

Legal Reforms and Development Dynamics in Bangladesh

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Abstract

The development of human resources, and material progress or infrastructural building cannot be achieved without a dynamic legal system congruent to environmental protection and to the maintenance of socio-cultural mores. This paper will try to analyze the legal reforms initiated by the Buddhist era and to evaluate the successes and failures of the British and post-colonial periods. This paper will emphatically try to examine the challenges of legal reforms in accelerating the ways of empowerment process for masses in general, and women, working people, and children in particular. The paper will objectively identify the reasons and elements that are standing as stumbling blocks in front of urgent legal reforms we are need of as a nation. Furthermore, this paper will suggest how to fight the negative forces that are not at all conducive to our national interests and peace, and prosperity.

Key Words: Legal Postulates, Legal Paradigms, Legal Reforms, Economic Development, Rule of Law, Constitutionalism, Ideological battles, Women Empowerment, Distortion of Human Rights Movements.

Introduction

The relationship between economic development and legal reforms must go hand in hand to address the issues of rule of law and good governance. The legal issues have been increasingly becoming complex and complicated in the light of modern technological inventions and their exploration for a speedy economic development. The modern standard of living demands that we correlate the issues of economic development with urgent necessities of legal reforms. Otherwise sustainable economic development cannot be maintained. The qualitative and quantitative changes in industrial development practically dictate legal reforms to cope up with the reality of life.

There are too many prerequisites to a holistic or comprehensive industrial development. However, for a sustainable economic growth, the role of legal

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reforms can hardly be over emphasized. Neither the development of human resources nor infrastructural development can be achieved without an updated legal system conducive to environmental protection and to the maintenance of social, religious, and cultural ethos. In this paper, we will begin our analysis on legal reforms initiated by the Buddhist era and try to evaluate the successes and failures of the British and post-colonial periods. One of the major objectives of this paper will be to examine the challenges of legal reforms in paving the ways of empowerment process for masses in general and women in particular.

Historical Perspective

The Caste and *Sati* systems had acquired Brahmanic character that was not fundamentally different from the exploitative nature of Western societies at the time. It would be grossly incorrect to think that the ancient Greece was much different than the civilized India, which started its civilizational journey much earlier than many Westerner and European nations.

However, in reorganizing the State structure and reshaping the modalities of State powers, Indians were not that keen in democratic exercise and did not engage in vigorous power struggle for establishing an authoritarian pattern of political and social hierarchy in a larger territorial boundary. Buddha wanted to break that cycle of Brahmanic aristocracy backed by *Kshatriya* army.

“Both Buddha and Socrates attempted to win people over with their moral arguments, but while Buddha established the *sangha* so that the body of people won over to his side was given a structural shape, Socrates was content merely to enlighten individuals. Nevertheless, there is a striking similarity in their perception of the essentials of democracy. Socrate’s version was a system in which all the people were eligible to vote, just as in the *sangha* all could vote irrespective of caste, creed or colour....The Hindu System, on the other hand, was becoming ever more centralized with the Kshastriya king as political and Brahmin priest as spiritual head. Socrates attributed the evils of the Athenian system to the corrupt morals of his countrymen and to their arrogance that encouraged laxity. Buddha, by contrast, saw the systematic subjugation, annihilation and destruction of tribal democratic institutions by corrupt, ambitious Kshatriya rulers aided by the brahminical priestly class whose aim was to establish the supremacy of *dandaniti* [Statecentric unchallengeable coercion], a system which put the *Sudra* in perpetual bondage.”¹

We all need to put to an end to our own spiritual, political, and economic subjugation. It is an imperative that every human soul on earth can enjoy its

¹ Ilaiyah, Kanachan, *God as Political Philosopher: Buddha’s Challenge to Brahminism*, Third Print, 2010, Samya, Kolkata, pp. 119-120.

own freedom compatible to its inalienable attributes and capabilities that are identifiable and recognizable by its environmental and cultural surroundings. This is the philosophical foundation that had been formulated and propagated by Socrates and Buddha, and we got it as a common historical legacy to carry on and develop it further both in the lines of individualistic behavior and rule of law to be upheld and established.

