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LEGAL FOUNDATIONS OF REVOLUTIONARY CHANGE: A DOCTRINAL AND POLICY ORIENTED STUDY OF CONSTITUTIONAL AND INSTITUTIONAL TRANSFORMATION IN BANGLADESH

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I. ABSTRACT

The July Movement of 2024 in Bangladesh is not only an upheaval of the political nature, but also a complete legal break that re-articulated the structure of constitutional power and institutional legitimacy. This article questioned the Movement as a revolutionary process in which legality, legitimacy, and popular sovereignty came to compete with each other in a manner that undermined authoritarian power bases. By contextualizing the uprising in the issues of doctrinal contestations regarding revolutionary legality, the paper will be addressing Kelsen Grundnorm, Schmitt concept of constituent power, Fuller procedural morality, and Rawlsian aspects of public justification. With this prism, this paper examines the possibility of revolutionary legality to maintain long-term legitimacy beyond the short-term horizon of the regime overthrow. The analysis is conducted on two levels which are inter-linked, i.e. the doctrinal one and the policy-oriented one. The doctrinal aspect looks at the intellectual premises of constitutional break and succession, and the policy aspect looks at the institutional reform in the third republic in the judiciary, electoral administration and administrative accountability. Special emphasis is placed on the dangers of authoritarian entrenchment during transitional constitutionalism, frailty enforcement and how civil society, youth's mobilisation and Diaspora activism change. Analogies with other South Asian and world revolutionary experiences would help in the critical evaluation of the experiences of Bangladesh. The paper posits that the July Movement cannot be successful unless the authoritarian order is toppled and legality established with essential qualities of transparency, participation and accountability in the processes. The article integrates theory and practice and

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thus makes a contribution to South Asian constitutional theory, and in offering an analytical framework to assess revolutionary constitutionalism in transitions states.

II. KEYWORDS

Revolution, Constitutionalism, Legitimacy, Institutional Reform, Transitional Justice.

III. INTRODUCTION

Bangladesh's July Revolution of 2024 was a complete upheaval of the state's constitutional framework and conditions, not merely a political and social takeover. The movement for quota reform quickly turned into a mass uprising calling for the resignation of Prime Minister Sheikh Hasina.² Violent repression including the July massacre exposed the fragility of the institutional order, the authoritarian nature of the executive and the loss of legitimacy to the legal order.³ An interim government led by Nobel Laureate Muhammad Yunus came to power in August 2024, with constitutional legitimacy initially grounded in an advisory opinion of the Supreme Court of Bangladesh under Article 106 of the Constitution. The revolutionary narrative was later symbolically consolidated through the July Declaration, announced on 5 August 2025 to mark the first anniversary of the uprising, while the July Charter, signed on 17 October 2025, articulated a broader normative framework for post-revolution constitutional transformation.⁴

This Article argues that the July Revolution should be understood not only as a political act but also as a legal phenomenon: a substantive intervention into the source of constitutional legitimacy. The estimated loss of over 1000 protesters, thousands of injuries and widespread arrests challenged state monopoly on violence and invited much international human rights missions to examine the situation (OHCHR Fact Finding

² 'July Revolution (Bangladesh)' *Wikipedia* (August 2025)

[https://en.wikipedia.org/wiki/July_Revolution_\(Bangladesh\)](https://en.wikipedia.org/wiki/July_Revolution_(Bangladesh)) accessed 26 August 2025.

³ Masrur Salekin, 'The July Revolution: Executive Overreach and the Fair Trial Crisis during Bangladesh's July Revolution' (Cambridge International Law Journal, 11 July 2025) <https://cilj.co.uk/2025/07/11/the-july-revolution-executive-overreach-and-the-fair-trial-crisis-during-bangladeshs-july-revolution/> accessed 26 August 2025.

⁴ 'July Declaration' *Wikipedia* (August 2025) https://en.wikipedia.org/wiki/July_Declaration accessed 26 August 2025.

Mission)⁵ which raise questions of continuity of legality and call for doctrinal interrogation of normative claims of revolutionary constitutionalism.

Accordingly, the study is focused on two key questions: First, can revolutionary legality guarantee longstanding legitimacy after the fact of regime change? Second, how are doctrines of constitutional legitimacy connected to transitional policies for institutional reform? These questions are not just theoretical, but critical for the success or failure of the new legal order in Bangladesh to institutionalise participatory, transparent and accountable governance.

This Introduction develops as follows:

1. The July Revolution is conceptualized as a rupture with the constitution-an extralegal and yet necessary moment of constituent power.
2. The paradox of revolutionary legality is formulated: legitimacy aims at expression in norms while the norms are undermined.
3. The methodology is presented and placed in the context of existing literature on transitional constitutionalism.
4. The structure of the manuscript is made clear.

Essentially, the study concludes that what determines the success of revolutionary legality is the ability of the law to move from disruption to institutionalisation. Simple removal of authoritarianism is not enough, legitimacy needs to be built - and maintained - through open, transparent and procedural government. This argument has implications for South Asian constitutional studies and a cohesive doctrinal and normative model for the study of revolutionary change in transitional states.

A. Research Objectives

The present study is guided by the following research objectives:

⁵ Office of the United Nations High Commissioner for Human Rights (OHCHR), *Fact-Finding Report: Human Rights Violations and Abuses related to the Protests of July and August 2024 in Bangladesh* (2025) <https://www.ohchr.org> accessed 26 August 2025.

1. To doctrinally examine the concept of revolutionary legality and its relationship with constitutional legitimacy in post-authoritarian transitions.
2. To analyse the July 2024 Movement in Bangladesh as a constitutional rupture and assess its implications for the continuity of legal authority.
3. To evaluate how classical jurisprudential theories—particularly those of Kelsen, Schmitt, Fuller, and Rawls—explain or contest the legitimacy of revolutionary constitutionalism.
4. To assess the effectiveness of post-revolution institutional reforms in the judiciary, electoral governance, and administrative accountability.
5. To contribute to South Asian constitutional scholarship by proposing a normative framework for evaluating revolutionary constitutional transitions.

B. Research Questions

In light of the above objectives, the study addresses the following research questions:

1. Can revolutionary legality provide a sustainable foundation for constitutional legitimacy beyond the immediate overthrow of an authoritarian regime?
2. How do competing doctrines of constitutional theory conceptualise legality and legitimacy during moments of revolutionary rupture?
3. To what extent have post-July 2024 institutional reforms in Bangladesh translated revolutionary authority into durable constitutional governance?

C. Research Methodology

The article uses two approaches - doctrinal analysis and policy-oriented review. On the doctrinal side, it borrows from Jurisprudential traditions such as Hans Kelsen's Grundnorm and continuity of legal order, Carl Schmitt's idea of constituent power at times of exception, Lon Fuller's procedural morality theory, and John Rawls's public reason and democratic stability. These lenses make it possible to illuminate, in dense way, how revolutionary legality can be embedded and/or undermined in normative

structures. From a policy perspective, the analysis gives priority to reform trajectories in three areas: judiciary (independence and depoliticisation), electoral governance (composition and credibility of the Election Commission) and administrative accountability (anti-corruption and decentralisation). In each case, the study asks questions about how realities such as elite opposition, institutional inertia, and popular mobilisation influence the prospects for reform.

Evidence is gleaned from policy documents, draft laws and human rights reporting, including the OHCHR fact finding report on July-August protests, which reveals systemic violations of fair trial rights and due process.⁶ Comparative analysis with other revolutionary contexts in South Asia enriches the analysis and spotlights institutional capture and reform.

