

Speech of Dr. Justice Refaat Ahmed, Hon'ble Chief Justice of Bangladesh on 72nd Anniversary of Law Department of University of Rajshahi

25 October 2025, Rajshahi

Hon'ble Judges of the Appellate Division of the Supreme Court of Bangladesh

Distinguished Vice-Chancellor,

Honorable Dean and respected members of the faculty,

Respected guests of the ceremony,

Dear Alumni,

Students of this department,

Good Morning

It is a profound pleasure to address such a distinguished audience, comprising of Honorable Judges from both Divisions of the Supreme Court, eminent academicians, distinguished lawyers, and young law graduates. I am deeply honored that the 72nd anniversary celebrations of your *alma mater* are taking place during my tenure as the Chief Justice of Bangladesh.

Ladies and Gentlemen,

As we reflect on the legacy of Rajshahi University, one name that inevitably rises to the forefront is **Dr. Shamsuzzoha**, whose life and sacrifice have left an indelible mark on this institution and on the nation itself. Dr. Shamsuzzoha was more than an educator; he was a symbol of courage, selflessness, and the relentless pursuit of truth.

His martyrdom during the tumultuous days of 1969, while defending students from persecution, resonates deeply with the values we, as legal professionals,

strive to uphold. Dr. Shamsuzzoha's story has personal resonance for me, as he shared a profound connection with my family. My parents often spoke of him with reverence and admiration, recounting his dedication to his students and his indomitable spirit. His life serves as a reminder to all of us that the law is not just a profession; it is a calling to serve justice, even at great personal cost.

Dear Guests,

I have had the privilege of serving the legal profession for more than three decades. Many among you have likewise dedicated a significant part of your lives to this same vocation, be it through the bar, the bench, or the classroom. As we are united today by our common calling- the practice of law- it offers us a moment to pause and reflect. As members of a fraternity bound by a shared purpose, we must ask ourselves, what is the true essence of our endeavor? What underlies our individual as well as collective pursuits? Above all else, how do we commit ourselves to the fundamental ideals of justice?

Standing in this prestigious university, I am reminded that every enduring institution is undergirded by two pillars, the physical structure that houses it, and the spiritual vision that sustains it. Years of our struggles to build the physical edifice of a sovereign State reached its climax in 1971 through our Liberation War. And yet, even as we built a nation, our search for justice did not end. We continued to strive for a coherent system of laws, rights, and responsibilities, guided not by expedience but *only* by principle. Indeed, from the smoldering ruins, blood, and ashes, a State was born, but the nation remained unfinished. We glimpsed a new clarity through the revolution of 2024. In July and August last year, the nation paused collectively to confront uncomfortable truths, upheaval, and unimaginable human costs. We looked inward, not to romanticize the past, but to ask whether we had lived up to the promises.

It is, therefore, high time we asked ourselves yet again, where lies the true

meaning of the State as an institution- an institution to which people pledge allegiance, which shape their collective identity and belonging, and for which they are even willing to lay down their lives? And within the vast organism that is the State, how are the overarching legal system and the judiciary regarded in relation to the other pillars of governance? Are they simply functional cogs within the machinery of power, tasked with enforcement and order? Or do they embody something far deeper, a living embodiment of the Republic's moral conscience, entrusted with safeguarding justice and upholding the very principles upon which the State stands?

Harold J. Laski, the British political thinker and educator, a quintessential realist, confined the idea of the State within a rather narrow and utilitarian framework. He viewed the State merely as a means of regulating human conduct. In his view, the State stands as the definitive arbiter for society- a body of individuals who, when required, must conform to an established mode of existence and way of life.

Similarly, for centuries, within the State, law was largely perceived as an adjudicatory institution to resolve disputes and preserve social order. It was maintained, not always out of moral conviction, but often because the rulers of the State understood its utility and instrumental value- to balance their tensions with the governed and to sustain stability within the society. As Bertrand Russell observed in his collection *Mortals and Others*, "All the great writers of the Middle Ages were passionate in their admiration of law. Law, [if] respected and inflexibly enforced, is, in the long run, the only alternative to violence and predatory anarchy." Thus, the law was valued not because it liberated, but because it restrained; not because it equalized, but because it maintained order. And that order, more often than not, served the comfort of the privileged rather than the cause of justice for the marginalized and the vulnerable.

However, we must remember that a legal system is not a mere embodiment of

rules; it is the expression of a general will that calibrates the State toward its foundational and rather minimum purpose, ensuring the common good. Indeed, as humanity endured the deepest wounds of injustice and witnessed the catastrophic consequences of unfettered exercise of state powers, a new moral consciousness emerged through the proclamation of the Universal Declaration of Human Rights, which redefined the very purpose of law and, in turn, imbued the idea of State with a renewed meaning and construction. It reminded us that, “if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression,” then “Human rights must be protected by the rule of law.”

