

PROTECTION OF HUMAN RIGHTS THROUGH ENSURING GOOD GOVERNANCE IN BANGLADESH

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Abstract

The purpose of this paper is to depict that protection of human rights is possible in Bangladesh through ensuring good governance. It aims to expose the nexus between good governance and human rights, to explore their legal regime, to analyze the necessity of good governance practice for the protection of human rights and to identify the ways of ensuring good governance for protecting human rights in Bangladesh. The paper establishes that implementation of good governance is achievable by due efforts from the organs of the government, and by active role-playing from the citizens, media and civil society. Finally, this article reveals that good governance is sine qua non for protecting human rights in Bangladesh.

1. Introduction

Good governance means the process of conducting public affairs, managing public resources, and assuring the realization of human rights by the public institutions in a manner where rule of law is duly regarded and abuse or corruption is absent.¹ In Bangladesh, the practice of good governance is not down-the-line. On the other hand, implementation of human rights needs strong legal framework and responsive political, managerial and administrative processes.² Being based on the principles of participation, accountability, transparency and state responsibility, the concepts of good governance and human rights are mutually reinforcing.³ Human rights provide a set of performance standards against which the government and other actors can be held accountable, whereas, good governance policies empower individuals to live with dignity and freedom.⁴ This paper sheds light on the reciprocity between the protection of human rights and the practice of good governance in Bangladesh.

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¹ OHCHR, Good Governance and Human Rights; available at: www.ohchr.org/EN/Issues/Development/GoodGovernance/Pages/GoodGovernanceIndex.aspx; accessed on 12 April 2017.

² OHCHR, Good Governance Practices for the Protection of Human Rights; available at: www.ohchr.org/Documents/Publications/GoodGovernance.pdf; accessed on 18 July 2017.

³ HRBAPORTAL, What Is The Relationship Between Human Rights and Good Governance? Available at: hrbaportal.org/faq/what-is-the-relationship-between-human-rights-and-good-governance; accessed on 6 June 2017.

⁴ Ibid.

2. Nexus between Good Governance and Human Rights

The nexus between good governance and human rights is significant. Hence, the combination of good governance and human rights protection is necessary to attain sustainable development for a state. Good governance practice protects human rights, and human rights strengthen good governance. Importantly, protection of human rights requires a conducive environment which depends on the practice of good governance.

2.1. Good Governance: The Core Concept

There is no exhaustive definition of good governance. Depending on the context and the overriding objectives sought, good governance has been said at various times to encompass: full respect towards human rights, rule of law, effective participation, multi-actor partnerships, political pluralism, transparency, accountability, efficient public sector, political empowerment, equity, sustainability, and values that foster responsibility, solidarity and tolerance.⁵ Simply, good governance means the due process making and implementing best possible decision.⁶ The constituents of good governance are accountability, transparency, rule of law, responsiveness, equitability, effectiveness, and participation.⁷

2.2. Human Rights: The Core Concept

Human rights are interrelated, interdependent and indivisible rights inherent to all human beings, irrespective of their nationality, residency, gender, ethnicity, color, religion, language, or status.⁸ Human rights are universally guaranteed by laws in the form of treaties, customary international law, general principles of international law and other pertinent sources. Generally, international human rights law lays some obligations upon governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.⁹

The salient features of human rights are universality, inalienability, interdependence, indivisibility, equality, non-discrimination, and entailment of both rights and obligations. States assume obligations and duties under international law to respect, protect and fulfil human rights. Obligation to respect means that states must refrain from interfering with or curtailing the enjoyment of human rights. Moreover, obligation to protect requires states to

⁵ OHCHR, note 1.

⁶ Good Governance Guide; available at: www.goodgovernance.org.au/about-good-governance/what-is-good-governance/; accessed on 10 July 2017.

⁷ Ibid.

⁸ OHCHR, What Are Human Rights? Available at: www.ohchr.org/EN/Issues/Pages/WhatAreHumanRights.aspx; accessed on 10 July 2017.