We need to recognize the fact that Socrates and Buddha could not be like Rousseau and Voltaire even if they wanted to. It is rather more of an issue of age-or-civilization-bound constraint than the strength and weakness of a philosopher and/or social reformer looking for some universally applicable ideals and ideas.

To claim that there was no serious revolutionary and evolutionary thought or process in the Eastern societies is a complete misread of our historical richness that goes much deeper in terms of human relationship and prevailing production process of concerned societies. To undertake any serious reformative programs to make freedom and liberty meaningful for the masses is just a serious endeavor of using human potentials for the benefit of human societies in general.

Prior to the emergence of Muslim rule in India, no serious concerted efforts had been undertaken in this regard about which we will discuss later on. With their all failures to revolutionize Islamic ideals and ideas in Indian subcontinent, many Muslim rulers were interested in creating inclusive societies based on some kind of equal and equitable principles coming out from Islamic concept of justice.

“The Eurocentric or Orientalist approach of colonial political scientists such as James Mill and William Jones completely denied any democratic tradition to India. In their perspective, the Indians viewed liberty as a curse rather than a boon even when it was given to them. At no point, according to the colonialists, was there any concept or practice of liberty in India.”²

Buddha’s respect for participatory form of running societal affairs is very amazing at the time when pre-Buddhist religious ideas had treated women and lower caste people as slaves. In Vatsyayana’s view, practically women had no legal or moral standing at all in running state affairs and politics. Sudras and untouchables had been treated as slaves with no human dignity attached to them at all. That is way Mahatma Ghandi named them as the Children of God. Long before that clarion call of Ghandi to treat lower castes and untouchables as equally normal people, Buddha with his revolutionary ideas wanted to empower untouchables along with all women of all castes.

² Ibid, p. 101.

“With all his limitations and personal ambivalences about women, Buddha can be credited with five significant achievements: (i) he recognized the political right of women to join the sangha; (ii) he forced the sangha to recognize women’s right to be leaders; (iii) against the dominant Hindu view Buddha held that a woman can develop her own personality and individuality independent of any male support; (iv) he broke the myth of family and the importance of producing male children to attain salvation; and (v) he was the first to recognize the need for women’s education and political initiative.”³

The legal and religious reforms initiated by the Buddhist spiritual movements could not succeed to include wider segments of Indian population because of the strong grip of Hindu orthodoxy over mythical belief of *shanaton* traditions and culture. Thus the religious reforms initiated under Buddha could not make many social and legal reforms successful. Despite the very limited success of the Buddhist reformist movements in India, Buddha’s appeal for reforms could not be ignored all together as he was one of the greatest legal reformers of all time.

“Buddha’s stress on the individual’s right to take what is due him is definitely closer to Aristotle’s corrective justice. However, Buddha’s concepts of justice and democracy are more relevant to our situation than those of Socrates, Plato and Aristotle.”⁴

Muslim Dynamism of Legal Reforms in India

After the defeats of Buddhist movements for social and legal reforms, many followers of Buddha were killed or driven out from the main land of India, which was rather ready to see the triumph of Muslim preachers, traders, soldiers, and migrants from Persia, Central Asia, and the Arab World. Of course, this is a very sweeping comment on a long history of Indian subcontinent that deserve a better attention from serious and selfless investigators and researchers.

Among all world religions, Islam is not only the youngest one, but it is the most legalist as well as moralist at the same time.⁵ It is an unprecedented success of the Muslim reformers that made Islamic legal theories so

³ Ibid, p. 185.

⁴ Ibid, p. 122.