And it is within this universal awakening that our own national history finds its resonance. People often rally behind our flags, languages, and identities shaped by heritage. They chant slogans in the name of land, speech, or shared bloodlines. But when people rise to demand a new nation, it is not merely to redraw boundaries or redefine identities- it is for something more profound. They rise for justice.

When a state no longer protects the dignity of its people, when it silences their voice and denies their rightful place, the fight for justice becomes a moral necessity. Our own story speaks to this truth. The movement in 1952 was not merely about language. At its core, it was about fairness and the right to live, express, and be heard in the tongue that shapes our soul. And in 1971, we did not sacrifice lives for a flag or political independence alone. We fought for the right to belong, to be treated as equals, to govern ourselves with dignity and hope.

Ladies and Gentlemen,

Our legal system- when viewed through philosophical lenses- emerges not as a static machinery, but as a living organism- growing, adapting, and responding to

the moral pulse of society. It draws its legitimacy from its autochthonous birth in 1971, its philosophical maturity in 2024, and its continuous evolution under constitutional guidance. In order to truly appreciate the philosophical tapestry of Bangladesh's legal system, we must first reflect on its genesis, a revolutionary break from its colonial, postcolonial, and authoritarian excesses.

Every legal system grapples with the fundamental question of power. The crucial principle of institutionalizing checks and balances in the exertion of power, which anchors every modern Constitution, has echoed through centuries, reminding every nation that justice cannot be realized when power remains unfettered and concentrated. As Aristotle observed in his timeless work *Politics*, "There are three elements in every Constitution which every serious lawgiver must consider. If these are well arranged, the Constitution itself is bound to be well arranged. The three are, first, the deliberative, which discusses everything of common importance; second, the magistracies; and third, the judicial element."

This ancient wisdom later matured into the relatively modern theorization of separation of powers, foregrounding that the Legislature shall make the law, the Executive enforce it, and the Judiciary shall interpret it. Each serves as both a partner and a restraint to the other, ensuring that the exercise of power remains balanced, accountable, and ultimately grounded only in justice. It is this equilibrium that our own constitutional order seeks to preserve. Recognizing that the true strength of the State lies not in the concentration of power, but in its just distribution, article 22 of our Constitution mandates the separation of the judiciary from the executive. Yet, this constitutional commitment has remained unfulfilled for far too long.

Today, with a renewed vision following the July Revolution, we stand at a crossroads to finally give life to that promise- to establish a judiciary that is not merely separated but institutionally autonomous, morally courageous, and

constitutionally empowered to safeguard justice for all. It is now our solemn duty to capture these aspirations and translate them into a lasting institutional reality. By ensuring that judges are free from executive control, by securing transparent judicial appointments, by strengthening the district courts, and by safeguarding access to justice for all, the judiciary must seek independence, not merely as a constitutional rhetoric, but as a lived experience. Institutionalizing this reform will be an act of fidelity- fidelity to the Constitution, to the ideals of 1971, and to the moral call of the July Revolution.

In this regard, immediately upon assuming office, I proclaimed a Roadmap for Judicial Reform. At its core, lies the vision for a separate Supreme Court Secretariat. A separate Supreme Court secretariat is envisioned as the central hub of judicial administration, a dynamic institution where the delivery of justice is strategically planned, efficiently coordinated, and transparently executed. Its purpose is to enhance not only the internal functioning of the judicial system but also the overall experience of those who seek justice, ensuring it is administered with greater efficiency, clarity, and accessibility. Attached to this reform is an issue of even greater significance; the judicial budget. At present, the judiciary neither draws nor controls its own expenditure, nor does it have a decisive voice in the development of its infrastructure. True independence, however, cannot exist without financial autonomy. The separate Secretariat will therefore serve as the institutional foundation through which the judiciary may finally exercise control over its own resources, ensuring that the dispensation of justice is no longer constrained by administrative dependency.

"The 'in-principle' policy nod given to the Supreme Court Secretariat Ordinance, 2025 just two days ago on 23 October by the Interim Government Cabinet is the product of a very prudently conducted multilateral effort in which strategic posturing by the Office of the Chief Justice vis-à-vis the Executive branch of this Interim Government has over the past 15 months played a pivotal role and

will continue to do so in the foreseeable future. Accordingly, it becomes all the more incumbent on all stakeholders henceforth like successive Supreme Court Administrations, countrywide Bars and crucially the Supreme Court Bar Association, Judges both of the Supreme Court of Bangladesh and the District Judiciaries and Magistracies, and the Bangladesh Judicial Service Association, in particular to ensure the sustainability of such structural transformation by realising one core fact - that is, we are all bound in a *quid pro quo* relationship here. Reciprocity, reasonableness, and avoidance of one-upmanship should be the cardinal rule of mutual relationships in ensuring the longevity of the autonomy of the Judiciary. Any hint of mistrust or misguided unilateralism shall inevitably risk bringing down the edifice of institutional independence that we have relentlessly been working for the past 15 months."