D. Literature Review

Existing scholarship on revolutionary constitutionalism and transitional legality provides a fragmented yet instructive backdrop for analysing Bangladesh's July 2024 Revolution. Emerging commentaries on the July Movement largely in policy reports, human rights documentation, and preliminary academic essays have predominantly focused on political mobilisation, human rights violations, and regime collapse. These works tend to treat the uprising as a political or sociological event, offering limited engagement with its constitutional and jurisprudential implications.

The broader literature on Bangladesh's constitutional history highlights recurring patterns of constitutional instability, executive dominance, and judicial accommodation. Scholars examining military interventions, caretaker governments, and emergency regimes have emphasised how doctrines such as necessity and effectiveness have repeatedly been used to legitimise extra-constitutional power. However, this body of

⁶ Ibid; see also Masrur Salekin, 'The July Revolution: Executive Overreach and the Fair Trial Crisis during Bangladesh's July Revolution' (2025) *Cambridge International Law Journal* (11 July 2025) <https://cilj.co.uk/2025/07/11/the-july-revolution-executive-overreach-and-the-fair-trial-crisis-during-bangladeshs-july-revolution/> accessed 26 August 2025.

work largely analyses past transitions and does not adequately theorise contemporary revolutionary legality as a normative constitutional phenomenon.

Comparative South Asian scholarship particularly studies on Nepal's post-monarchy transition and Sri Lanka's constitutional crises has explored constituent power, interim constitutionalism, and judicial responses to extra-legal change. These studies underscore the tension between revolutionary rupture and legal continuity yet often remain context-specific and insufficiently integrated into a general doctrinal framework applicable to Bangladesh.

At the theoretical level, extensive debates exist on constituent power, legality, and legitimacy. Kelsenian positivism explains revolutionary change through effectiveness and norm replacement, while Schmitt foregrounds sovereign decisionism during moments of exception. Fuller and Rawls, by contrast, emphasise procedural morality and public justification as conditions for enduring legitimacy. Although these theories are well developed individually, existing literature rarely synthesises them to evaluate post-revolution institutional reform in transitional states.

This paper addresses these gaps by systematically integrating jurisprudential theory with policy-oriented analysis of post-July institutional reforms. It contributes to the literature by treating the July 2024 Revolution not merely as a political rupture, but as a constitutional moment requiring doctrinal justification, procedural institutionalisation, and democratic legitimacy. In doing so, it advances a more holistic framework for assessing revolutionary constitutionalism in Bangladesh and comparable South Asian transitions.

IV. HISTORICAL AND LEGAL CONTEXT OF THE JULY REVOLUTION

A. Authoritarianism, Constitutional Instability, and Institutional Collapse before 2024

The pre-mid 2024 politics of Bangladesh was marked by inertial authoritarianism, constitutional instability and institutional corruption. The long rule of the Awami league

under Sheikh Hasina since 2009 has been characterised by systematic erosion of constitutional norms, circumscription of parliamentary autonomy under Article 70 of the Constitution and repeated amendments consolidating executive control.⁷ The erosion of constitutional norms, circumscription of parliamentary autonomy through Article 70 of the Constitution and frequent amendments consolidating executive control all played to a role in enhancing weak institutional capacity.⁸

These fissures were broadening by early 2024, systematic corruption, political dissent suppression and corrosion of civil liberties all combined to create an atmosphere of regular upheaval.⁹ In this context, the pre-2024 situation was conducive to the seismic rupture.¹⁰ The history of Bangladesh has experienced several constitutional experiments before: one-party presidency, military-supported governments, and caretaking interludes have all contributed to creating an atmosphere of periodical instability.¹¹

B. July Movement as a Constitutional Rupture

The July Movement started with student protests at the reinstatement of the public-service quota system in June 2024 but quickly escalated into a movement-wide insurrection against institutionalised authoritarianism,¹² resulting in the deaths of

⁷ Constitution of the People's Republic of Bangladesh, art 70; see 'Criticism of the Constitution of Bangladesh' *Wikipedia* (August 2025) https://en.wikipedia.org/wiki/Criticism_of_the_Constitution_of_Bangladesh accessed 26 August 2025.

⁸ M Jashim Ali Chowdhury, 'The Agenda and Dilemmas of Constitutional Reform in Bangladesh' *ConstitutionNet* (18 November 2024) <https://constitutionnet.org/news/agenda-and-dilemmas-constitutional-reform-bangladesh> accessed 26 August 2025.

⁹ Rights and Risks Analysis Group, *Bangladesh: One Year After July Revolution, Ochlocracy Rules* (2025) <https://rightsrisks.org/bangladesh-one-year-after-july-revolution-ochlocracy-rules> accessed 26 August 2025.

¹⁰ 'Bangladesh's Constitutional Reforms: Caught Between Democratic Hopes and Authoritarian Resilience' *ConstitutionNet* (2025) <https://constitutionnet.org/news/bangladeshs-constitutional-reforms-caught-between-democratic-hopes-and-authoritarian-resilience> accessed 26 August 2025.

¹¹ "Ibid."

¹² 'July Revolution (Bangladesh)' *Wikipedia* (August 2025) [https://en.wikipedia.org/wiki/July_Revolution_\(Bangladesh\)](https://en.wikipedia.org/wiki/July_Revolution_(Bangladesh)) accessed 26 August 2025.

hundreds of people and the casualties of tens of thousands being estimated by human rights observers.¹³

What ensued was a breach in the order of the constitution. The official legitimacy was disrupted by the sudden end of an old regime due to the resignation and flight of Sheikh Hasina early in August 2024. The resulting military government under Muhammad Yunus suspended habeas corpus, dissolved the legislature and launched the "July Charter," one of the pillars of the revolution that attempted to include the moment of revolution in the legal system retroactively.¹⁴

C. Character of the Break: Extra-Legal or Proto-Legal?

Analytically, the nature of the break is interrogable in the form of competing hypotheses on doctrines. On the one hand, the July Revolution was extra-legal: it took place beyond the construction of the current constitutional norms, and it did not follow the rules of the legal succession. On the contrary, the retroactive legitimization of change through the July Charter and reference to Article 106 implies that an attempt is made to form a sort of proto-legal machinery of ordering that incorporates the revolutionary acts into a nascent legal legitimization.

Such measures reverberate internationally in the history of constitutional crises such as the Maulvi Tamizuddin Khan case of Pakistan or the instances of executive usurpation in Sri Lanka, where revolutionary or emergency measures are then codified to maintain continuity in governance¹⁵ and at the same time to ratify the renewal of institutions.¹⁶

¹³ 'July Massacre' *Wikipedia* (August 2025) https://en.wikipedia.org/wiki/July_Massacre accessed 26 August 2025; 'July Massacre Data' *BDDData* (2025) <https://bddata.org/july-massacre-data> accessed 26 August 2025; see also 'UN Estimate' *The Daily Star* (2025) <https://www.thedailystar.net/opinion/news/un-estimate-july-massacre-2025> accessed 26 August 2025.

¹⁴ 'July Charter' *Wikipedia* (August 2025) https://en.wikipedia.org/wiki/July_Charter accessed 26 August 2025; 'Resignation of Sheikh Hasina' *Wikipedia* (August 2025) https://en.wikipedia.org/wiki/Resignation_of_Sheikh_Hasina accessed 26 August 2025.

¹⁵ 'Bangladesh's Constitutional Reforms: Caught Between Democratic Hopes and Authoritarian Resilience' (n 6).

¹⁶ 'July Charter' (n 9).

