to Khadi Za's complaint. This was the most severe criticism that was leveled at the institution in the 2017 case of *CCB Foundation v. National Human Rights Commission*. The National Human Rights Commission (NHRC) was accused by the Human Rights Commission (HCD) of slacking off when it should have been active, disobeying its legislative obligation by postponing procedures for four or five years without taking any action. As far as the National Human Rights Commission (NHRC) is concerned, it appears that they have forgotten that victims of human rights violations have the right to financial reparation, regardless of whether their cases are still ongoing in court or have already been decided (Asrafuzzaman, 2020). The National Human Rights Commission (NHRC) was awarded a grade of "B" by the Global Alliance on National Human Rights Institutions (GANHRI 2022) for a variety of reasons, and this is just one of them. Using this provision for the first time was the National Human Rights Commission's (NHRC) proposal that Khadiza be compensated under Section 19(2) of the National Human Rights Commission Act of 2009. A full payment was made to her by the government in the end. On the other hand, this is the only situation in which the government has accepted the recommendations of the National Human Rights Commission and acted in accordance with those recommendations. By presenting merely a few examples of the National Human Rights Commission's (NHRC) initiatives, it is impossible to minimize the full responsibility of the government.

Recommendations

1. **Constitutional Review and Amendment:** Conduct a thorough review of the Bangladesh Constitution to identify its failure to adequately safeguard civil liberties. Specifically, amend the Constitution to make all fundamental human rights justiciable, ensuring that every citizen can seek legal remedies for their violations.
2. **Legislative Reforms:** Introduce or amend legislation to harmonise with international principles concerning civil liberties and ensure comprehensive protection of civil, political, economic, social, and cultural rights. This includes enacting specific laws that guarantee rights liberties, including the ability to freely speak, gather, and form associations.
3. **Judicial Capacity Building:** Enhance the capacity of the judiciary to adjudicate human rights cases effectively. This can be achieved through specialized training programs for judges and judicial officers on human rights law, ensuring they have the necessary expertise to handle such cases.
4. **Public Awareness and Education:** Launch nationwide awareness campaigns and educational programs to inform citizens about their rights and how to assert them legally. This includes educating vulnerable groups, such as women, children, and minorities, about their specific rights under national and international law.

5. **Civil Society Engagement:** Foster collaboration with civil society organizations, human rights defenders, and advocacy organisations to keep an eye out for human rights abuses and offer victims' legal representation, and advocate for policy reforms. Ensure these groups have the freedom to operate without undue restrictions.
6. **International commitments:** Strengthen Bangladesh's commitment to international human rights treaties and mechanisms. This includes fulfilling reporting obligations to United Nations human rights bodies and implementing recommendations received through these mechanisms.
7. **Government Accountability:** Establish mechanisms for government accountability regarding human rights violations. This may involve creating independent human rights commissions or enhancing the powers of existing oversight bodies to investigate complaints and hold perpetrators accountable.
8. **Policy Integration:** Integrate human rights considerations into all government policies and programs. Ensure that development initiatives, security measures, and economic policies are designed and carried out in a way that respects the fundamental rights of human beings.
9. **Legal Aid and Access to Justice:** Expand access to legal aid services for marginalized and economically disadvantaged populations to facilitate their ability to seek legal remedies for human rights violations.
10. **Monitoring and Evaluation:** Provide comprehensive frameworks for monitoring and evaluating human rights protection initiatives in order to gauge their long-term efficacy. Release reports on Bangladesh's human rights situation on a regular basis to monitor developments and pinpoint areas that require improvement.

By implementing these recommendations, Bangladesh can strengthen its legal framework for human rights, ensure greater accountability, and promote a culture of respect for human dignity and equality among its citizens.

Enforcing ESCR

The incorporation of Article 7B into the constitution has placed significant restrictions on the ability to make changes to the provisions that are found in Part II. Our topic is not within the purview of our investigation, despite the fact that there are debates taking place on whether or not the 15th Amendment could be susceptible to constitutional scrutiny (Halim, 2014). According to what is stated in the document, however, it is still feasible to implement the Fundamental Principles of State Policy (FPSP), despite the current interpretation being so restrictive.