⁹ Ibid.

safeguard individuals and groups against human rights violation. Whereas, obligation to fulfil means that states must take positive action to facilitate the enjoyment of basic human rights. At the individual level, while we are entitled to human rights, we should respect the human rights of others.¹⁰

2.3. Protection of Human Rights: Role of Good Governance

Good governance plays a vital role in protecting human rights. Practice of good governance drives a government to take correct decisions at the right time enabling the state to run properly. Besides, good governance obviates unethical practices in the decision-making sector by preventing corruption. Good governance relies a lot upon legal framework. It also relies on political, managerial and administrative processes.¹¹ On the other hand, protection of human rights also depends on these issues. Therefore, good governance and human rights are reinforcing. The true test of good governance is the degree to which it delivers upon the promise of human rights: civil, cultural, economic, political and social rights.¹² As protection of human rights is the threshold of good governance, linkage between them cannot be doubted.

3. Legal Regime of Good Governance and Human Rights in Bangladesh

Bangladesh fulfills the prime condition for practicing good governance by maintaining democracy. Bangladesh is continuously striving to invigorate the practice of good governance. Thus, respect for human rights among the citizens is building up gradually. For these to be sustained, legal framework needs to be impregnable.

3.1. Laws relating to Good Governance in Bangladesh

The practice of good governance reduces corruption and inspires the voice of the most vulnerable part of the society.¹³ Only effective legal regime upholds good governance. The Constitution of Bangladesh adopts nationalism, socialism, democracy and secularism as the fundamental principles of state policy.¹⁴ It ensures effective participation of the people through their elected representatives in all administrative levels.¹⁵ Existence of the office of Ombudsman is theoretically there also.¹⁶ These articles can safeguard the practice of good

¹⁰ Ibid.

¹¹ OHCHR, note 1.

¹² Ibid.

¹³ UNESCAP, What Is Good Governance? Available at: www.unescap.org/sites/default/files/good-governance.pdf; accessed on 11 July 2017.

¹⁴ *Constitution of Bangladesh*, article 8.

¹⁵ *Constitution of Bangladesh*, article 11.

¹⁶ *Constitution of Bangladesh*, article 77.

governance in decision-making level. It is submitted that the regime of constitutional law relating to good governance is firm. Other relevant statutes regarding good governance are *Durneeti Daman Commission Ain* 2004 and *Tathya Adhikar Ain* 2009. The first of these Acts is for the prevention of corruption and the second one is related to right to information. Further, the Supreme Court of Bangladesh is provided with the power of judicial review¹⁷ which is pivotal to ascertain rule of law. It is a basic feature of our Constitution and by the decision in *Anwar Hussain Chowdhury*¹⁸ it cannot be curtailed even by amendment of the Constitution.¹⁹ Therefore, the legal regime is versatile enough to bolster the components of good governance.

3.2. Laws relating to the Protection of Human Rights in Bangladesh

The Constitution is the supreme law of Bangladesh and any other law inconsistent with it shall be void to the extent of such inconsistency.²⁰ The Constitution discusses about human rights in many provisions. The socio-economic and cultural rights have been stated in Part II²¹, while the civil and political rights in Part III.²² The fundamental principles of state policy are not judicially enforceable,²³ but the fundamental rights are.²⁴ The concept of fundamental rights is less-extensive as it engulfs merely civil and political rights. The civil and political rights mentioned in the *Constitution of Bangladesh* are: equity before law,²⁵ discrimination on grounds of religion, etc.,²⁶ equality of opportunity in public employment,²⁷ prohibition of foreign titles, etc.,²⁸ right to protection of law,²⁹ protection of right to life and personal liberty,³⁰ safeguards as to arrest and detention,³¹ prohibition of forced labor,³² protection in respect of trial and punishment,³³ freedom of movement,³⁴ freedom of assembly,³⁵ freedom

¹⁷ *Constitution of Bangladesh*, article 102.