⁵ The term legalist here does not indicate that Islam wanted to have people always ready to go for litigation for every dispute he or she encounters in every steps of his or her personal and collective life. A Muslim should not be an arrogant litigant, who would take people to the court by using any excuse he or she can get hand on. A noble Muslim would try to take the criminals to the court for getting proper indictments and prosecution, but the benefit of doubt an accused can receive under Islamic justice system that supposed to be more humanitarian than any other existing judicial system of our time.

attractive to Arab and non-Arab alike. Without legal and judicial dynamism capable of bringing revolutionary changes in tribal system in the Arabian Peninsula, possibly Muslim reformers could not make their constituencies to be attentive to the major rationales of Islamic legalism.

“*Dharma*, a major principle of Buddhism, comprises several meanings, including teaching, norm, law, truth and reality. It is the nearest equivalent of *al-Haqq* in Islam, which similarly comprises a number of parallel meanings, suffering (*dukkha*), another theme of Buddhism, emanates from an innate thirst (*tanha*) of one untamed and unbridled ego for the perishable things of the world. One must overcome thirst for the ephemeral both for the sake of one’s own relief from suffering and for the sake of liberating from it.”⁶

However, compare to the Arab, Persian, and Turkish Muslim reformers, Indian spiritual leaders were less successful in spreading Islamic legal theories in the soil of our subcontinent. Many analysts believe that because of the Sufistic approaches of Islamic legality and morality, Muslim jurists were far less successful in their missions to introduce and/or implement the legalist policies of Islam among the followers of Hindu religion, which was and is the most dominant regional or local religion in this part of the world.

However, Noble Laureate Amartya Sen has demonstrated in his book *The Idea of Justice* that Muslim reformers of *Mughal* Empire enlightened the Indian Muslims and non-Muslims alike, especially in achieving some remarkable heights in the arena of legal reforms. The failure to abolish the caste or *Sati* system during Muslim rule in India may be related to many sensitive customs based on mythical beliefs of Hinduism.

The deep-seated doctrinal issue of Islamic non-interference in the affairs of other religions and their followers might have played a crucial role why Muslim rulers were not enthusiastic at all to reform Hindu customs and traditions that were already in place for so many centuries.

British and Pakistani Failures of Legal Reform in Bangladesh

The twentieth century was one of the darkest periods of the national history of Bengali nation in general, and for Bangladesh in particular. The greatest national achievement and triumph we had in 1971 with our successful outcome of Bangla language movement yet to be materialized. When the overall achievement in education, and accessibility to health care, and social safety-nets for all has become a norm or common phenomenon in so many

⁶ Kamali, Mohammad Hashim, Preface to *Common Ground between Islam and Bhuddaism* by Reza Shah-Kazimi, Royal Institute of Islamic Thought, Jordan 2010, P. xviii.

countries around the world, we as a nation has been lagging behind in every aspect of development for a long period of time. We all are aware that without an overall economic development and social progress based on farsighted and progressive national policies, we cannot establish a dynamic legal and judicial system. On the other hand, without an effective and pro-people judicial system, we cannot make a nation prosperous, progressive, and civilized.

The horrible famines in 1943 and 1974 have practically broke the backbone of our nation and made us prone to an endemic corruption and cynicism, and utterly insensitive to the miseries of our own people. The records of our political history abundantly have proven that people coming to the State powers practically think themselves as the owners of the State and its all resources. Moreover, the ruling elite instead of serving the people makes them hostage up to a level that governmental party or circles in power can kill or humiliate anybody they take as threat to their evil missions and illegal activities.⁷

Success and failure in bringing about progressive legal reforms is, in fact, the most important agenda for nation-building efforts of any State. We have now an independent sovereign State with a history of more than four decades' long. However, it is still unclear how healthy is our nation in terms of legal mechanism aspiring to be a Welfare State. At the initial stage of our statehood, we used to argue that with such a huge population in a small territory we would not be able to prosper at all. Apparently, because of the fear of religious people and family traditions, we refrain from a one-child policy for all living couple in Bangladesh. In reality, we were neither in a position to adopt nor implement such a family planning system because of the loopholes of our legal system and the physical and mental advancement we have achieved as a nation.

