

Speech of Hon'ble Chief Justice of Bangladesh

Dr. Justice Syed Refaat Ahmed in Bay of Bangle Conversation 2025

Venue: Pan Pacific, Date: 22/11/2025

Hon'ble President of the Centre for Governance Studies,

Distinguished Adviser for Foreign Affairs,

Distinguished delegates of the Bay of Bengal Conversation,

Ladies and gentlemen

Good Morning

We gather today at a moment when the global order is being reshaped with a velocity and unpredictability rarely witnessed in recent decades. Across continents, traditional alliances are shifting, geopolitical geometries are being recalculated, and spheres of influence are redrawn with pragmatic, interest-driven precision. Crises multiply, from Gaza to Ukraine, from the Sahel to Myanmar, each overlapping, each eroding our established mechanisms of global crisis management. Knowledge itself has become weaponised in an age where deepfakes distort truth and AI-generated disinformation corrodes democratic deliberation. Economies fracture under sanctions, debt stress, and a new era of de-risking. And here in the Bay of Bengal, the rising seas and intensifying climate insecurity threaten to redraw borders, reorder security doctrines, and displace millions. These five agendas of the Bay of Bengal Conversation 2025 frame not only the global condition, but the environment within which constitutional institutions must now operate.

Within this theatre of global instability, our own civic awakening of July 2024 stands out as a moment of rare clarity. It compelled Bangladesh to revisit the very grammar of its constitutional life. It reminded every organ of the State that the rule of law is not a bureaucratic ritual nor an inherited ornamentation, it is the moral architecture that secures legitimacy in a world where legitimacy itself is fraying. Our Constitution, strikingly, does not define the rule of law, rather, it gestures toward it, through rights, through restraints, through the dignity it accords the governed. This is not a deficit. It is a deliberate reminder that the rule of law is a moral reading of the constitutional order, rooted in fairness, reason, and the consent of the people.

Ladies and gentlemen,

The July Revolution did not propose to overturn the Constitution rather, it proposed to purify our engagement with it. Transparency, accountability, and responsiveness these three virtues became the leitmotif of the public conscience. Yet the Judiciary, as the only fully functional constitutional organ during those uncertain months, was compelled to adopt a posture at once humble and resolute, humble in acknowledging that it cannot exceed the boundaries of the text that gives it life, and resolute in ensuring that within those boundaries no right is rendered illusory, no institution made captive, and no citizen abandoned.

It is from this vantage point that the September 2024 Reform Roadmap emerged, an attempt to give structure to a national longing for constitutional normalcy. Over the past months, as we carried this Roadmap across the country in a series of unprecedented judicial roadshows, we witnessed something profoundly moving, a judiciary eager to reclaim guardianship over its institutional destiny, and a legal

community rediscovering its civic vocation. It is in this spirit that our Court overturned constitutional misadventures, whether in the attempted burial of the Supreme Judicial Council, the distortions of the 15th Amendment Case, or the unresolved echoes of the 13th Amendment Review. For the first time in our institutional history, we operationalised a judicial appointment collegium, thereby giving organic life to a long-neglected vision of transparent, reasoned, and consultative judicial appointments.

Ladies and gentlemen,

No modern reform of the judiciary can claim coherence without reference to the Masdar Hussain case. That watershed judgment carved out the constitutional autonomy of the Judiciary and laid the groundwork for a professional leviathan capable of serving as one of the three pillars of the State. Over the past year, we have sought to activate this jurisprudence in earnest introducing structural reforms in the Service, regularising career pathways, and laying the foundations for the Supreme Court Secretariat Ordinance. These measures are not mere bureaucratic reconfigurations, they are constitutional correctives intended to restore balance, independence, and administrative discipline.

But reform, however noble its design, cannot survive on architecture alone. It survives on ownership, ownership by those who must live under its canopy and breathe within its corridors. For months, our labour has been directed at cultivating a constituency of judges, lawyers, and court personnel who participate in reform and identify themselves as custodians of it. In roadshows, seminars, in consultations, in divisional dialogues, we have observed the emergence of a fraternity willing to take charge of its institutional destiny.