¹⁸ 1989 BLD (Spl) 1.

¹⁹ Mahmudul Islam, *Constitutional Law of Bangladesh*, (2nd ed, Mullick Brothers, Dhaka, 2010), p 438.

²⁰ *Constitution of Bangladesh*, article 7(2).

²¹ Part II of the *Constitution of Bangladesh* carries the header 'Fundamental Principles of State Policy' which includes articles (8-25).

²² The header of Part III is 'Fundamental Rights' which covers articles (26-47A) of the *Constitution of Bangladesh*.

²³ *Constitution of Bangladesh*, article 8(2).

²⁴ *Constitution of Bangladesh*, article 44(1).

²⁵ *Constitution of Bangladesh*, article 27.

²⁶ *Constitution of Bangladesh*, article 28.

²⁷ *Constitution of Bangladesh*, article 29.

²⁸ *Constitution of Bangladesh*, article 30.

²⁹ *Constitution of Bangladesh*, article 31.

³⁰ *Constitution of Bangladesh*, article 32.

³¹ *Constitution of Bangladesh*, article 33.

³² *Constitution of Bangladesh*, article 34.

³³ *Constitution of Bangladesh*, article 35.

³⁴ *Constitution of Bangladesh*, article 36.

³⁵ *Constitution of Bangladesh*, article 37.

of association,³⁶ freedom of thought and conscience, and of speech,³⁷ freedom of profession or occupation,³⁸ freedom of religion,³⁹ rights to property,⁴⁰ protection of home and correspondence,⁴¹ and enforcement of fundamental rights.⁴²

Six of these rights may be curtailed during the continuance of emergency.⁴³ These are the rights mentioned in articles 36, 37, 38, 39, 40 and 42.⁴⁴ It is an impediment to the protection of human rights in Bangladesh. Conversely, the Constitution confers power on the High Court Division of the Supreme Court of Bangladesh to enforce fundamental rights.⁴⁵ Also, it is provided with the power of judicial review in non-fundamental right matters.⁴⁶ As the Constitution itself guarantees the protection of fundamental rights, it is evident that the legal regime is powerful. The other enactments⁴⁷ relevant to the defense of human rights make this legal regime even stronger.

4. Good Governance Practice and Protection of Human Rights in Bangladesh

Good governance has been a prominent issue in development and legal studies especially in the developing and least-developed countries around the world. In the perspective of Bangladesh, its significance is unquestionable. Since good governance comprises correct decision-making, apposite managerial and administrative skill from the government services, political good will, and participatory citizens – good governance practice renders the environment for safeguarding human rights. Yet, Bangladesh has not been successful enough to ensure the practice of good governance. The hindrances must be eradicated to maintain good governance.

4.1. Problems and Prospects of Practicing Good Governance in Bangladesh

There are some obstacles which are hampering the full-fledged practice of good governance in Bangladesh. The noted impediments are as follows:

³⁶ *Constitution of Bangladesh*, article 38.

³⁷ *Constitution of Bangladesh*, article 39.

³⁸ *Constitution of Bangladesh*, article 40.

³⁹ *Constitution of Bangladesh*, article 41.

⁴⁰ *Constitution of Bangladesh*, article 42.

⁴¹ *Constitution of Bangladesh*, article 43.

⁴² *Constitution of Bangladesh*, article 44.

⁴³ *Constitution of Bangladesh*, article 141B.

⁴⁴ M Jashim Ali Chowdhury, *An Introduction to the Constitutional Law of Bangladesh* (1st ed, Northern University Bangladesh (NUB), Dhaka, 2010), p 159.

⁴⁵ *Constitution of Bangladesh*, article 102 (1).

⁴⁶ Islam, note 19, pp 438, 439.

⁴⁷ The legislations relevant to shield human rights in Bangladesh are available at: <http://bdlaws.minlaw.gov.bd/>.