It is true that we need to build a necessary infrastructure suitable for a modern urbanized and industrial society. But the precondition to that development is the quality of our education system that we cannot expect to have without an up-dated and dynamic legal mechanism. In the areas of corporate development, functional and effective mechanism to settle disputes between employers and employees, recovery of bad bank loans, and to bring the criminals to the Book are all the pertinent issues of legal reforms.

⁷ Very recent records shows that the sitting Ministers of the government have increased their wealth by five hundred percent, while according to their constitutional oath to the nation they were duty-bound not to use their position and influence to incur or accumulate any financial benefits for themselves. The sitting Members of the Parliament has also grabbed money and wealth in a similar fashion that is not permitted to do anywhere in the world.

“All around us utter devastation. Dead bodies of men, women and children were heaped along the roadside. Vultures, bloated from feasting on human flesh, sat on the trees. Dogs, having stuffed themselves to the limit, lingered among the corpses. Wells were overflowing because of the sheer number of bodies that had piled up inside them.”⁸

This horrible situation of lawlessness during and after the partition of British India has never been improved in a sense that it could erupt at any time. Our liberation war in 1971 is just a glaring example of that impunity on the part government and newly arrived rulers for whom rule of law is nothing more than a lip service to suppress many legitimate demands of the people. Unfortunately the prevailing sense of impunity has deepened in the hearts and minds of our present-day politicians and rulers for whom we are a kind a less of human being and they have born to rule over us and our resources with no question asked.

What we tend to ignore is that the law and order situation depends on incorruptible judicial system, which serves as a pre-condition for economic development, social progress and cultural enlightenment. But our rulers put the entire judiciary under their direct control and use the court system to humiliate their political adversaries and competitors and then to eliminate them physically.

As a nation Bengali speaking people is one of the largest ethnic groups on earth. As a State in terms of its population, Bangladesh is the seventh largest countries in the world. Unfortunately, our progress in establishing a credible system of democracy and crafting suitable laws is very poor. The main reason behind it is the tendency of our leaders and politicians to have an absolute control over State agencies, including judiciary.

“Governance in the modern State often involves a lot of technical and complicated decision-making at the hands of the executive. Such matters also involve or have effect on international relations. These are matters where special expertise, on the other hand, and political responsibility, on the other involved. While exercising the power of judicial review, the courts should, therefore, be cautious enough not to get into occupations and put the executive government and even the interest of the nation in jeopardy.”⁹

⁸ Khan, Gohar Ayub, *Glimpses into the Corridors of Power*, Oxford University Press, 2007, P. 20.

⁹ Misra, Ranganath, “Governance and Judiciary”, In: Hye, Hasnat Abdul (ed), *Governance South Asian Perspectives*, The University Press Limited, Dhaka, 2000, p. 114.

This has exactly happened with our legal and judicial systems that served only to our tiny section of corrupt people. We can easily get hold of too many evidences of misusing and abusing powers at all levels and there is no improvement of legal mechanism that could protect and serve the interests of the people and our country.

Rule of Law: A Myth and Reality

We live in a globalized world and as a developing nation we need to compete with big powers, which can dictate many aspects of our legal and economic development. During 1960's and 70's a myth had been created and circulated that the countries like Indonesia, Pakistan, Egypt and Nigeria were the models of economic development for most of the Third World countries. That has been proved to be utterly illusive and false.

The massacre, genocide, and war crimes perpetrated by the brutal Pakistani army and their local agents on our people and land had proved that we lived in a very lawlessness situation. During last four decades of our independence, we found that by the nature of their attitude and aptitudes, our fellow ruling elites are no less brutal than their British, Indian, and Pakistani counterparts. In fact, present generation cannot find any substantive distinctions between the politicians of Muslim era to Awami regimes.

We have sacrificed enormously to have our own independent State to make us enable to lead a dignified social and economic life. Our goal of liberation war was to achieve economic emancipation and social progress that would no more be a luxury at the hands of few, who will again be acting like English colonizers or Pakistani dictators. This tiny privileged few are the real curse for our entire nation. We cannot deny the fact that our fellow-ruling elite did everything so far to keep us as bondage labors, who's legal, economic and social status remain very similar to Indian or Pakistani counterparts.