According to Chowdhury's interpretation of the phrase "therefore, they will not hold up in court" (M. J. A. Chowdhury, 2010), the courts are unable to force the government to implement advanced in its FPSP actions in the event that the country does not possess the means necessary to do so. This paragraph, which also stipulates the mode, feasibility, and timeframe of implementation, indicates that the executive is solely accountable for carrying out FPSP (M. J. A. Chowdhury, 2010). Additional information regarding this provision may be found here. Due to this reason, the government is constitutionally compelled to implement FPSPs; the responsibility for doing so falls fully on their shoulders. Judicial action ought to be cautious in order to avoid overreaching and to adhere to constraints that the judiciary has put on itself (J. Alam & Mashraf, 2023).

Through the allocation of cash, the authors M. J. Alam & Karim (2013) present a strategy that is both practical and effective for enforcing ESCR. They want Equal Social Credit (ESCR) to be listed as a separate aim in the national budget so that the government may be confident it is responding to the needs of its residents. It is more likely that elected officials will carry out their responsibilities under Part II if they are financially motivated to execute those responsibilities.

One more contemporary approach to advancing ESCR is to align it with the Sustainable Development Goals (SDGs) that have been established by the United Nations. According to the Human Rights Office (2021), each of the seventeen Sustainable Development Goals (SDGs) addresses civil-political rights in addition to economic, social, and cultural rights (ESCR). In light of the fact that Bangladesh is working hard to meet its Sustainable Development Goals (SDG) targets by the year 2030, a government agency in the People's Republic of Bangladesh (2020) asserts that there is a possibility for significant progress to be made in the implementation of ESCR in Bangladesh.

There is no quick remedy for either the process of allocating funding or aligning with the Sustainable Development Goals (SDGs). Every year, the government is required to examine and adjust the budget allocations for ESCR in order to make sure that people's financial growth is maintained in a progressive manner, regardless of the specific Sustainable Development Goal targets.

In order to institutionalise the protection of the ESCR, there have been some people who have recommended amending the human rights criteria that are included in the National Human Rights Commission Act (NHRCA) 2009 to specifically mention the ESCR. In accordance with the provisions of Section 12(1) of the National Human Rights Commission Act of 2009, the National Human Rights Commission is obligated to proactively incorporate the European Social Charter into its human rights framework. The National Human Rights Commission (NHRC) has been criticised by the United Nations Committee on Economic, Social, and Cultural Rights (CESCR) and civil society for its limited function. This criticism is made in spite of the fact that the commission already has committees that deal with economic, social, cultural, civil, and political rights (Rafid, 2022). It would be beneficial for the National Human Rights Commission (NHRC) to broaden its purpose to encompass civil and political rights (ESCR) for the inhabitants of Bangladesh.

In conclusion, the institutional changes of the National Human Rights Commission (NHRC), in conjunction with budgetary allocations and the incorporation of the Sustainable Development Goals (SDG), have the potential to assist Bangladesh in making long-term progress in defending civil and political rights (ESCR). These measures are evidence of the nation's determination to perform its constitutional obligations and to conform to treaties guaranteeing basic human rights when they are put into place.

Enforcing CPR

The current system for the enforcement of cardiopulmonary resuscitation (CPR) in Bangladesh is in dire need of a complete redesign because it has so many issues. A number of the restrictions that are included in the legislation of the French Republic do not conform to the standards of human rights that are recognised globally. Considering the embargo that is imposed by Article 7B, Part III of the Constitution is already laden with

