

The thick line between ‘state’ and ‘government’



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The distinction between ‘state’ and ‘government’ is theoretically clear, yet practically complex. If we compare the state to a four-legged chair, the government represents only one leg. Despite this clear theoretical differentiation, the government often assumes full control over the state, especially in weaker democracies. In such contexts, the distinction between state and government blurs, leading to the state often dissolving into the entity of the government.

The state comprises four main elements: population, territory, government, and sovereignty. Among these, the government is the most tangible element, consisting of a small number of people elected for a specific period, supported by the larger population. In a republic, the people are the owners of the state and elect representatives to run the state for a designated term. These representatives, forming the government, are tasked with formulating and implementing policies aimed at the welfare and aspirations of the people, assisted by state employees. Section 11 of the Constitution of Bangladesh explicitly states that “effective participation by the people through their elected representatives in administration at all levels shall be ensured,” a principle that should be mirrored in all democratic countries.

Governments, composed of people, are inherently prone to errors in their primary responsibility of running the country. A key advantage of a democratic society is the presence of multiple parties and individuals aspiring to form the government. If a government fails to perform its duties adequately, the people have the power to replace them in the next elections, assigning these duties to other parties and individuals. Additionally, various institutions such as

parliaments, opposition parties, legislatures, media, civil society, and other related bodies highlight deviations during a government’s tenure. The overarching aim is the welfare of the people and the reflection of their aspirations.

These attributes define a democratic state. While many people are familiar with this definition and the related terminology in political science, it is worth repeating because these concepts are often forgotten. Politicians, policymakers, public servants, and the media, along with the public, frequently overlook the structure of the state and the distinction between state and government. As previously mentioned, in weak democracies, this distinction becomes especially blurred, leading to an autocratic shift in the government. To prevent this, modern state systems emphasise the “separation of powers” among the branches of government, a principle that helps maintain a balance of power and prevent autocratic governance.

In a democratic system, the government typically consists of three branches: the legislative, the executive, and the judicial. The legislative branch, responsible for making laws and in Bangladesh, is represented by the National Parliament. The executive branch, which includes the prime minister and cabinet ministers, implements and enforces these laws, holding significant power. The judicial branch, distinct from the legislative and executive branches, includes courts and judges responsible for interpreting and applying the law, ensuring justice, and maintaining consistency with the constitution. The judiciary must operate independently to provide checks and balances and protect individual rights,

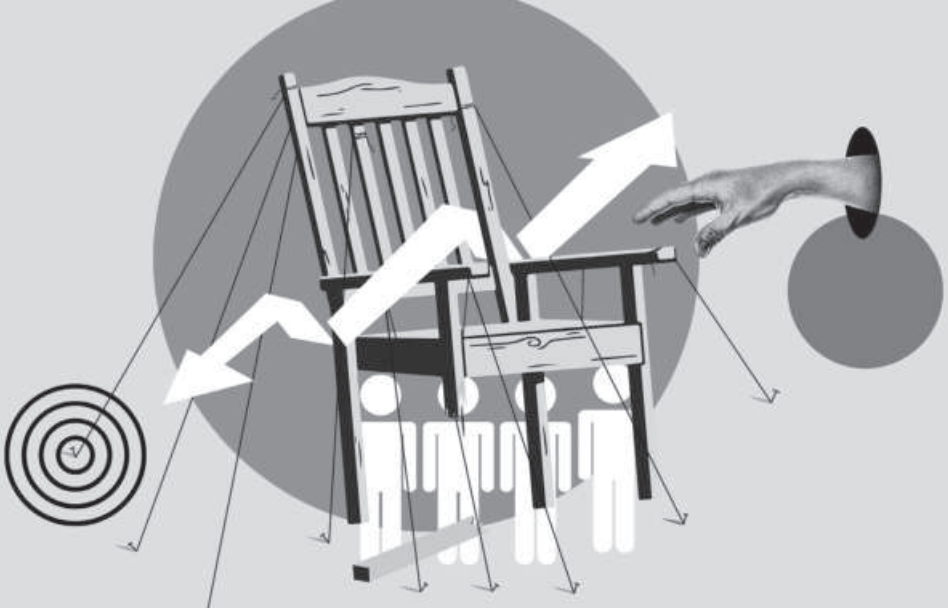
free from political influence. Article 22 of the Bangladesh Constitution mandates the separation of the judiciary from the executive. However, this separation was officially implemented only in 2007 and the executive still seems to exert considerable influence over the legal system, particularly in lower courts. Strict adherence to the separation of powers is crucial to prevent any state organ from gaining absolute power

handed over to the police by the university authority, accused of “involvement in anti-state activities” simply for liking the Facebook page of an opposition student organisation. The police later released him after finding no evidence of sedition. According to the student, he had criticised the current government in an internal Facebook Messenger group text, which led to him being unjustly labelled “anti-state” and

treason charges.

Moreover, it is crucial to clarify the role of “government employees.” Are they employees of a particular political party, or the state of Bangladesh? The constitution refers to them as “public servants,” making it clear that they are state employees, not political appointees. While political governments change every five years, public servants do not. Their primary role is to serve the state and work under the direction of the legitimate government. Political governments must not use public servants for political purposes, and these servants of state must maintain political neutrality. The Government Servants (Conduct) Rules, 1979 explicitly state that no government servant shall be associated with any political party or take part in any political activity, and although they may vote, they must not indicate their voting preferences. However, in practice, some government employees are enticed and inclined towards political parties, undermining the mandated neutrality and compromising the integrity of the democratic process.