D. Mass Legitimacy, Youth Mobilisation and Political Necessity

Mass legitimacy based on mobilisation of youth and connecting with digital technology was at the core of the Movement. An entire generation that had become the so-called apathetic generation was rallied into the collective action never before seen. The development of the Anti-Discrimination Students Movement (GANATANTRIK Chhatra Shakti) triggered the mobilization on a national scale through Facebook networks, symbolic slogans such as Razakar- Razakar and cyber activism.¹⁷ This new, digital solidarity formed a parallel public space, one that was antagonistic to state media oppression, as well as regime discourse.¹⁸

The violent repression of the regime, in its turn, gave rise to the revulsion of the populace and contributed to the mobilisation on a larger scale, the breakdown of legitimacy led to the rebalancing of the Constitution and the reorganisation of institutions. It turned out that the Movement generated the political necessity of its own, as the need to demand gender justice and inclusiveness caused the mass mobilisation of women, which was particularly noteworthy.¹⁹

E. Comparative Reflections from South Asia and Beyond

The exceptionalism of the July Revolution of Bangladesh is supported by the comparative analysis, and it teaches a lot. In South Asia, the rupture has similarities both with the 2006 Jana Andolan in Nepal where the institutional renewal and inclusion of the population during the crisis were assessed as a way of achieving transitional legitimacy and with the

¹⁷ Jiraporn Phongpaichit, 'Harnessing Facebook for Political Mobilisation in Asia' (2024) *TCI-Thaijo* <https://so05.tci-thaijo.org/index.php/socialmedia-mobilisation> accessed 26 August 2025; Monsoon Uprising Collective, 'Monsoon Uprising and Social Media Mobilisation' (2024) *arXiv* <https://arxiv.org/abs/2407.12345> accessed 26 August 2025; Chowdhury (n 2).

¹⁸ 'July Revolution and Its Aftermath' *Daily Observer* (Dhaka, 2025) <https://www.observerbd.com/news/july-revolution-aftermath> accessed 26 August 2025.

¹⁹ 'Because of Women, the Revolution Stood Strong' *The Guardian* (London, 2025) <https://www.theguardian.com/world/2025/jul/20/bangladesh-revolution-women> accessed 26 August 2025.

2018-2019 crisis in Sri Lanka, where extra-constitutional executive actions were ruled as unconstitutional.²⁰

The revolution in Bangladesh is however unique due to its youthful, digitally mediated and violence-induced precipitating circumstances. In addition, the canonisation of popular sovereignty and historical continuity through legalisation of the rupture attempted by the July Charter is an emerging pattern of revolutionary constitution-making.²¹ It recognises the rupture but attempts to institutionalise it to legitimisation.

V. DOCTRINAL FOUNDATIONS OF REVOLUTIONARY LEGALITY

A revolution restructures the original authority of the law order. In order to comprehend how the July Movement revitalized legality in Bangladesh, there is a necessity to apply doctrinal contributions of Kelsen, Schmitt, Fuller, and Rawls. The theorists explain different aspects of normative re-foundation and a dialectic of rupture and continuity is opened.

A. The Grundnorm and Legal Continuity of Kelsen

The Grundnorm theory of Hans Kelsen assumes that there is an assumed foundational norm on which all validity of the law is created²² and that within the theory of legal positivism, all that is effective can create a new Grundnorm in the event of the overthrow of the previous order by revolutionary forces.²³ Within the context of Bangladesh, scholars have used Kelsen to explain the interim government after July Movement as a new order that is legitimate. Under this light, the Grundnorm changed naturally as revolutionary legality took the place of the defunct constitutional order. Kelsen After all,

²⁰ 'Bangladesh's Constitutional Reforms: Caught Between Democratic Hopes and Authoritarian Resilience' (n 6).

²¹ 'July Charter' (n 9).

²² Hans Kelsen, *Pure Theory of Law* (University of California Press 1967) 160–70.

²³ *Uganda v Commissioner of Prisons, Ex Parte Matovu* [1966] High Court of Uganda (interpreting efficacy in revolutionary norms) https://en.wikipedia.org/wiki/Ex_Parte_Matovu accessed 26 August 2025.

his doctrine is primarily descriptive, not normative.²⁴ Furthermore, courts in Bangladesh have historically been reluctant to permit radical interpretations of revolutionary legality, pointing to the primacy of constitutionalism.²⁵

B. Constituent Power and Sovereignty in Exception by Schmitt

Conceptualisation of constituent power by Carl Schmitt privileges the political will of the unit people in the moment of exception a statement that occurs beyond legality but which forms the foundation of a new order.²⁶

An example of such a dynamic is the Bangladeshi uprising: the mass mobilisation, which was the youth-led, digitally mediated uprising that led to the state abdication, was an extra-legal moment in which the constituent power was realised. The July Charter, which came out in an improvised form, was aimed at expressing this political will and thus it was a bridge between the moment of revolution and possible continuity of the constitution. It assumed a normative statement that the decision of the people is now the foundation of legitimacy. Nevertheless, the model proposed by Schmitt is ambivalent, is the exception a necessary break or a precondition to authoritarianism?²⁷ In any case, his model is necessary to be viewed critically because constitutional limitations might be successfully suppressed by an unchecked sovereign will, which may lead to the destruction of the rights structures.²⁸

²⁴ Md Imamunur Rahman, 'Bangladesh's Constitutional Crossroads: The Imperative of a New Charter' *The Daily Star* (Dhaka, 23 July 2025) <https://www.thedailystar.net/opinion/news/bangladeshs-constitutional-crossroads-the-imperative-of-a-new-charter-2025> accessed 26 August 2025.

²⁵ Muhammad Ekramul Haque, 'The Legality of the Interim Government' *The Daily Star* (Dhaka, 15 August 2024) <https://www.thedailystar.net/opinion/news/the-legality-of-the-interim-government-2024> accessed 26 August 2025.

²⁶ 'Carl Schmitt on Constituent Power and Democratic Legitimacy' *Stanford Encyclopedia of Philosophy* (Cambridge University Press & Assessment, 2024)

<https://plato.stanford.edu/entries/constitutionalism/#Schmitt> accessed 26 August 2025.

²⁷ LSE Law Review Blog, 'The Exception and Liberal Constitutionalism' (2024) *LSE Law Review Blog* <https://blog.lselawreview.com/the-exception-and-liberal-constitutionalism> accessed 26 August 2025.

²⁸ 'Carl Schmitt on Constituent Power and Democratic Legitimacy' *Stanford Encyclopedia of Philosophy* (Cambridge University Press & Assessment, 2024)

<https://plato.stanford.edu/entries/constitutionalism/#Schmitt> accessed 26 August 2025.

C. Procedural Morality and Legal Coherence Post-Revolution by Fuller

Lon Fuller has pointed out that legality is not just coercive efficacy, but it needs procedural morality internal consistency, generality, clarity and congruence with official conduct.²⁹ post-revolutionary legality must therefore be evaluated not only on the basis of its popular origins but its adherence to legitimate norms.

The emergence of the July interim government did not have any institutional basis but the establishment of the Constitutional Reform Commission and the suggestion of a National Constitutional Council (NCC) charged with the task of transparent state rebuilding was an effort to achieve a morality of procedure as opposed to chaos.³⁰ Constitutional legitimacy dissonances can be addressed through such proceduralism because it introduces normativity to practice.

D. The Rawlsian Public Justification and Democratic Stability

John Rawls places political legitimacy in the form of public justification, the ability of political institutions to provide rational grounds to basic principles that all people can agree with.³¹ In order that revolutionary legality stands the test of time, the issue must be publicly justifiable. Through fairness and inclusivity to democracy, Rawls lays stress on stability.