difficulties. In spite of these limitations, the writers are adamant that the freedom rights of the people of Bangladesh may still be protected and preserved. The courts ought to ensure that any restriction placed on FRs is read in a stringent manner. The basic freedoms of the people of Bangladesh can be protected if the courts are prevented from arbitrarily interpreting the restriction clauses of the FRs and from exploiting legislation such as the DSA without proper authorization. FRs should be treated with the highest regard by the courts, and the limiting limits should be interpreted in a rigorous manner. In order to avoid infringing upon the constitutionally guaranteed right of persons to free expression, it is imperative that this restriction on free speech be imposed and construed with extreme caution. Furthermore, legislation that is now in effect but contradicts FRs is invalid and unenforceable to the extent that it contravenes Article III of our constitution. It is specifically stated in Article 26 that the legislation of the government cannot be in conflict with the Part III FRs. The government ought to voluntarily do away with restrictive legal constraints that hinder individuals from fully enjoying their FRs, regardless of the circumstances that may be present. In the event that these legislative measures are challenged in court for being unconstitutional, the HCD is required to adhere to Article 26 and prioritise the enjoyment of people's rights as outlined in the constitution. In addition, the authors point out that there are other pieces of legislation that provide more appropriate alternatives to the use of Article 102 for writ petitions that seek remedies for violations of FRs and that the practice ought to be terminated. Victim compensation has previously been codified in a number of laws, including those that apply to fatal accidents (1855), Bangladeshi labour (2006), ladies and young people repression (2000), murder while incarcerated (prevention) (2013), and other similar laws. Additionally, the courts have the authority to force victims to pay fees or compensation, as stipulated by Part 545 of the Criminal Procedure Code dating back to 1898. It is imperative that trial courts place a significant amount of reliance on these clauses. It is possible that some people will argue that the monetary levels that are outlined in these regulations do not accurately reflect the actual cost of living in the present day. By modifying the necessary portions and providing suitable compensation, the government is obligated to make amends for the crimes that were committed in violation of the aforementioned laws, which are also considered breaches of citizen rights. There is a possibility that the compensation provisions will be challenged; nonetheless, the HCD still possesses the authority to request that the government reassess them and take the appropriate actions. For instance, in the case of *BLAST v. Government of Bangladesh* (2021), the Human Rights Commission (HCD) recently requested that the government provide an explanation for their decision to not alter the Bangladesh Labour Act, 2006 (Chapters XII and Schedule 5) in order to guarantee adequate compensation for fatalities and injuries that occur in the workplace. In order to reduce the likelihood of citizens turning to the Supreme Legal recourse to be pursued for violations of their human rights, the government ought to alter the statutes that deal with compensation for breaches of human rights committed against citizens. The reason for this is that the statutes offer a variety of alternative remedies that will also be effective in the same way. The subordinate courts will also be able to improve their ability to administer justice as a result of this. In addition, without further delay, human rights courts ought to be established as stated in the Constitution's Article 44 (2). As of the year 2020,

452,963 cases have been confirmed in the HCD, as stated by (Haque, 2020). Therefore, the use of the authorities granted by Article 102 will only result in an increase in the number of cases that are now pending (1). The authors contend that our proposal is capped at the wording of Article 44(2) alone, despite the fact that scholars in the field of law also advocate for the need for constitutional tribunals that can consider questions affecting the enforcement of FRs (Rahman, 2009). It is imperative that the government get this instruction into effect as soon as possible. It is of the utmost importance that these courts only be allowed to exercise the authority that is granted to them by Article 102(1). Because of this, a new location will be established for the enforcement of human rights, and the number of cases that are currently pending at the HCD will decrease. As a result of this, the system that we use to administer justice has been significantly improved. It is possible that the establishment of human rights courts will have a beneficial effect on Bangladesh, provided that the Human Rights Courts are able to handle cases in an effective manner. This is due to the fact that the burden of hearing writs under Article 102(1) has been lessened, and the human rights courts are now the only courts that are qualified to consider petitions under Article 102(1). The implementation of Article 44 is not possible in the absence of a new statute (2). In addition to new judges being nominated to the Supreme Court and then sent to human rights courts, retired justices of the Supreme Court have the ability to serve as the heads of these panels. Noting that the HCD is only able to hear appeals from human rights courts is an essential point to keep in mind. On the other hand, in order to ensure that¹³⁴, it is necessary to establish a stringent procedure for assessing appeals and to charge litigants a significant fee for their petitions that lack any basis in reality. It has been claimed by Alam, J., and Mashraf, A. 1–3, that defendants in human rights court proceedings do not use such strategies in order to prolong the execution of court rulings or to waste the time of the court. Furthermore, it would be advantageous for human rights courts to adopt the preceding language from Article 102(2), which says, "if satisfied that no other equally effective remedy is provided by law," into Article 102(1). This would be a positive step in the right direction. In its revised version, Article 102(1) provides the following: "The human rights courts, upon application by any person aggrieved, and if satisfied that no other equally efficacious remedy is provided by law, may, on behalf of the Republic or any person exercising any function in connection with its affairs, give such directions or orders as may be appropriate for the enforcement of any of the fundamental rights conferred by Part III of this Constitution" (emphasis put into effect). If the government follows the previous recommendation and modifies the amount of compensation that is stipulated in statutes so that it is in line with the present socioeconomic state of the nation, then trial courts will have recourse to remedies that are equally effective. Because of this, human rights courts will only be utilised in situations where other types of legal action have been unsuccessful in addressing the violation of human rights to a severe degree. This helps to reduce the backlog of court cases and speeds up the administration of justice, both of which are important improvements. It is imperative that human rights tribunals promptly come up with innovative approaches to the delivery of justice. If a court finds that the government has committed serious violations of human rights, for example, the government could be held financially liable for those violations, either directly or indirectly. In the event of a violation