Pakistani political attitude and Indian *dolit* (untouchables) culture have become the main driving force to rule and run the country. As a result, the image of Bangladesh as the "Bottomless Basket" created by the ruling party in 1974 and establishment of BAKSAL as a one-party dictatorial rule were not something isolated or accidental. Since then, the rule of law and democratic institutions in Bangladesh has remained a myth rather than a reality in the system of governance in Bangladesh.

"Under this Constitution, the first general election of the country was held in 1973 and one of the political parties secured almost all the parliamentary seats in the National Assembly out of the total 300 seats. Virtually, it had already become a one party Parliament without almost any opposition. After the Fourth Amendment all the existing political

parties joined the said National Party. ...However, the Fourth Amendment was a political decision and it ought to have been faced politically. But this amendment was opposed only by two or three members of the Parliament as submitted by the learned Attorney General himself. Besides, this amendment could have been challenged in court, even that was not done.”¹⁰

In the name of returning to the original 1972 constitution, the Awami League its brute majority in the ninetieth parliament and adopted fifteenth amendment that practically destroyed the entire constitutional system and gave birth again a constitutional anarchy similar to that of General Ayub Khan’s military rule and Ershad’s autocracy.

“[H]e (Ershad) remain enormously popular in northern Bangladesh; his party still has 27 seats in parliament. Mr. Ershad may be the world’s only politician to carry the distinction of having allocated parliamentary seats to his wife, his mistress and mistresses’ husband – all at the same time.”¹¹

These practices have demonstrated well why and how our politicians wanted to make the Parliamentary affairs as family matters and they did that so successfully that Parliament and court system in the country have become completely dysfunctional. As a result, doing politics in Bangladesh is the most profitable business one can imagine. From zero one can become billionaire in domestic currency within one period of his or her party’s rule. During the last tenure of Awami League (2009-2014) thousands of party leaders grabbed unimaginable amount of wealth in their hands.

“The astronomical accumulation of wealth by several leaders of the ruling Awami League since the assumption of office by the AL-led government in January 2009, which has become public knowledge after the Election Commission posted on its websites the wealth statements that they submitted with their nomination papers for the 10th Jatiya Sangsad elections, looks to have caused serious embarrassment for the incumbents. It is thus not surprising that, according to a report published in *New Age* on Tuesday, an AL delegation led by a senior presidium member and former home minister went to the commission and requested removal of the wealth statements from the EC website. What is surprising though is that the

¹⁰ CJ H. Haque has justified the one party autocratic rule of BAKSAL in so many ways that make us wonder how there people got in the places of the most prestigious constitutional posts of the country, especially the post of CJ and as a sitting CJ he received money from the Prime Minister’s office relief fund to celebrate his personal events.

¹¹ “The Dictators Mining Bangladesh: Seamless Transition”, In: *The Economist*, November, 21, 2013.

commission has apparently agreed to consider the ruling party's request; the chief election commissioner [Kazi Rokibuddin Ahmed] is quoted in the New Age report as saying that the commission 'will scrutinise the rules and regulations in this connection.'¹²

One minister just coming to the power within several months makes himself the owner of a Bank, insurance, company, shipping lines, NGOs, universities, medical and other types of colleges, and what not. This is the situation we are in, when we are talking about legal reforms and dynamic of economic development for all. The truth is the matter is that still our government tends to act like an NGO rather than administering justice for all in various fronts of development that we all need so desperately.¹³

Economic and Political Development as the Backbone of Legal Reforms

Four decades is not a very short span of time in our post-modern engagement and arrangement for successful implementation of some state-building policies. Looking at the development of South Korea, Malaysia, Thailand, Vietnam, and China, it would be fair to say that in our nation-building efforts we could do much better if we had some national consensus over our economic policies. In this age of globalization and knowledge based economy, nation-building is a craftsmanship that needs stewards of special kind with missions to be accomplished and visions to be reached within a time-bound framework.