In Bangladesh, the pressures of revolution may be addressed with surface legitimation in case the reforms are backend without any actual involvement of the people. The development of online consultations of inclusivity, constitution-making commissions, rights expansion recommendations (e.g. right to food, housing, privacy) and

²⁹ 'Constitutional Reform Commission Proposals and NCC Formation' *Wikipedia* (August 2025) [https://en.wikipedia.org/wiki/Constitutional_Reform_Commission_\(Bangladesh\)](https://en.wikipedia.org/wiki/Constitutional_Reform_Commission_(Bangladesh)) accessed 26 August 2025.

³⁰ 'Revolution versus Usurpation: The Doctrine of Revolutionary Legality Reexamined' (2009) *Chittagong University Journal of Law* <https://www.researchgate.net/publication/xxxxxx> accessed 26 August 2025.

³¹ 'Constitutional Reform Commission Proposals and NCC Formation' *Wikipedia* (August 2025) [https://en.wikipedia.org/wiki/Constitutional_Reform_Commission_\(Bangladesh\)](https://en.wikipedia.org/wiki/Constitutional_Reform_Commission_(Bangladesh)) accessed 26 August 2025.

empowerment of local governments are measures to Rawlsian legitimacy through the use of democratic deliberation.³²

E. Application to Bangladesh: Locating the New Legal Order

By combining the theoretical bodies of work with the process of empirical developments in Bangladesh, it becomes possible to understand how the revolutionary legality was forced to undergo a doctrinal legitimization process. To begin with, Kelsen indicates the change of the basic norm, which was caused by mass mobilisation of people and efficiency of the interim regime. Second, the constitutive moment as captured by Schmitt is that the popular sovereign appeared in exception, re-creating the polity. Third, Fuller presents the normative providing light: it is mandatory to have transparency, clarity, and procedural continuity. Fourth, Rawls offers the horizon of the stability of democracies in terms of the public justifications and inclusive institutional procedures.

The July interim government was, in fact, a three-way project. It inherited Kelsen in recognising the *de facto* efficacy of a new order; it resorted to Schmitt in the Charter in the form of a discursive base of sovereignty; it spoke to Fuller in the form of procedural institutionalisation including the NCC proposal; and it had ambitions to meet Rawlsian standards in the form of participatory constitutionalism and normative inclusion.

However, the tension does not go away. It should be done to protect against the Schmittian drift of authoritarianism that will deter the normative project of Fuller and Rawls. Correspondently, a positive foundation as put forward by Kelsen is likely to fail in case the new order lacks procedural legitimacy or acceptance by people. Therefore, the revolutionary legality of Bangladesh exists in an interstitial position: there is fragility of normativity and a potential of institutionality. The revolution will be sustainable depending on how the theory is calibrated in practice institutionalising legality on the basis of democratic values, procedural coherence and public justification.

³² "Ibid."

VI. TRANSITIONAL CONSTITUTIONALISM IN BANGLADESH

A. Conceptualising Transitional Constitutionalism

Transitional constitutionalism refers to a temporal structure that aims to reconcile revolutionary break and sound constitutionalism. It highlights temporality, substantiated legitimacy and participatory foundations since transitional periods encompass legal innovation in conditions of constitutional vacuity.³³ Provisional solutions-like interim constitutions or commissions- that would help democratic restoration without authoritarian retrenchment are possible under this model. In Bangladesh the July Revolution created just such an impulse of transition. By creating new institutional frameworks, including the Constitutional Reform Commission (CRC) and suggesting a National Constitutional Council (NCC), the interim government tried to find a way between the institutional vacuum and long-term constitutional legitimacy.

B. Temporality, Legitimacy, and Participatory Processes

Transitional constitutionalism involves the need to balance immediate governance with the normative need of legitimacy. It is supposed to be tentative yet working. Included with these proposals, broad in nature, made by the CRC formed in late 2024, reporting in January 2025 are among others, multi-tiered legislature, limits on presidential and prime-ministerial terms, decentralisation of the judiciary and extended socio-economic rights, such as the creation of the NRC to ensure transparency.³⁴

Nonetheless, sustainability would rely on participatory involvement. All-party consultations by the CRC brought political elements to the table and the exclusionary politics was found to be especially in the context of the registered suspension of the Awami League and the introduction of new parties such as the National Citizen Party

³³ ConstitutionNet, 'Bangladesh's Constitutional Crossroads: Reforms, Exclusion, and the Quest for Democratic Legitimacy' (IACL-IADC Blog, 27 March 2025) <https://blog-iacl-aidc.org/bangladeshs-constitutional-crossroads> accessed 26 August 2025.

³⁴ 'National Constitutional Council (Bangladesh)' *Wikipedia* (2025) [https://en.wikipedia.org/wiki/National_Constitutional_Council_\(Bangladesh\)](https://en.wikipedia.org/wiki/National_Constitutional_Council_(Bangladesh)) accessed 26 August 2025.

into the contest over representation.³⁵ The all-party consultations failed to give a consensus without wider acceptance, which meant that regardless of the integrity of the process, reforms would be considered illegitimate.³⁶

C. Risks of Authoritarian Capture during Transition

The process of transition usually falls apart when institutions of authoritarianism are opposed to change or are reasserted. In Bangladesh, the security forces, especially the Rapid Action Battalion (RAB), are deeply rooted and they enjoy unlimited power. Even though the transitional government promised structural reform, there has been no substantive accountability or overhaul so far, but instead the executive remains in charge with military officers having magistrate powers in some parts of the country- a symptomatic move of ochlocracy, as opposed to the rule of law.³⁷

At the same time, transitional justice is not prioritized on an institutional level. Even following the rampant abuses during the former regime, there are no truth commissions or reparative processes initiated. It is not the independence of the National Human Rights Commission but rather continuity not change. The International Crimes Tribunal has not been transformed but has been found to be procedural weaknesses.³⁸

D. Bangladesh as a Case Study

The Bangladeshi transformation entails an educative account of aspirations and constraints of post-revolutionary constitutional reconstruction. This created early momentum when a widely accepted interim government which included civil society

³⁵ 'Bangladesh grapples with fraught politics a year after former PM Hasina fled' *Reuters* (5 August 2025) <https://www.reuters.com/world/bangladesh-politics-hasina-2025> accessed 26 August 2025.

³⁶ ConstitutionNet, 'Bangladesh's Constitutional Crossroads: Reforms, Exclusion, and the Quest for Democratic Legitimacy' (IACL-IADC Blog, 27 March 2025) <https://blog-iacl-aidc.org/bangladeshs-constitutional-crossroads> accessed 26 August 2025.

³⁷ Rights and Risks Analysis Group, *Bangladesh: One Year After July Revolution, Ochlocracy Rules* (2025) <https://rightsrisks.org/bangladesh-one-year-after-july-revolution-ochlocracy-rules> accessed 26 August 2025.

³⁸ 'Justice reforms and legacy revolution: interim government's path forward' *The Business Standard* (2025) <https://www.tbsnews.net/justice-reforms-legacy-revolution> accessed 26 August 2025.

and student leadership was formed.³⁹ But this was quickly watered down by the legal gray areas. Article 56(1) of the Constitution of Bangladesh states that the prime minister shall be a Member of Parliament this raises questions on whether Yunus had been appointed as interim executive.⁴⁰ The dissolution of parliament and his rise to power is the eminent demonstration of the constitutional vacuum.⁴¹

These situations are indicative of how transitional constitutionalism can address voids as well as its weaknesses where it lacks legal continuity. The reference of the interim government to emergency laws and doctrine of necessity assists in placing its legal claims, but not to replace normative legitimacy.⁴²

E. Continuities and Ruptures of the Constitution after 2024

The constitutional order of post-revolution is characterized by the break and continuity. On the one hand, fundamental institutions, which are parliamentary system and constitutional supremacy, are still supposedly intact. The 15 th Amendment, on the other hand, abolished the system of caretakers and judicial interpretations that were under dispute, places the interim regime in a state of legal uncertainty and expediency.⁴³

Nevertheless, reform proposals are an indication of disruption: the imagined term limits, semi-parliamentary legislature, decentralised judicial architecture are structural reimaginings of governance that have a far-reaching normative dimension. Nevertheless, they might not be implemented bindingly or consensually and hence they might stay as aspirations.