of human rights, the courts have the power to issue perpetual mandamus orders, which mandate that the appropriate authorities report on the situation at regular intervals about how they are working to resolve the violations. This allows the courts to monitor the progress of any particular case. If, on the other hand, the remedy provided by statute laws is insufficient or not equally effective, or if a different petitioner or respondent is involved, a human rights court should not demand extra compensation for the same petitioner after compensation under statute laws has been awarded. This is the case even if the petitioner is the same person. The question of whether or not it is required to pursue restitution from the same culprit in accordance with constitutional or legislative demands has been resolved as a result of this. The courts that hear cases involving human rights ought to be quick to award damages where the circumstances warrant it. However, the Indian Supreme Court made it clear in the case of *MC Mehta v. Union of India* (1987) that this is merely a specific remedy and should not be confused with filing a lawsuit in civil court for compensation. The independence of the judicial branch must be respected by all branches of government, but notably by the executive and legislative branches, and they must refrain from interfering with the activity of the judiciary. It is always the responsibility of the judiciary to investigate any claims of such practices due to the fact that it is equipped with the appropriate legal tools to do so, despite the fact that this is simpler to say than it is to do. In conclusion, the Paris Principles describe the best practices for national institutions, and the capacity of the National Human Rights Commission (NHRC) to enforce human rights is contingent on the government's assurance that the commission is independent in terms of its institutional, legal, and financial operations. A revision of the NHRCA 2009 is required as a result of this. It is also necessary for government personnel to reply immediately. The book " Fifty Years of Political and Legal Efforts to Protect Human Rights " (137 1/3) discusses the allegations that members of disciplinary forces and law enforcement agencies have abused human rights. The book touches on the subject. The government should also undertake legislative debates and discussions on the National Human Rights Commission's yearly report in order to maintain accountability (Hadiprayitno, 2010). This is in addition to adhering to the time limits that were placed by the National Human Rights Commission in 2009. In addition, the National Human Rights Commission (NHRC) needs to accomplish what needs doing in order to further establish itself as an independent organisation. It is required to write any applicable regulations as quickly as possible in accordance with Section 30 of the NHRCA 2009. It is required to reply in a timely and appropriate manner in accordance with Section 19 of the National Health and Rehabilitation Council of 2009, as stated in Section 18(4) of that act. If any government statement does not satisfy the National Health and Rehabilitation Council (NHRC), with "satisfied" referring to an objective level of satisfaction, the NHRC is required to respond. It is also necessary for the NHRC to meet the deadline set by the NHRCA in 2009. As a part of its authority under Section 19(2), it is required to offer compensation whenever it is deemed suitable. By methodically carrying out its obligations as outlined in Section 12, the National Human Rights Commission (NHRC) would develop a powerful and independent body that would persistently seek accountability from the government of Bangladesh over abuses of human rights for human rights violations. As a consequence of this, human rights will be better protected, and there will be fewer instances of

violations of human rights. It is encouraging to see the National Human Rights Commission's latest suggestions to compensate victims of violations of people's rights. The arbitrary detention of many individuals, the shooting killing of Khadija by members of India's Border Security Force, and other incidents are some examples of situations that fall under this category. After hearing the recommendation, the government entirely repaid Khadija, just as they had done in her own situation (Shahabuddin, 2021). From this point forward, instances of this nature need to be the norm rather than the exception.