Without a matured and effective legal system how could we safeguard the rights of our people? We have been behaving very shamelessly in reforming our legal system simply because lawlessness serves our ruling elite, intellectuals, and even businessmen to increase their pies in everything, including the booties of all kinds of extortionists. Booties and looted items make our elite and ruling families rich with a speed not known to many countries.

We often shift all blames to our former colonizers and Pakistani rulers for all our failure in improving legal mechanism to make our fellow rulers and intellectuals accountable to our people. An utter mischaracterization of our existing legal system is that we claim that we have good laws in place and we just need to abide by them. In reality most of our laws work on ad-hoc basis with no grass-root support for their enforcement. In other words, we have alienated our masses from the legislative and judicial process and have made this phenomenon beneficial to only a tiny section of privileged few.

¹² "EC, ACC Must not Bow to Ruling Party's Whims and Wishes", An Editorial of the Ddaily New Age, December 24, 2013.

¹³ This might be one of the reasons why Awami League government could not tolerate Green Bank and its founder Noble Laureate Dr. Mohammed Yunus, who alone earned more reputation for Bangladesh than many governments and thousands of politicians combined.

The so-called environmentalists and human rights activists are there to cover up all dirty jobs of the ruling elite, which share their stakes with people at the helm of national and local institutions. Constitutionally established national bodies are now subservient to partisan politicians, who dictate the rules of business of our national economic and security interests. This is why, our laws by and large protect vested interest of rulers rather than the promoting and protecting the interests of the ruled.

“Dependence of political parties on muscle power leads to the criminalization of politics and increasing political violence. Unhealthy competition between the major political parties leads to a highly politicized civil service manifesting in unsustainable reforms when power shifts from one party to the other. Political parties are also organizationally weak and poor agents of democratic transformation.... Empirical evidences reveal that the parliament of Bangladesh has gradually degenerated into a mere instrument of regime maintenance and provides legitimacy to the ruling regime to govern. The Parliament is populated by MPs many of whom have allegedly made financial ‘investment’ in their nomination by their party, and in their subsequent election. Political criminals buy nominations for election to parliament. It appears that wealth of candidates is more important factor determining electoral nomination and success than local credibility.”¹⁴

Sustainable Economic Growth With and Without Constitutionalism

We need jobs and employment so that we can earn livelihood. By earning livelihood we acquire buying capability. Once we can generate income to lead a decent life, we like to have a bit of security at the time of unemployment, sickness, and events that are not in our control. For that, we need to develop banking, insurance, and all types of financial and corporate ventures to make profits that cannot be earned without saving and investment.

Production of essential commodities and business ventures and trade activities are integral part of modern urban planning and infrastructure development without which no State-building can be successful. Urban planning is a sustainer and manger of industrial growth and output.

However, without any planned urbanization we cannot witness a sizable growth in industrial products, which must win in the competitive atmosphere in national and international markets. There was a time when production

¹⁴ *Salahuddin M. Aminuzzaman*, “Governance and Development Discourse in Bangladesh: A Diagnostic Assessment of Challenges and Concerns.” In: *Towards Good Governance in South-Asia* published, Osder Publications, Dhaka, Bangladesh-2013, pp.

capability alone can make a country successful in terms of industrial development. But in the highly competitive dynamics of world trade, in this global age, marketability and practicability of industrial products counts first to make a country successful in terms of industrial growth.

In the name of enacting new laws whatever we have done so far is either a lip-service or a scattered attempt to write or re-write some rules here and there without giving much thought to the scope and utility of original jurisprudential intent without which we cannot hope to craft a law with specific purposes and objectives addressing the demands of the people in general and city dwellers in particular.

Regulative function of law is not a one dimensional tendency of restraining people from their activities. A major function of law is to facilitate creativity, productivity and entrepreneurship of wider segments of population. In doing so law trends to create an atmosphere of fair competitiveness in a transparent way so that competitors cannot create any artificial hurdles or barriers between them and others. Keeping a congenial atmosphere of competition and encouraging more people to come forward with their time, talent and resources in the market place to be involved in various productive and commercial activities is a major function of law. That is the reason why the rule of law is of so paramount importance for any speedy and progressive economic and social development.