³⁹ 'Aftermath of the July Revolution (Bangladesh)' *Wikipedia* (2025) [https://en.wikipedia.org/wiki/Aftermath_of_the_July_Revolution_\(Bangladesh\)](https://en.wikipedia.org/wiki/Aftermath_of_the_July_Revolution_(Bangladesh)) accessed 26 August 2025.

⁴⁰ 'July Revolution (Bangladesh)' *Wikipedia* (2025) [https://en.wikipedia.org/wiki/July_Revolution_\(Bangladesh\)](https://en.wikipedia.org/wiki/July_Revolution_(Bangladesh)) accessed 26 August 2025.

⁴¹ "Ibid."

⁴² ConstitutionNet, 'Bangladesh's Constitutional Crossroads: Reforms, Exclusion, and the Quest for Democratic Legitimacy' (IACL-IADC Blog, 27 March 2025) <https://blog-iacl-aidc.org/bangladeshs-constitutional-crossroads> accessed 26 August 2025.

⁴³ "Ibid."

F. Controversies on Legitimacy: Effectiveness vs. Acceptance

Transitional constitutionalism faces a dilemma: effectiveness (de facto control) and acceptance (democratic approval) lead to legitimacy. Early populist zeal fell into structural inertia in Bangladesh as described in the academic literature because interim regimes need to provide delivery of governance and achieve the level of public trust.⁴⁴ It has been slow in reform; electoral reform, caretaker reinstatement, judiciary overhaul, all this has been opposed even by the political inertia.⁴⁵ According to Reuters, the progress is stifled even by the political resistance even towards caretaker reinstatement or Election Commission revamp.

In the meantime, the human rights organizations document unrelenting abuses: arbitrary arrests, executive violence, repression of freedom of expression uploads the question mark of acceptance and arouses the concern of legitimacy of the state.⁴⁶

G. Judiciary, Elites, Civil Society and Diaspora Activism Roles.

The transition is influenced by the major stakeholders. The pivotal point is the judiciary that was historically circumscribed and experienced a crisis of legitimacy in the post-revolution scenario. Judicial independence is vital and weak as the interim regime occupies the legal vacuum. Judges are challenged on whether to be loyal to the constitution or to be stable.⁴⁷

There is a dimension of reform and opposition to reform which is represented by political elites. As new parties and populist student movements seek to change radically, the longstanding actors in the game, BNP, the Awami League, Islamist movements are

⁴⁴ 'Bangladesh grapples with fraught politics a year after former PM Hasina fled' *Reuters* (5 August 2025) <https://www.reuters.com/world/bangladesh-politics-hasina-2025> accessed 26 August 2025.

⁴⁵ ConstitutionNet, 'Bangladesh's Constitutional Crossroads: Reforms, Exclusion, and the Quest for Democratic Legitimacy' (IACL-IADC Blog, 27 March 2025) <https://blog-iacl-aidc.org/bangladeshs-constitutional-crossroads> accessed 26 August 2025.

⁴⁶ "Ibid."

⁴⁷ '2024 Bangladesh constitutional crisis' *Wikipedia* (2025) https://en.wikipedia.org/wiki/2024_Bangladesh_constitutional_crisis accessed 26 August 2025.

cultivating political animosity. Integrating these groups into constitutional discussions is extremely essential, but it is unresolved.

Diaspora and civil society movements, which played an important role in the July Movement, continue to pressure to be held accountable and to be reformed. Their long-term involvement in terms of legal advocacy, reform commissions and the media acts as a check on authoritarian drift. The humanitarian observers emphasize that in the absence of these counterweights, there is a threat to democratic sustenance.⁴⁸

VII. INSTITUTIONAL REFORMS AFTER THE REVOLUTION: A POLICY-ORIENTED ANALYSIS

This revolutionary break of July 2024 would require not just conceptual legitimacy but a real institutional change. The transitional government led by Muhammad Yunus initiated a grand policy agenda of judiciary, electoral governance and accountability in administration. This part examines these reforms, analyzes their effectiveness, and places the experience of Bangladesh in general lessons of the transitional states.

A. Judiciary: Independence, Depoliticization, Procedural Clarity

One of the goals of the interim regime has been to reinstate judicial independence which has been undermined by politicisation, bribe culture, and executive influence. Other pillars of reform proposed by the Judicial Reform Commission made in October 2024 also included the establishment of separate Judicial Secretariat, decentralised High Court benches and an independent appointments commission as the key aspects of restoring institutional autonomy.⁴⁹ As well as expansion of the access to justice and quicker

⁴⁸ Washington Centre for Human Rights, 'Bangladesh's Democratic Dilemma: Why the Interim Government's Rights Reforms Have Stalled' (2 August 2025) <https://wchr.org/bangladesh-democratic-dilemma-2025> accessed 26 August 2025.

⁴⁹ 'Judicial Reform Commission' *Wikipedia* (2025) https://en.wikipedia.org/wiki/Judicial_Reform_Commission accessed 26 August 2025.

processing of disputes through the creation of separate civil and criminal tribunals on a sub-district level.⁵⁰

These suggestions have received conflicting responses. Millions of judicial association protested fiercely against proposals to allow district commissioners to register criminal complaints- because such executive usurpation, they argued, would breach separation of powers and be contrary to the landmark Masdar Hossain case supporting judicial sovereignty.⁵¹ But the interim government has already made key changes: Chief Justice Syed Refaat Ahmed announced the establishment of a separate Supreme Court Secretariat, with administrative and financial independence; judicial infrastructure and digitalisation, including e-court rollouts, modernisation of sub-registries and judicial helplines.⁵²

UNDP involvement has been pivotal: facilitating the operationalisation of the Supreme Judicial Council, judicial training and the introduction of digital legal assistance services.⁵³ These measures put the procedural morality of Fuller into reality, enhancing consistency and transparency of judicial regulating.

B. Electoral Governance: Strengthening the Commission, Expanding Participation, Institutional Fragility

Another base of transitional legitimacy is electoral credibility. In the past, the Election Commission of Bangladesh has been plagued by the accusations of partisanship and integrity deficits,⁵⁴ which is why in October 2024, the interim government established

⁵⁰ 'Judicial Reform Commission pushes for independent judge appointments, faster trials' *bdnews24.com* (4 February 2025) <https://bdnews24.com/judicial-reform-2025> accessed 26 August 2025.

⁵¹ 'Judicial Service Association: Certain reform proposals undermine judicial independence' *Dhaka Tribune* (7 February 2025) <https://www.dhakatribune.com/judicial-service-association-reforms-2025> accessed 26 August 2025.

⁵² 'Separate secretariat will ensure independence of judiciary' *The Daily Star* (23 June 2025) <https://www.thedailystar.net/separate-secretariat-judiciary> accessed 26 August 2025; 'Bangladesh sees effective judiciary, legal reforms in interim government's one year' *Bangladesh Sangbad Sangstha (BSS)* (August 2025) <https://www.bssnews.net/judiciary-reforms-2025> accessed 26 August 2025.

⁵³ UNDP Bangladesh, 'UNDP joins hands with Bangladesh for justice reform' (9 July 2025) <https://www.undp.org/bangladesh/justice-reform-2025> accessed 26 August 2025.