Distinguished participants,

Permit me to speak candidly. The continuity of reform is not guaranteed. Future Supreme Court Administrations will inherit not only structures but landscapes, landscapes that may bear little resemblance to the present transitional moment. Political and constitutional renegotiations may well produce a new social contract, perhaps even a new constitutional order. In such a moment, the Judiciary will face its greatest test, how to navigate this larger restructuring without losing the animating spirit of constitutionalism. Vision, wisdom, and courage, these three qualities will determine whether the Judiciary remains relevant in a rapidly reconstituting nation.

The truth, which we must acknowledge without euphemism, is that the present Constitution despite its flaws and its historical scars, remains the Judiciary's only touchstone of legitimacy. The Basic Structure doctrine, immutable in essence however contested in politics, has served over the past year as the compass guiding our course corrections. Whether addressing excesses committed by the Executive, legislative distortions force-fed upon the People, or judicial excursions beyond permissible limits, the Court has been compelled repeatedly to reassert those entrenched norms that make constitutional life possible, separation of powers, judicial independence, democratic governance, inalienable fundamental rights, and the sovereignty of the People.

Each ruling of the past year must be understood as a legal pronouncement and as a seed, sown in the fertile soil of institutional reform, with the hope that it will mature into a sturdier constitutional culture. And yet, here lies the irony, while the

Court reaffirms the existing Constitution as the sheet anchor of transitional justice, the People, endowed with the constituent power, may in time choose to reshape that very Constitution. The Judiciary must accept this paradox not as a threat, but as a profound democratic truth.

Ladies and gentlemen,

If the rule of law has been our internal compass in this transitional moment, judicial diplomacy has become the outward-looking counterpart that strengthens and validates that journey. Having reaffirmed the Constitution as our lodestar and recommitted ourselves to the moral discipline it demands, we have inevitably found that the challenges confronting our judiciary are mirrored across regions and continents undergoing their own ruptures, recalibrations, and democratic reckonings. It is here that judicial diplomacy assumes decisive relevance, no longer as a polite extension of protocol, but as a necessary instrument for institutional learning and survival. Our longstanding engagements with the United Kingdom, the European Union, UNDP, GIZ, and UNICEF have provided continuity, methodological rigour, and developmental support. Yet it is through our newer dialogues with Brazil, Egypt, Nepal, and the enduring jurisprudential lessons of South Africa that we have encountered the most vivid illustrations of how judiciaries navigate upheaval, rebuild public trust, and operationalise constitutionalism after fracture. These encounters, many represented in this very gathering, have enriched our understanding of reform sequencing, the burdens of adjudicating during political transition, and the quiet courage required to uphold constitutional principles when the ground beneath institutions shifts. In this sense, judicial diplomacy is not merely aligned with the theme of this year's Bay of

Bengal Conversation, it is emblematic of it, offering courts a lifeline of comparative wisdom as we steer our own path through uncertainty, renewal, and the arduous task of reanchoring a nation to the constitutional rule of law.

Dear Guests,

As Bangladesh prepares for a reimagined political future, perhaps even a reauthored constitutional compact, the Judiciary must remain anchored in principle, yet alert to the world's shifting realities. The forces reshaping the global and regional order, shifting alliances, crisis multiplication, the weaponisation of knowledge, economic fragmentation, and climate insecurity, form the strategic ecosystem within which our constitutional commitments must endure.

Our task is therefore delicate, to safeguard the integrity of the Constitution as it stands, even as we prepare intellectually and institutionally for what the sovereign people may one day choose to create. If we falter, no architecture of reform, however celebrated, will withstand the corrosive effects of weak governance or geopolitical instability. But if we remain faithful to constitutional morality and the discipline of the rule of law, then this transitional moment will not be remembered as an interlude of uncertainty, but as the beginning of our constitutional renaissance.

In an age defined by volatility, it may well be the Judiciary's steadiness, its restraint, its integrity, its courage, becomes the Nation's most enduring source of stability.

Thank you.