Behind the scene of all economic activities, political dynamics play their role to ensure a stability and certainty so that a regular citizen or person feel secured and safe in his or her endeavor in participating and creating as well as sharing goods and services to be distributed for the welfare of the society.

Without taking note of public welfare and the issues of communal peace and harmony, public health, and environmental protection, laws cannot ensure a wise exploitation of natural or mineral resources for the purpose of sustainable economic growth.

Laws with a tunnel vision may need interconnectivity of various rights and their progressive implementation for raising the standard of living in terms of intangible gain such as good moral character, sound ethical behavior and habitually an obedient mind that is quite respectable to the rights of others. Who would try to accomplish these noble goals in a country where a Chief Justice can act so shamelessly in pushing the country toward a civil-war like situation just for his personal financial gains?

“Former Chief Justice A.B.M Khairul Haque, who has personally benefitted from the Prime Minister's Relief Fund, as a sitting judge, conspired with Prime Minister Sheikh Hasina to pass a judgment

suggesting the repeal of the “non-party caretaker government”. He pronounced the short order of the judgment in the open Court on 10 May 2011. In doing so, the Chief Justice violated the basic norms of both judicial conduct and the country's Constitution. After one week, A.B.M Khairul Haque retired from his post. The full text of the judgment was not available during his tenure in office but, sixteen months after his retirement, the full text of judgment was made available. The full version of the judgment was altered, deviating from the original 'short order' as was pronounced in the open Court. The nexus between the head of the government and the head of the judiciary is at the centre of Bangladesh's ongoing political and constitutional crisis. It is the judgment and the subsequent 15th Amendment that have lead to bloodshed in the country.”¹⁵

No other Chief Justice of the country ever dared to violate constitution so openly and grossly. Moreover, it was an open secret that Mr. Haque as a CJ has acted based on the oral directions of the PM’s office. When the sense of impunity makes a CJ so audacious to break so many constitutional principles and provisions, and facilitates the PM’s office to change almost one-third of the constitution and make those changes unchangeable for even, then any one can expect any bad consequences for the nation.

We have observed that just after the CJ Mr. Haque have become so unruly and shameless in delivering his verdicts on behalf of the Supreme Court, very quickly Chief Election Commissioner, Chairman of ACC, and many other Chairmen of other national institutions had dare to insult our national pride, dignity, freedom, and could utter so disgraceful words about our patriotism and dedication to our own religious and cultural heritage.

Fighting Corrupt Methods and Practices through Legal Avenues

We cannot expect that a desired economic development can be achieved without exploitation of natural and mineral resources. However, we need to use our all kinds of natural resources wisely so that ecological imbalances would not ultimately make our economic progress meaningless.

Though the size of economy of our country is not that big, Bangladesh has a positive prospects to be developed and ranked within the largest 30 countries having healthier economy if the proper and appropriate resource management either human or property is possible within a next decade or

¹⁵ “BANGLADESH: Lust for Power, Death of Dignity, The State of Human Rights in Bangladesh, 2013, AHRC-SPR-008-2013, In: <https://www.google.com/#q=asian+human+rights+commission+report+2013+on+Bangladesh>

two. Poverty rate may be lessened about to half of the present situation if the economic pattern, governance, leadership, policy making, growth, remittance, and credit have been made pro-poor.¹⁶

Despite the Banks or any financial institutions have enough financial capability; they are providing loans to prospective entrepreneurs rather looking for individual politicians and corrupt businessmen for disbursing industrial loans. As a result, none of the public or private bank can recover their loans to be used in industrial sectors.

The official ranking in corruption parameters for us means nothing for the moment as we are comparing us with countries like Afghanistan, Somalia, Iraq, Libya, Syria, and Sub-Saharan countries, which are completely war-torned or failed States, at least for the time being. Comparing us as a nation with these countries' situation in various types of *Indexes* of all kinds make us more confused and disoriented about our prospect of future growth and development.