Distinguished Participants,

In the twenty-first century, we are still striving to operate our courts within independent strategies, procedures, and machineries that remain largely unchanged from the colonial era. In an age of artificial intelligence, automation, and self-driving cars, our justice delivery system still runs, metaphorically speaking, on a bullock cart. It is time we ask ourselves whether a system so deeply rooted in the past can truly serve the needs of a society striding into the future.

It is time for us to strategize not merely the administration of justice but redefining the way justice is seen to be delivered. We ought to be equipped with modern technologies, data-driven management, and a unified digital platform to connect every court of the country, from the Supreme Court to the remotest magistrate's court. We ought to ensure timely case management, efficient resource allocation, and a responsive judicial service system where transparency and accountability are embedded in every action. Through sustainable institutional reforms, we aspire to transform the judiciary from a reactive body

into a proactive guardian of rights, one that anticipates the needs of the people and responds to them with both compassion and efficiency. Most importantly, such reforms should bring justice closer to the citizen, to make our courts more accessible, humane, and inclusive. For justice is not measured by the number of cases disposed of, but by the trust it inspires in the hearts of those subject to law.

Certainly, the time has come to acknowledge that while our commitment to justice remains timeless, the instruments through which we deliver the same must evolve. The ideals of fairness and efficiency cannot flourish if the machinery of justice remains tied to the past.

Here, the University of Rajshahi stands tall as both a witness and participant in this transformation. As one of our nation's pioneering institutions, it has long nurtured the minds that serve at the Bar, the Bench, and beyond. I am confident that it will continue to educate jurists who are not only learned in law but enlightened in spirit- scholars who understand that justice is not only found in the pages of statute books, but also in the courage to apply them humanely.

Because, indeed, the study of law is no ordinary pursuit- it is the study of justice itself. It requires the highest faculties of reason, the deepest reserves of empathy, and a steadfast commitment to the rule of law. As you continue to serve the legal profession- whether as advocates, academics, public servants, or corporate advisors- you do so not merely as professionals, but as custodians of constitutional morality and agents of justice. The law is not a trade; it is a trust, and that too, a sacred one. In a time when the clamour of rhetoric often threatens to drown out the voice of reason, your duty will be to speak with clarity, act with principle, and serve with honour.

Distinguished Guests,

The practice of law, no matter which profession you pursue, will certainly test

your patience, challenge your certainties, and confront your conscience. You will face adversity and also encounter injustice yourselves. And yet, you must persist. Along the way, you will also discover that the law is not static. It evolves with society, with technology, with time. You must be scholars throughout your lives, continuously engaging with the shifting contours of legal thoughts, interpretations, and social realities.

I urge you never to lose sight of the human dimension of your work. Behind every statute lies a life; behind every judgment, a fate. The true measure of a legal professional lies not merely in the eloquence of their arguments, but in the justice their work delivers- quietly, impartially, and enduringly. The nation looks to you not just to practice law, but to defend its constitutional vision. To uphold rights, to advance equality, and to ensure that the doors of justice always remain open- not merely in theory, but in truth- to all who seek them.

Keeping pace with the demands of professional lives, legal education must also evolve to meet the demands of a global, ethical, and interconnected world. It must move beyond rote doctrine to cultivate critical reasoning, analysis, empathy, and moral imagination. It also has to ethically keep pace with the evolution and dynamism of emerging technologies. Future lawyers and judges must carry both the analytical discipline of the jurist and the conscience of the reformer, grounded in our heritage, yet attuned to global justice.

The word “law” does not merely signify a set of rules or principles governing particular areas of human conduct. It embodies a moral and rational ideal. As Roscoe Pound so profoundly defined, “Law is a rational or ethical idea- a rule of right and justice deriving its authority from its intrinsic reasonableness and its conformity to ideals of right; merely recognized, not created, by the sovereign State.”

This understanding reminds us that the law does not exist to command

obedience- it exists to command respect. It draws its strength not from coercion, but from its moral credibility and its alignment with the conscience of society. And, the judiciary, therefore, is not a passive interpreter of the law, rather an active participant in shaping justice to ensure that the constitutional promises of liberty, equality, and fairness reach the doorstep of every citizen.

The task before us all- the judges, lawyers, academics, and citizens alike- is to sustain this renewal. We must ensure that our judiciary remains both independent and accessible, that justice is conceptualized neither as a privilege of the few nor a dream deferred for the many. As alumni of one of the oldest echelons of higher education in the country, you hold the torch of this responsibility. Let it shine through your intellect, your integrity, and your service. Thus, we shall carry forward the flame lit by our martyrs to illuminate the path toward a society where equality, justice, and fairness are not merely constitutional promises, but lived realities for every Bangladeshi. When fairness is served, the State is strengthened; when justice fails, even the strongest State begins to crumble.

Thank you.