Conclusion

In the realm of investigations into the state of basic freedoms in Bangladesh have revealed a gloomy picture that is marked by widespread violations. As a result of their collective indifference and refusal to take action, legislators, governors, judges, and other statutory authorities have all been involved in this sad reality.

The faults in the country's current laws and the procedures that are used to implement them were brought to light by this report, which meticulously investigated significant aspects of breaches of citizen rights. A number of well-informed recommendations have also been presented in order to provide stakeholders with the tools necessary to effectively handle difficulties regard to issues of basic freedoms. Within the confines of the constitution that is now in place, these recommendations have the potential to make it possible for the executive branch, the judicial branch, and any other relevant branches to carry out their responsibilities in an acceptable manner to promote, safeguard, and enforce human rights.

For these efforts to be successful, it is essential that all participants demonstrate a genuine passion for the cause. Every institution in Bangladesh needs to make a complete commitment to its responsibilities in order to make progress in the country's human rights regime. By doing so, you will contribute to the creation of an atmosphere in which the human rights of all individuals are respected and valued.

References

1. Ahamed, A., & Rahman, M. S. (2020). A Study of the Relationship between Political Institutions and Democratic Amalgamation in Bangladesh. *Journal of Social and Political Sciences*, 3(2).
2. Alam, J., & Mashraf, A. (2023). Fifty Years of Human Rights Enforcement in Legal and Political Systems in Bangladesh: Past Controversies and Future Challenges. *Human Rights Review*, 24(1), 121–142.
3. Alam, M. J., & Karim, M. A. (2013). Realising ESC Rights through Budgetary Allocation: A Viable Alternative for Bangladesh. *Bangladesh Journal of Law*, 13(1), 146–148.
4. Asrafuzzaman, A. B. M. (2020). Strengthening the National Human Rights Commission of Bangladesh through a Legislative Amendment to Fulfill its Commitments Under Sustainable Development Goals (SDGs). *Dhaka Univ. LJ*, 31, 143.
5. Bari, H. M. F. (2019). Evolution of the criminal justice system in Bangladesh: colonial legacies, trends and issues. *Commonwealth Law Bulletin*, 45(1), 25–46.
6. Bari, M. E., & Dey, P. (2019). The enactment of digital