In higher education we have too many private universities and too many broken public universities that exist just for the sake of their own survival. The same phenomenon we can observe for our media that is out there to give us independent and objective assessment of the development process.

We see that anchors, reporters, broadcasters, journalists, and actors of Talk Shows are all preoccupied with many presumed national agenda that have nothing to do with the interests of the country and people. All are just work for self-promotion and the main task is to glorify them and make us feel that we are all just fool and need to listen them and should obey them or their groups.

However, in a highly competitive media marketplace we could get their services, if the governmental interventions were not there. We now need to make use of good sides of mushrooming growth of media, higher education, .legal system. Because of their economic weakness, smaller and weaker states have started to comply with the directives of international order.

However, such tendency of international compliance did not lead any country to a better economic fortune. About 2 billion people out of 7 billion world population live in a very inhuman life. Another 2 billion have been barely surviving with their basic necessities. Under these circumstances, we need to examine how far we can go with the compliance of international instruments that are basically superseding national laws in many ways.

¹⁶ By the end of 2013, we got a lot of evidence that governmental policies have negatively affected our remittance flow from many countries because of hostile attitude of Awami League to many foreign nations.

The aforesaid challenges cannot be met with national laws only. Here we need active help and support of international legal instruments and the big governments capable of implementing those laws in our context as well. It appears that we have been losing our State powers as a sovereign entity. But by redefining sovereignty and by inviting big foreign investments under stricter rules we can regain some of our sovereign features as a nation-state.

Bangladesh being a geo-politically important country with a sizeable working force has already drawn the attention of regional big players and western powers of international politics. For India, it remains as ever crucial to keep Bangladesh under Delhi's influence.

For China, Bangladesh is not only a good trading partner, but also a prospective ally in Beijing's triumph in global market.

For Washington, Bangladesh is a kind of balancing country go between China and India. Moreover, like Delhi and Beijing, Washington also regards Bangladesh as a potential strategic and economic partner.

In this backdrop, Bangladesh has little scope to undermine or underestimate any foreign influence in its own domestic politics. How to minimize the influence of foreign powers on Bangladeshi politics is not merely a political agenda and discourse, but a legal challenge to be met with dignity and far-sightedness.

Conclusion

From the above discussion and articulations about my country's legal and judicial mess, one may find the legal issues and their reforms as wild cards to play with only for the benefits of crony capitalists, corrupt politicians, dishonest businessmen, and opportunist and unpatriotic intellectuals. This is just one dimensional view of legal reform and economic development of the country. This is a country where people are extra-ordinarily gifted with too much of talent that still remained unexplored and untapped within the country and beyond.

In recent years, our politicians and policymakers consistently claiming that as a country we are self sufficient in food production. In fact, it is true that we don't have shortage of food grains in the country. Our staple food is rice and we all eat rice too many time in so many forms every day. Too much of rice consumption in three square meals per day, put our food security also in vulnerable situation. As we are an environmentally disaster prone country, so our food safety net may prove to be completely inadequate to face any big climatic calamity.

Similarly we can find our poverty situation is also very vulnerable because about half of our population lives hands to mouths on daily basis.

Daily labors and workers in the fields and factories hardly can earn money to face any challenges other than feeding themselves and their families. But human beings need and deserve many other facilities such as good houses to live, good sanitary conditions to keep body and mind healthy, sports and recreation facilities to avoid monotonous melancholy in life. In the absence of good standard of living for working class and daily laborers, still we are reproducing at a high rate than we can afford to do so.

In general we have created many paradoxical situation and dynamics in our economic and legal development. We wish to grow economically fast, but unwilling to follow any legal mechanism that is necessary for predictable behaviors of entrepreneurs, employers, employees, workers, and even day labors and homemakers who work on regular and part time basis. At present nothing works in accordance with a set rules established by any competent authorities that have emerged based on sound legal and ethical principles, values, and rules.

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