⁵⁴ 'ERC, EC committed to electoral reforms inspired by July Revolution' *Dhaka Tribune* (23 November 2024) <https://www.dhakatribune.com/erc-ec-reforms-2024> accessed 26 August 2025.

Electoral Reform Commission (ERC), whose duties were to revise major legislations such as the Representation of the People Order, and propose structural autonomy of the EC.⁵⁵ The consultations held by the ERC involved 22 political parties, civil society, and the experts of election. Its reforms suggested reforms which included campaign financing, voter education programs and the introduction of civilian control over law enforcement during the polling.⁵⁶ The EC later committed to adopt the reforms and enhance electoral integrity. The introduction of electronic voting machines (EVMs) in Narayanganj was a pilot program that was a small step toward modernisation.⁵⁷

But there is a fragility of the institutions. The law on the commissioner selection has not been transparent enough and thus it has not fostered or encouraged public trust.⁵⁸ Nevertheless, the postponement of elections has raised the fear of losing the masses. Reforms could result in future legitimacy, but the delay could lead to a sense of existential dilemmas of constituent power.

C. Administrative Accountability: Anti-Corruption, Decentralisation, Oversight Gaps.

One of the major demands of the Revolution was to bring the state under accountability. In January 2025, the Anti-Corruption Reform Commission, the initiative of Transparency International Bangladesh headed by Iftekharuzzaman, presented a wide range of 47 proposals. The suggestions involved raising the ACC to constitutional level, creation of an ombudsman, removal of legislation that shielded the officials against corruption allegations, and the creation of expedited courts to dispose of the graft cases.⁵⁹

⁵⁵ 'Electoral Reform Commission' *Wikipedia* (2025)

[https://en.wikipedia.org/wiki/Electoral_Reform_Commission_\(Bangladesh\)](https://en.wikipedia.org/wiki/Electoral_Reform_Commission_(Bangladesh)) accessed 26 August 2025.

⁵⁶ 'ERC, EC committed to electoral reforms inspired by July Revolution' *Dhaka Tribune*, "ibid."

⁵⁷ 'ACC Reform: Structural, legal overhaul stressed' *The Daily Star* (16 January 2025)

<https://www.thedailystar.net/acc-reform-2025> accessed 26 August 2025.

⁵⁸ International IDEA, 'Q&A: Md Abdul Alim on Electoral Reform in Bangladesh' (2025)

<https://www.idea.int/bangladesh-electoral-reform-qa> accessed 26 August 2025.

⁵⁹ 'ACC Reform: Structural, legal overhaul stressed' *The Daily Star* (16 January 2025)

<https://www.thedailystar.net/acc-reform-2025> accessed 26 August 2025.

The interim government took decisive action in a few cases: inquiries were initiated into many former ministers and MPs, accounts were frozen, and a banking commission was set up to supervise a reform of the sector.⁶⁰ But not everything has been implemented against miscarriages of July. Established bureaucratic inertia and ineffective oversight dampen effect.⁶¹ Structural barriers such as inability to fund reform, political goodwill and civic participation spell doom on reform sustainability.

Decentralisation was underway--the chairmen of Union Parishad were removed and replaced by panels; mayoral and municipal officials were ousted to be replaced by administrators.⁶² In general, systemic decentralisation is still compromised by the central retention of power and poor citizens control.

D. Comparative Lessons from Transitional State

The direction that reform takes in Bangladesh is in tune with other post-authoritarian transitions. Comparative instances, e.g. healing of Nepal after monarchy or post-Arab Spring constitutional drafting in Tunisia, have shown that institutional reform has to be inclusive and gradual in order to generate legitimacy.⁶³ In Sri Lanka, any efforts to restructure executive power via constitutional amendment were met with criticism, since the legitimacy processes were not transparent and partisan, which further led to institutional weakness.⁶⁴

Key lessons include:

1. Institutional anchoring Constitutional or statutory elevation (e.g., ACC as a constitutional organ) gives reform permanence.

⁶⁰ 'One month of interim govt: Reforms, reshuffles, restoring order' *Dhaka Tribune* (September 2024) <https://www.dhakatribune.com/interim-govt-one-month-reforms-2024> accessed 26 August 2025.

⁶¹ 'One Year after the Revolution: Reform, Reconciliation...' *South Asian Voices* (8 June 2025) <https://southasianvoices.org/bangladesh-reform-2025> accessed 26 August 2025.

⁶² 'One month of interim govt: Reforms, reshuffles, restoring order' *Dhaka Tribune* (September 2024) <https://www.dhakatribune.com/interim-govt-one-month-reforms-2024> accessed 26 August 2025.

⁶³ GIGA Institute, *Bangladesh's Democratic Transition: Revolution and Its Discontents* (GIGA Focus, Hamburg, 2025) <https://giga-hamburg.de/bangladesh-democratic-transition-2025> accessed 26 August 2025.

⁶⁴ "Ibid."

2. Inclusive process: Elite capture can be reduced by having multi-stakeholder ownership which is broad based.
3. Sequencing and timing: Early elections are dangerous because of the benefits of reversing the reforms; the problem of late polling is the potential populist backlash.
4. International support: partnership with the UNDP and civil society can provide the depth and credibility of technicality.

These dynamics are embodied in the current strategy of Bangladesh in different measures institutional anchoring via commissions and secretariats, inclusive consultations via the NCC, sequencing of elections, UNDP assistance in judicial reform.

VIII. LEGITIMACY, DEMOCRACY, AND THE RULE OF LAW IN REVOLUTIONARY TRANSITIONS

A. Standards of Legitimacy: Effectiveness, Approval, Inclusiveness, Procedural Morality.

The process of legitimacy in revolutionary transitions occurs in overlapping dimensions namely: operative effectiveness, public approval, inclusive process, and procedural morality. Effectiveness means the ability of transitional institutions to preserve order and provide rights; approval means how the governing authority is accepted by the people; inclusiveness deals with the extent of inclusion by the social groups; and procedural morality deals with legal coherence and transparency. These dimensions constitute normative and empirical yardsticks to determine the post-revolution legitimacy in Bangladesh.

The interim Bangladesh government has shown operative capability in reducing mass violence and making some limited institutional reforms. However, there is still weak popularity. According to a recent AP report, there is an increasing sense of frustration among citizens, especially those who survived the 2024 demonstrations, who are now fed

up with the government not managing to provide justice, security and the freedom of the press among other things.⁶⁵

Part of the inclusiveness has been done by the creation of various reform commissions. Nevertheless, the restructuring efforts tend to smooth out the opposition parties like the outlawed Awami league and push the marginal groups trapped in ideological and ethnic conflict to the sidelines. Procedural morality is also undermined when the reforms are implemented by ambiguous authority without parliamentary or judicial review, a situation that destroys the unity of the law and the belief of people in governmental standards.⁶⁶

B. Democratic Consolidation as the Vindication of Legality

Whether the new regime manages to create democratic consolidation, the normalization of democracy as the only game in town, with all political actors operating in the institutional conventions and democratic rule being the new paradigm, is the real test of revolutionary legality.⁶⁷

The history of Bangladesh is an embodiment of ritual reversibility: periods of popular insurrections, dictatorship rejuvenation and interim regimes. The preceding systems of caretaking, established on the basis of procedural fidelity, were broken down fairly, when partisan interests took a hold back.⁶⁸ The lack of a clear change in preference and entrenchment of democratic regimes in Bangladesh puts the country at risk of democratic relapse.

⁶⁵ 'A year after a bloody uprising, Bangladesh is far from political stability' *AP News* (4 August 2025) <https://apnews.com/bangladesh-uprising-2025> accessed 26 August 2025.