- The weakness of the Election Commission in Bangladesh is a major hindrance. Upon every election, the international community questions its fairness. Unfair elections lead to political instability and eventually hamper or deteriorate good governance practice.
- The dormant Opposition in the Parliament is another concern. For their inactivity, the government lacks accountability regarding policy-making. Again, article 70(b)⁴⁸ of our Constitution is another constraint against the practice of good governance. MPs of the ruling party cannot condemn any wrong policy taken by the government for the provisions of this article.
- Judicial independence is not absolute in Bangladesh. The Constitution reflects on the separation of judiciary from the executive organs of the state.⁴⁹ Again, the Constitution avers that all persons employed in the judicial service and all magistrates shall be independent in the exercise of their judicial functions.⁵⁰ Interestingly, the appointments in the judicial service are made by the President.⁵¹ Further, the control and discipline of the persons employed in the judicial service is exercised by the President in consultation with the Supreme Court.⁵² These provisions hinders absolute independence of judiciary, which ultimately restrains good governance.
- Bureaucracy is not free from corruption in Bangladesh. Axiomatically, a fair and pro-people bureaucracy ensures good governance in all the levels of decision-making. But the presence of corruption denigrates everything. Corruption makes decision-making process porous and contaminates good governance.
- Infirm local government is another restraint. Many projects of the government turn futile because of the lack of proficiency in local government and it hinders the practice of good governance.

⁴⁸ Article 70 of the *Constitution of Bangladesh* states, “A person elected as a member of Parliament at an election at which he was nominated as a candidate by a political party shall vacate his seat if he –

(a) Resigns from that party; or

(b) Votes in parliament against that party;

But shall not thereby be disqualified for subsequent election as a Member of Parliament”.

⁴⁹ *Constitution of Bangladesh*, article 22.

⁵⁰ *Constitution of Bangladesh*, article 116A.

⁵¹ *Constitution of Bangladesh*, article 115.

⁵² *Constitution of Bangladesh*, article 116.

- In Bangladesh, the press and the electronic media lack strength and freedom. Sometimes they cling to yellow journalism for their own benefit which debilitates their efficacy. For these, the government lacks accountability and transparency to the citizens.

The prospect of practicing good governance in Bangladesh is not negligible either. Bangladesh is beefing up its democracy day by day and it is significant. Again, the increasing rate of literacy is bolstering the strength of democracy. As Bangladesh is doing very good in women empowerment, gender discrimination is declining. If these continue, Bangladesh will surely attain good governance in its truest sense.

4.2. Lack of Good Governance Practice and Violation of Human Rights

Good governance practice ensures durable protection of human rights. On the contrary, lack of good governance procreates fatal problems in the policy-making sectors. Corruption is one of those fatal problems which severely constraints the protection of human rights. Ironically, right to information is not being applied widely in Bangladesh. Though there is an enactment regarding right to information⁵³ in Bangladesh, due enforcement is needed. For this, corruption is expanding. Policies lack success due to corruption and hinder public welfare. Therefore, corruption jeopardizes the protection of human rights and endangers public faith on the government. When the root of corruption is in the administration, it is difficult to practice and maintain good governance. Lack of good governance makes it difficult to ensure the accountability of the law enforcement agencies. Thus, extra-judicial killing inundates and violates the rights to life and fair trial. Again, lack of good governance enervates rule of law. It is evident that the society without rule of law cannot maintain equity, social security, social justice, and dignity of human.⁵⁴ Where rule of law is absent, human rights cannot be savored. Had there been corruption in the judiciary, the situation gets worse. It directly prevents the right to fair trial of a person. Further, enfeebled media and civil society decelerate the practice of good governance inside out and help the government escape accountability. The above discussion elucidates that lack of good governance and violation of human rights are interrelated.

5. Ways towards Ensuring Good Governance for Protection of Human Rights

Ensuring good governance is hard. It needs to ensure accountability,

⁵³ *Tathhya Adhikar Ain* 2009.