- security laws in Bangladesh: No place for dissent. *Geo. Wash. Int'l L. Rev.*, 51, 595.
7. Bhuiyan, J. H. (2017). Secularism in the Constitution of Bangladesh. *The Journal of Legal Pluralism and Unofficial Law*, 49(2), 204–227.
8. Chowdhury, M., & Ali, J. (2011). Claiming a Fundamental Right to Basic Necessities of Life: Problems and Prospects of Adjudication in Bangladesh. *Indian J. Const. L.*, 5, 184.
9. Chowdhury, M. J. A. (2010). An Introduction to the Constitutional law of Bangladesh. *Northern University Bangladesh, Dhaka*.
10. Chowdhury, R. (2021). *From 'Secular' to 'Islamosecular' Bangladesh: Mapping the Constitutional Trajectories through Law, Religion, and Performing Arts*. McGill University (Canada).
11. Christiano, T. (2008). *The constitution of equality: Democratic authority and its limits*. Oxford University Press, USA.
12. Coomans, F., & Oberleitner, G. (2018). The UN Committee on Economic, Social, and Cultural Rights. *International Human Rights Institutions, Tribunals, and Courts*, 143–168.
13. Das Basu, D. (2022). *Introduction to the Constitution of India*. Lexis nexis.
14. Dembour, M.-B. (2010). What are human rights? Four schools of thought. *Human Rights Quarterly*, 32(1), 1–20.
15. Dworkin, R., & Waldron, J. (1984). *Theories of rights*. Oxford University Press Oxford.
16. Government of the People's Republic of Bangladesh. (2009). *NHRC Act* *English.pdf*. [http://nhrc.portal.gov.bd/sites/default/files/files/nhrc.portal.gov.bd/law/de62d323_fe91_45f0_9513_a0d36ab77fdf/NHRC Act English.pdf](http://nhrc.portal.gov.bd/sites/default/files/files/nhrc.portal.gov.bd/law/de62d323_fe91_45f0_9513_a0d36ab77fdf/NHRC%20Act%20English.pdf)
17. Habermas, J. (2002). *The Postnational Constellation: Political Essays*. University of Toronto Press.
18. Hadiprayitno, I. I. (2010). Defensive enforcement: Human rights in Indonesia. *Human Rights Review*, 11, 373–399.
19. Halim, M. A. (2014). The fifteenth amendment to the constitution: concerns and perils of constitutionalism in Bangladesh. *Counsel Law Journal*, 2(1), 83–119.
20. Haque, M. (2020). Disability brief in single chapter and bangladesh perspectives: a rapid overview. *Advances in Human Biology*, 10(2), 41–50.
21. Hasan, M. M. (2020). *Extra judicial killings in Bangladesh: An evaluation of the domestic and international human rights framework, access to remedies and proposals for reform*. United Kingdom: Ulster University.
22. Hasanat, A. (2013). Using International Law in National Courts: Bangladesh Perspective. *Bangladesh Journal of Law*, 13(1).
23. Hoque, R. (2013). Constitutionalism and the Judiciary in Bangladesh. *Comparative Constitutionalism in South Asia*, 303–340.
24. HOSSAIN, A. K. M. Z. (2020). *MEDIA AND FREEDOM OF EXPRESSION IN CONTEMPORARY BANGLADESH*. MAHIDOL UNIVERSITY.
25. Huda, T. (2020). Fundamental rights in search of constitutional remedies: The emergence of public law compensation in Bangladesh. *Austl. J. Asian L.*, 21, 27.
26. Index, C. P. (2021). *Corruption Perception Index 2020*. Berlin: Transparency International.
27. Islam, D. M. O. (2020). *A Study on Human Rights Situation in Bangladesh*.
28. ha, A. (2020). 16. United Nations General Assembly (UNGA). *Yearbook of International Environmental Law*, 31(1), 340–345.
29. MacLean, D. (2012). Legal Routes to Undue Influence: Vulnerabilities in the Korean National Human Rights Commission Act. *Yonsei LJ.*, 3, 161.
30. Majhosev, A. (2021). *World justice project, rule of law index 2021*.
31. Mollah, M. A. H. (n.d.). DEMOCRACY AND HUMAN RIGHTS IN BANGLADESH: A Critical REVIEW. *South Asia and Democracy Contextualising Issues & Institutions*, S, 424–466.
32. Pugh, A. J. (2013). What good are interviews for thinking about culture? Demystifying interpretive analysis. *American Journal of Cultural Sociology*, 1, 42–68.
33. Rafid, R. R. (2022). Human Rights During the Pandemic and the National Human Rights Commission of Bangladesh: A Dispirited Performance in a South Asian Context? *Asia-Pacific Journal on Human Rights and the Law*, 23(3), 315–353.
34. Rahman, T. (2009). The problems of Democratic Consolidation in Bangladesh. *The Financial Express*, 4.
35. RIOS, A. (2009). □□□□No Title. 4(2), 1–15. <http://www.albayan.ae>
36. Shahabuddin, M. (2021). *Bangladesh and International law*. Routledge.
37. Siddiq, I. A. (2018). The judicial appointments process in Bangladesh: In search of transparency. In *The Rule of Law in Developing Countries* (pp. 60–102). Routledge.
38. Starkey, H. (2016). Human rights, cosmopolitanism and utopias: Implications for citizenship education. In *Human Rights and Citizenship Education* (pp. 21–35). Routledge.
39. Thomas, H. (1994). *Leviathan*, ed Edwin Curley. Hackett: Indianapolis, 110.
40. Tripathi, H. B. (2007). Public Interest Litigation in Comparative Perspective. *NJA LJ*, 1, 49.
41. Ul-Alam, R. (n.d.). Pandemic Crisis and Democratic Governance in Bangladesh: An Analysis. *Asia Democracy Research Network*, 136.
42. Wali, N., Chen, W., Rawal, L. B., Amanullah, A. S. M., & Renzaho, A. M. N. (2018). Integrating human rights approaches into public health practices and policies to address health needs amongst Rohingya refugees in Bangladesh: a systematic review and meta-ethnographic analysis. *Archives of Public Health*, 76, 1–14.