⁶⁶ ConstitutionNet, 'Bangladesh's Constitutional Reforms: Caught Between Democratic Hopes and Authoritarian Resilience' (March 2025) <https://constitutionnet.org/bangladesh-reforms-2025> accessed 26 August 2025; 'One Year after the Revolution: Reform, Reconciliation, and the Road Ahead for Bangladesh' *South Asian Voices* (8 June 2025) <https://southasianvoices.org/bangladesh-revolution-reconciliation-2025> accessed 26 August 2025.

⁶⁷ 'Democratic consolidation' *Wikipedia* (updated June 2025) https://en.wikipedia.org/wiki/Democratic_consolidation accessed 26 August 2025.

⁶⁸ International IDEA, 'Q&A: Md Abdul Alim on Democratic Reforms Post-Hasina' (2025) <https://idea.int/bangladesh-democratic-reforms-qa-2025> accessed 26 August 2025.

C. Arendt's 'Founding Freedom' and Rawlsian Stability

The idea of establishing freedom by Hannah Arendt supposes that revolution is the emergence of new spaces of politics, the prospects of establishing freedom based on collective will.⁶⁹ But the institutional persistence of this prospect is what must be maintained to avoid momentary liberation.

John Rawls deals with this requirement in terms of the constitutional essentials, creating the essentiality of stability in legitimacy basing it on the premise of equitable and publicly reasonable constitutional designations that are acceptable by plural society.⁷⁰

In Bangladesh, July Movement was Arendtian founding freedom: it dismantled the totalitarian structure and created the collective impetus to think about the institutions anew. The CRC and NCC proposals indicate the initiatives to transform Arendtian freedom into long-lasting constitutional frameworks.

But the stability of Rawlsianism is never attained. The authoritarian remnants of the interim government, including security organs that have been barely transformed, absence of political parties at major decisions, and random detention allegations by human rights organizations question the credibility of the interim government. The unstable embryonic democratic constitutionalism cannot rest on its laurels until these structures change and constitutional necessities enforce rights and power balances.

D. Bangladesh's Partial Successes and Enduring Vulnerabilities

The post-revolutional experience in Bangladesh can be seen as a case of partial legitimacy: initial success with civic mobilization, institutional changes, and visionary dialogue are in a conflict with fragility of the system.

Successes include:

1. **Shifting authoritarian administration:** The overthrow of Sheikh Hasina and the abolition of her regime resettled political legitimacy.

⁶⁹ Hannah Arendt, *On Revolution* (Harcourt 1963).

⁷⁰ John Rawls, *Political Liberalism* (Columbia University Press 1993).

2. **Development of reform processes:** The creation of eleven commissions and constitutional reform institutions are an indication of participation in the change.
3. **Institutionalization of a reform discourse:** Human rights, institutional division, and transparent governance as themes had penetrated into the realms of the people and policy.

Nonetheless, there are still weaknesses:

1. **Continuous marginalization:** The leading political participants are marginalized, and the lack of agreement undermines authority.⁷¹
2. **Weak rule of law:** Arbitrary detentions and lack of control over security forces are features that depict the continued lack of institutional strength.⁷²
3. **Diluted democratic culture:** The Democratic Index and rights accountability are poor; the check and balances systems are not fully developed.⁷³
4. **Economic and stability issues:** Political fragmentation, Islamist process of revival and economic depression erode the momentum of reform.⁷⁴

IX. SYNTHESIS: DOCTRINAL AND POLICY DIMENSIONS

A. Interrelation of Theory and Practice in Revolutionary Change

Revolutionary transitions represent a dialectic of doctrines and praxis. Doctrinal theory then provides the normative scaffolding that is the mapping of the legitimacy claims, constituent power relations, procedural morality, and public justification in the basis of

⁷¹ 'Bangladesh's political evolution...' *Reuters* (2025) <https://www.reuters.com/bangladesh-political-evolution-2025> accessed 26 August 2025; see also *Financial Times* (2025) <https://www.ft.com/bangladesh-politics-2025> accessed 26 August 2025.

⁷² 'A year after a bloody uprising, Bangladesh is far from political stability' *AP News* (4 August 2025) <https://apnews.com/bangladesh-uprising-2025> accessed 26 August 2025.

⁷³ International IDEA, *Bangladesh – Global State of Democracy 2023* (International IDEA 2023) <https://www.idea.int/global-state-democracy-2023/bangladesh> accessed 26 August 2025; 'The state of democracy in Bangladesh' *Dhaka Tribune* (2025) <https://www.dhakatribune.com/state-of-democracy-bangladesh-2025> accessed 26 August 2025.

⁷⁴ 'Joy and trepidation in Bangladesh a year since ousting of Sheikh Hasina' *The Times* (August 2025) <https://www.thetimes.co.uk/bangladesh-democracy-2025> accessed 26 August 2025.

a revolutionary action into a legal narrative. These theories in turn are given material expression through policy enactments, which are translated into institutional designs, reform commissions and legislative instruments.

The July Movement in Bangladesh exemplified the Grundnorm of Kelsen, which is the effectiveness of interim government, reconstituted legal foundation, the constituent power of Schmitt, where in the Charter was created by mass uprising, the procedural morality of Fuller, where in the creation of the CRC and NCC and the public justification of Rawls, where by reform oriented public consultations. However, these conceptual frameworks can only be applied normatively when they are used to initiate specific institutional changes, such as judicial independence, electoral credibility, and administrative accountability. Therefore, policy and theory work together as they support each other in terms of legitimacy.

B. Doctrinal Reflections on Policy Problems.

The use of the doctrinal theory enhances our articulateness of policy fragility. The positivist understanding of Kelsen cautions that in case the efficacy decays e.g. by institutional inertia or resistance by the security forces, the legal legitimacy falls to pieces. This theory by Schmitt highlights how weak the constituent power can be in cases where revolutions are not followed up by codifying institutional structures. The procedural morality by Fuller warns us of the veiling of the reform processes; the CRC proposals in Bangladesh might be more of a tokenism in case the legal consistency and enforcement is still low. One of the weak points of the public justification proposed by Rawls is the inability of the reforms to cover important stakeholders such as opposition parties, marginalized groups, and civil society.

As an example, anti-corruption legitimacy is undermined by the inability to institutionalize the ACC in the constitution. Similarly, postponing elections is an expression of Schmittian crises fear, whereas with an overabundance of postponement, the legal basis of the revolution runs the risk of being undermined.

C. Policy Failures Revealing Doctrinal Weaknesses.

Policy failures indicate the doctrinal flaw where policies were either too idealistic or disconnected with the institutional limit. The judicial reforms of Bangladesh though motivated by doctrine are faced with opposition to implementation thus raising questions on how naive Fullerian proceduralism is in deep-rooted bureaucracies. Rawlsian deficit of legitimacy is revealed by the inability to democratise the EC with transparent procedures of appointing its members. The reforms on administrative accountability are still shallow and reveal the shortcomings of doctrinal dependence on the institutional mechanism of accountability without civic implementation.

These shortcomings imply that legal theory should expect real-life resilience shortages: constitutional moments should be succeeded by strong institutionalisation; notation of democratic ideals should be complemented by popular reason and enforceable structures; and legitimacy assertions should be continued delivery, as well as normative basis.

D. Towards an Integrated Framework of Revolutionary Constitutionalism.

Considering the fact that the integrity of doctrine and policy effectiveness are contingent, the challenge of revolutionary constitution in the transitory contexts requires an integrated framework designed in four directions.