⁵⁴ M Johurul Islam, *Law on Good Governance: Bangladesh Perspective* (1st ed, New Warsi Book Corporation, Dhaka, 2013), p 184.

transparency, and participation of the citizens in the decision-making level in priority basis to achieve good governance. To make it happen, it is important for the administrative bodies, the law enforcement agencies, the judiciary, the media, and the civil society to play active role.

5.1. Role of Administrative Bodies in Ensuring Good Governance

Administrative bodies form the core of policy-making and can act on ensuring good governance by being accountable, responsible and transparent. Bureaucracy controls administrative bodies. Unfortunately, corruption is limiting the functionality of the bureaucracy. Corruption makes the administrative functions lethargic and causes the policy-making to be futile. But corruption can be terminated by enforcing laws strictly. Ensuring the right to information of the citizens plays an active role here. The Act⁵⁵ states that any citizen has the right to get information from the appropriate authority, and the authority would be responsible to render the requested information to the citizen.⁵⁶ This provision is powerful enough to hold back corruption in the bureaucracy. By this, policy-making will be fast, specific, well-oriented and pro-people, and will assure good governance.

5.2. Role of Law Enforcement Agencies in Ensuring Good Governance

The law enforcement agencies can assist the practice of good governance by preventing crimes from the society. But in Bangladesh, the law enforcement agencies are sometimes reluctant to play their role actively because of propensity to corruption. The following report clarifies the matter:

There are allegations that more than 1,000 members of the Dhaka Metropolitan Police (DMP), most of them with the ranks of ASIs, SIs and Inspectors, are involved in various criminal activities like mugging, extortion, drug business and harassing innocent people. Their sole objective is to earn money illegally forsaking their expected professional code of conduct. On June 20, RAB arrested an ASI of police with 6,80,000 pieces of Yaba from Lalpur in Feni district. From his note book names of several officials of DMP were found. They all are allegedly involved in the addictive drug business.⁵⁷

Again, in some cases patrolling policemen are accused for picking up innocent people into their vans, intimidating and torturing them and extorting money from them and their relatives.⁵⁸ It is to be noted that the duties of the law

⁵⁵ *Tathya Adhikar Ain* 2009.

⁵⁶ *Tathya Adhikar Ain* 2009, section 4; available at: bdlaws.minlaw.gov.bd/bangla_sections_detail.php?id=1011§ions_id=39076; accessed on 13 July 2017.

⁵⁷ Editorial, 'Role of police in good governance' *The Independent* (Dhaka, 30 June 2015); available at: www.theindependentbd.com/printversion/details/5698; accessed on 13 July 2017.

⁵⁸ *Ibid.*

enforcement agencies are to eliminate corruption, human rights violation, and other crimes from the society. It is very pathetic to see them violating laws. Moreover, the Anti-Corruption Commission⁵⁹ is not playing active role to curb the quantum of corruption from the service delivery system of the administrative bodies as well as the law enforcement agencies. Besides, extra-judicial killings by the law enforcement agencies directly thwart rule of law and good governance. Only by ascertaining accountability and transparency in the functions of the law enforcement agencies, these threats can be mitigated.

5.3. Role of Judiciary in Ensuring Good Governance

As an organ of the government, the judiciary has a huge role to play for ensuring good governance. An independent judiciary is the touchstone of good governance. The Constitution ensures the separation of judiciary from the executive.⁶⁰ It has been stated that subject to the provisions of this Constitution, the Chief Justice and the other Judges of the Supreme Court of Bangladesh shall be independent in the exercise of their judicial functions.⁶¹ In parallel, it has been mentioned that subject to the provisions of the Constitution, all persons employed under in the judicial service and all magistrates shall be independent in the exercise of their judicial functions.⁶² The said provisions guarantee independence of judiciary. But absolute judicial independence has not yet been attained in Bangladesh. The appointments of judges to the subordinate courts,⁶³ the power of posting, promotion and grant of leave to the judicial officers are vested upon the President.⁶⁴ In this way, the judiciary is dependent on the executive which is restraining good governance. The Supreme Court uses its power of Judicial Review⁶⁵ to declare any unconstitutional function *ultra vires*. It is significant to ensure good governance. Furthermore, the Constitution guarantees the enforcement of fundamental rights,⁶⁶ and by this, it alleviates the practice of good governance. Therefore, the role-playing of the judiciary to ensure good governance in Bangladesh can be listed as follows:

- Enforcing fundamental rights,
- Using the power of judicial review,
- Entertaining public interest litigation,
- Exercising judicial activism,

⁵⁹ *Durneeti Daman Commission Ain 2004*, section 3.

⁶⁰ *Constitution of Bangladesh*, article 22.

⁶¹ *Constitution of Bangladesh*, article 94(4).

⁶² *Constitution of Bangladesh*, article 116A.

⁶³ *Constitution of Bangladesh*, article 115.

⁶⁴ *Constitution of Bangladesh*, article 116.

⁶⁵ *Constitution of Bangladesh*, article 102.

⁶⁶ *Constitution of Bangladesh*, article 44(1).

- Exercising advisory jurisdiction.⁶⁷

5.4. Role of Media in Ensuring Good Governance

Good governance is achievable by lettered participation of the members of the society. To ensure this, the media is considered as a powerful means.⁶⁸ The role of media in good governance is indispensable. Media disseminates information, scrutinizes the activities of the government. In this way, the citizens get to know about the functioning of the government, and the government becomes aware of the predicaments which are being faced by the people. Thus, the government gets chance to correct any policy if it goes against the popular choice. Acting as a watchdog, the media plays pertinent role to promote transparency, accountability, and public scrutiny by highlighting policy failures, maladministration, and corruption by the public officials and corporate sectors.⁶⁹ But to do this, the media needs to be independent. An independent media only finds its existence in a democracy. In a democratic polity, where the people, the mass media, and the policy-makers act together – good governance results in. Besides, free and independent media facilitates good governance as it plays active role in the process of national elections. The media probes the activities of the elected representatives and report it in public. Thus, the citizens become able to judge the representations which help them to elect qualified representatives next time. Again, the media acts for exchanging the views among different stake holders of the society to beef up good governance. However, the media frustrates the citizens if it acts in an engineered way. When the media works in connivance with the government, no purpose is achieved at all but vitiating good governance. Moreover, news from the media is to be objective, fair and impartial – it needs to keep distance from advertisements. Paid news menaces good governance by affecting democracy.⁷⁰ Sometimes the media depicts partiality to its political allies which deteriorates its transparency and causes the loss of public confidence. Therefore, the reciprocity between the media and politics needs to be fair and unbiased to stimulate good governance.

⁶⁷ Islam, note 54, pp 261-278.

⁶⁸ Anothai Udomsilp, 'The Role of Media in Promoting Good Governance'; available at: www.aibd.org.my/node/1228; accessed on 14 July 2017.

⁶⁹ George A Donohue, Philip Tichenor et al, 'A Guard Dog Perspective on the Role of the Media' (1995), *Journal of Communication* 45(2), 115-128 as cited in P Ashraf, 'The Role of Media in Good Governance: Paid News Culture of Media and the Challenges to Indian Democracy' (2014), *International Research Journal of Social Sciences* Vol. 3(3), p 42; available at: www.isca.in/IJSS/Archive/v3/i2/8.ISCA-IRJSS-2014-20.pdf; accessed on 14 July 2017.

⁷⁰ P Ashraf, 'The Role of Media in Good Governance: Paid News Culture of Media and the Challenges to Indian Democracy' (2014), *International Research Journal of Social Sciences* Vol. 3(3), p 43, para (2-3); available at: www.isca.in/IJSS/Archive/v3/i2/8.ISCA-IRJSS-2014-20.pdf; accessed on 14 July 2017.