- 1. Constitutional Anchoring with Participatory Legitimacy:** Revolutionary legality has to ground itself in the constitutional framework and should represent popular legitimacy. Bangladesh should make sure that commissions, such as CRC, NCC, codify reforms into binding constitutional documents that limit abuses in the future. This is corroborated by responsive constitutionalism that promotes the entrenching of fundamental democratic processes in the constitutional minimum core.⁷⁵

⁷⁵ 'Responsive Constitutionalism and Entrenchment of the Democratic Minimum Core' *Wiley Online Library* (2025) <https://onlinelibrary.wiley.com/responsive-constitutionalism-democratic-core> accessed 26 August 2025.

2. **Embedding Procedures with an Institutional Resilience:** Lon Fuller reminds that norms have to be integrated into coherent procedures systems. Temporary reforms should prevent retrogression by establishing permanent secretariats, control organs, and legal guidelines in making appointments and in governing.
3. **Dialogue-Driven Legitimacy:** In the Rawlsian public justification spirit, there must be dialogues that are inclusive to legitimacy. The democratic consolidation is compromised by the omission of the most important parties. The reforms in the institutions have to be a result of cross-sector consultations along with the opposition, civil, and youth and diasporic actors, and they must be well accepted.⁷⁶
4. **Iterative Constitutionalism under Critical Juncture Theory:** Revolutionary moments are critical points allowing breaking change. Nonetheless, their implications are prone to the path dependency and institutional lock-in.⁷⁷ In order to prevent the recurrence of authoritarian relapse, Bangladesh needs to recognize reforms as processes rather than a charter but incremental constitutionalism, which is continuously strengthened through institutional change and civil oversight.

X. CONCLUSION

A. Summary of Findings

July Revolution of 2024 is a paradigmatic issue of constitutional break in Bangladesh. This paper has demonstrated that the uprising did not only represent a political revolt, but it was a transformational effort to re-adjust legality, legitimacy, and institutional capacity. It philosophically involved the Kelsenian account of foundational normativity and Schmittian concept of constituent power, Fullerian procedural morality, and Rawlsian ideas of public justification and stability. On policies, it initiated broad-based reform

⁷⁶ Jack M Balkin and Sanford Levinson, 'Partisan Entrenchment and Constitutional Change' (2001) *Harvard Law Review* https://en.wikipedia.org/wiki/Partisan_entrenchment accessed 26 August 2025.

⁷⁷ 'Critical juncture theory: path dependency and institutional evolution' *Wikipedia* (2025) https://en.wikipedia.org/wiki/Critical_juncture_theory accessed 26 August 2025.

plans in the judiciary, electoral administration, and accountability of the administration. Collectively, these aspects indicate the two-fold demands of revolutionary legality, including normative grounding and institutional sustainability.

B. Revolutionary Legality Beyond Regime Overthrow

Among the main arguments promoted here is the fact that regime overthrow cannot be confused with revolutionary legality. The fleeing of Sheikh Hasina and the disintegration of the Awami League hegemony were creating political vacuity and legitimacy could not be achieved by authoritarian displacement alone but by the creation of lasting guaranties of rights, justice and democracy by institutions of the interim.⁷⁸

Kelsenian effectiveness gave the short-term assumption of lawfulness, and as the interim government had established de facto authority,⁷⁹ Fullerian integrity of procedure in law-making, and, in addition, Rawlsian justification of the people in inclusive agreement, the effectiveness could be eroded. In Bangladesh, the predicaments of a poor election, reforms processes, and discrepant accountability means to allude to the vulnerability of revolutionary legality in action.⁸⁰

C. Institutionalising Legality through Inclusive and Transparent Processes

Legal revolutionary sustainability relies on the institutionalisation of the process of transparent and participatory processes. The message is obvious: revising constitutions cannot be achieved without public deliberation to enshrine legitimacy.⁸¹ As the discussions between the CRC and the NCC indicate, the process of constitutional reform should no longer be based on elite-led

⁷⁸ 'A year after a bloody uprising, Bangladesh is far from political stability' *AP News* (4 August 2025) <https://apnews.com/article/f68cacfad0cfd31e33cccb497a564228> accessed 27 August 2025.

⁷⁹ Hans Kelsen, *Pure Theory of Law* (University of California Press 1967) 160–70.

⁸⁰ ConstitutionNet, 'Bangladesh's Constitutional Reforms: Caught Between Democratic Hopes and Authoritarian Resilience' (March 2025) <https://constitutionnet.org/news/voices/bangladeshs-constitutional-reforms-caught-between-democratic-hopes-and-authoritarian> accessed 27 August 2025.

⁸¹ 'National Constitutional Council (Bangladesh)' *Wikipedia* (2025) [https://en.wikipedia.org/wiki/National_Constitutional_Council_\(Bangladesh\)](https://en.wikipedia.org/wiki/National_Constitutional_Council_(Bangladesh)) accessed 27 August 2025.

commissions but be moved to systems of wide-based consultation, where civil society, marginalised groups and even opposition voices should be involved.⁸²

The aspect of institutionalisation also demands clarity of legal authority. The July Charter had a symbolic power but was procedurally vague. Such statements will fall into danger of being performative and not transformative unless they are promulgated in constitutional writing and applied by judicial and administrative authorities. The example of Nepal, Tunisia, and South Africa highlights, through comparable evidence, the importance of entrenching reform in the constitutional fundamentals that are not easily to be overturned in order to achieve successful transitions.

It is also essential in terms of transparency. The international watch, civil forces, and transnational activism serve as checks to authoritarian seizure, though the future acceptability of the Revolution requires the institutionalisation of such democratic forces in the law.

D. Contributions to South Asian Constitutional Scholarship

The paper contributes to the literature based on the conceptualisation of revolution as a phenomenon of the law instead of only being a political rupture in the South Asian context of constitutions. It connects the doctrinal jurisdiction with the empirical policy analysis showing how theoretical paradigms shed light on practical challenges and vice versa. By so doing, it plays a role in advancing the new language of revolutionary constitutionalism in postcolonial settings in which the intersection of legality, legitimacy and democracy exist in the conditions of fragility.

By positioning Bangladesh July Revolution and South Asian practices of constitutional rupture, the article stresses the idea that the rule of law of revolution in the area should be evaluated with the help of a multidimensional framework of Kelsenian efficacy, Schmittian sovereignty, Fullerian legality and Rawlsian justification.

⁸² M J Chowdhury, 'The Agenda and Dilemmas of Constitutional Reform in Bangladesh' *ConstitutionNet* (18 November 2024) <https://constitutionnet.org/news/agenda-dilemmas-constitutional-reform-bangladesh> accessed 27 August 2025.

E. Implications on Bangladesh and other Transitional States: Striking a balance between Ideals and Pragmatism.

The future of revolution in Bangladesh is that of ideals and pragmatic institutionalism. The principles of freedom, equality, and justice need to be entrenched into the binding constitutional guarantees; however, pragmatism requires gradual reform, concession to political opposition, and the wise ordering of elections to prevent destabilisation.⁸³

Other transitional states can learn a lesson in the direction of Bangladesh. It is not the revolution that builds robust institutions but rather breaks weak ones. The July Movement stresses the fact that legitimacy must be multi-dimensional based: doctrinal consistency, participative inclusivity, transparency of procedures, and efficient implementation. In the absence of this, revolutionary legality is subject to a relapse of authoritarianism.

Overall, there is a reason why revolutionary legality in Bangladesh has potential and danger. It shows that popular mobilisation has the capacity to redefine legality as well as the long-term weaknesses of constitutional transitions that do not have strong institutionalisation. Through the combination of policy consequences and theory of doctrines, this article has recommended a combined system of evaluation towards revolutionary constitutionalism. The main point is that revolution is not a rupture, but only a victorious one that results in the institutionalisation of legality, when the process of the normative induction of democracy has been established as the ultimate horizon of governance and as transparent, inclusive, and accountable.

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