5.5. Role of Civil Society in Ensuring Good Governance

Civil society is an important aspect of democratization process because it provides a vital link between citizens and the State. It also provides environment that can be used to enhance the cohesion between communities as well as decision-making.⁷¹ Civil society is therefore seen as an increasingly important agent for promoting good governance.⁷² Civil Society Organizations (CSOs) provide information that is vital for the development of appropriate policies to the community. CSOs, as watchdogs, put pressure on the government to ensure proper policies are being taken and implemented. In the implementation of policies, CSOs monitor the application of the laws, and where compatible with community interests, design programs that complement rather than undermine or contradict government policies.⁷³ CSOs make the people aware of important issues, play a vital role in mediating to resolve conflict, and monitor conducts in the elections. Thus, public awareness is raised if there is any abuse of power by the State officials.⁷⁴ The functional contribution of civil society to good governance may be listed as:

- Watchdog – against violation of human rights and governing deficiencies,
- Advocate – of the weaker section's point of view,
- Agitator – on behalf of aggrieved citizens,
- Educator – to citizens on their rights and duties and of the government about the pulse of the people,
- Service provider – to areas and people not reached by government agents,
- Mobilizer – of public opinion for or against a program or policy.⁷⁵

⁷¹ A Arko-Cobbah, 'The Role of Civil Society in Ensuring Good Governance: Challenges Facing Public Libraries in Africa' (2004) *The International Society for Third Sector Research (ISTR) Sixth International Conference* (Ryerson University and York University, Toronto, Ontario, Canada); available at: at.yorku.ca/c/a/1/1/56.htm; accessed on 14 July 2017.

⁷² Aisha Ghaus-Pasha, 'Role of Civil Society Organizations in Governance' (2004) *6th Global Forum on Reinventing Government Towards Participatory and Transparent Governance* (2005, Seoul, Republic of Korea), p 3, para 5; available at: unpan1.un.org/intradoc/groups/public/documents/un/unpan019594.pdf; accessed on 14 July 14, 2017.

⁷³ Ibid, p18, para 4.

⁷⁴ 'What Civil Society Can Do to Develop Democracy' (2004), *Presentation to NGO Leaders* (Convention Center, Baghdad); available at: web.stanford.edu/~ldiamond/iraq/Develop_Democracy_021002.htm; accessed on 14 July 2017.

⁷⁵ PK Doraiswamy, 'The Role of Civil Society in Good Governance' *The Hindu* (India, updated 20 July 2011); available at: www.thehindu.com/todays-paper/tp-features/tp-openpage/the-role-of-civil-society-in-good-governance/article2276002.ece; accessed on 14 July 2017.

By making the State more accountable, responsive, inclusive, and effective at all levels, a robust civil society promotes citizen's positive engagement with it,⁷⁶ thus parliamentary democracy becomes participative democracy.⁷⁷

6. Recommendations

The following recommendations may be considered to ascertain the practice of good governance in Bangladesh:

- Corruption needs to be extirpated from the decision-making sectors.
- It is important to ensure accountability and transparency in the organs of the government.
- Independence of Judiciary should be ascertained to safeguard rule of law.
- The ruling party and the opposition should act harmoniously for the citizens.
- The bureaucracy needs to be impartial, fair and efficient.
- The law enforcement bodies must be fair and pro-people.
- The media needs to be the voice of the people.
- The civil society should surveil the functions of the government continuously.

7. Conclusion

A colossal nexus exists between good governance and the protection of human rights as both the notions are mutually reinforcing. Human rights principles provide a set of values to guide the functions of the government, whereas, good governance elevates respect for the value of human rights. The combination of these transforms a state into a welfare state. Again, the implementation of human rights depends on such ambience of political, managerial and administrative processes which can only be entertained by practicing good governance. Therefore, it is submitted that protection of human rights is guaranteed through ensuring good governance in Bangladesh.

⁷⁶ STANFORD, note 74.

⁷⁷ Doraiswamy, note 75.