Therefore, it is crucial to revisit and reinforce the principles that differentiate the state from the government. The government, composed of transient elected representatives, must operate within the confines of the law, serving the people rather than the other way around. This is especially important in weaker democracies, where the risk of governmental overreach is higher. Public awareness and understanding of these principles are essential to safeguarding democracy and ensuring that the government remains accountable to the people. A clear distinction between the state and the government is fundamental to the functioning of a democratic society. The state, with its permanent structures and institutions, provides the framework within which the government operates. The government, as the elected representative body, must respect this framework, adhere to the separation of powers, and maintain its accountability to the people. By upholding these principles, we can ensure that democracy thrives and that the rights and liberties of the people are protected.



VISUAL: ANWAR SOHEL

and becoming a “Frankenstein’s monster.” British politician Lord Acton famously said, “Power tends to corrupt, and absolute power corrupts absolutely.” History is replete with examples where absolute power has led to the erosion of civil liberties and increased corruption.

In Bangladesh, political and official discourses often accuse critics and opposition members of “anti-state and anti-government conspiracies,” even for merely criticising government policies. Such accusations exploit ambiguities in legal terminology. For example, in August 2022, a student at a public university was

handed over to the police.

The law must clearly differentiate between criticism of the government and opposition to the state. Suppressing government criticism by labelling it “anti-state” will ultimately harm both the government and the state. In September 2016, the Supreme Court of neighbouring India issued a landmark ruling on this matter. The Court stated that harsh criticism of the government does not equate to insulting it or committing treason. Sedition charges apply only when actions incite public disorder or violence. This ruling underscores that anyone can criticise the government without facing defamation or

From universal pension to universal social protection system



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The implementation of the universal pension, particularly the Prottoy scheme, designed for the employees of self-governed and autonomous institutions, is facing a major challenge due to the indefinite strike by public university teachers. At this juncture, the teachers’ concern that the benefits under the new scheme would be lower than existing retirement benefits need to be addressed. Additionally, it is essential to ensure equity across all schemes offered to different groups.

Introducing a contributory universal pension scheme was a key commitment of the National Social Security Strategy (NSSS) adopted in 2015. The government’s sincerity in implementing NSSS commitments is commendable. Historically, only government employees in Bangladesh had access to pensions. With the country’s recent remarkable economic development and progress toward achieving the status of a developing country, it is time to expand the pension system to all elderly citizens. The universal pension scheme has created such an opportunity by offering pensions to employees of the private sector, informal sector and self-employed individuals. Anyone can register for the new initiative to receive pensions after reaching 60 years of age, including individuals from low-income groups. Participants are required to make monthly contributions during their working years, along with a matching contribution from the employers. The government will make the matching contribution for participants earning less than Tk 60,000 annually.

Yet, the universal pension would be out of reach of the extremely poor, such as day labourers, due to their inability to make contributions. These groups possibly need it most as they cannot save for old age. Many are abandoned by their children due to the shift from traditional joint family systems to nuclear families, making them vulnerable to destitution. The existing non-contributory Old Age Allowance (OAA) programme is intended for this segment of the population. However, the OAA excludes many poor elderly individuals through poverty-based selection, and it is not termed a “pension”. To achieve true universal pension coverage, the OAA programme must be declared universal. It should also be rebranded as a “social pension”

to demonstrate that the state treats them as valued citizens. The launch of the universal pension has simplified the case for making the OAA universal, especially regarding defining the intended participants and the selection process. The OAA benefits should be available to those unable to access the universal pension, thereby closing the gap in universal coverage. Once universal, a poverty-based selection system will no longer be necessary as the only eligibility criteria would be age threshold to be verified with the National Identity (NID) card, possibly with a proof of residence from the respective local governments.



VISUAL: STAR

Implementing universal OAA can be affordable with a modest increase in current allocation and by rolling it out in phases, for example, initially implementing it only in rural areas. Currently, the age threshold for the programme is 62 years for women and 65 years for men. Based on 2022 census data, the rural population in these age groups is estimated at 7.7 million. For 2024-25, Tk 4,300 crore has been allocated for the programme to provide a transfer of Tk 600 per month to six million elderly persons. If all individuals meeting the age threshold are provided with Tk 600 per month, approximately an additional Tk 1,264 crore will be required annually. This additional

Bangladesh has already made important progress toward a universal social protection system, primarily by adopting a life cycle framework that aims to help address vulnerabilities of pregnant women and young children, school age children, unemployed/under-employed people, elderly people, widows, and persons with disabilities. Among these lifecycle groups, primary school children have been receiving stipends universally since 2016, regardless of poverty status. The disability allowance programme has achieved universal coverage, though it needs to be formally declared universal, removing the

poverty-based selection system.

To achieve a universal social protection system, it is urgent to explore options for the remaining life cycle programmes in line with the above discussion on universal OAA. These programmes are the Mother and Child Benefit Programme, the Food Friendly Programme (to support seasonally unemployed agricultural day labourers) and the widow allowance/Vulnerable Women Benefit Programme. Offering these programmes universally to the defined groups is affordable, if implemented in a phased manner, as proposed above for the OAA. Only by implementing a universal approach can the historical problems around

social protection including selection errors, nepotism, and corruption be eliminated. A universal approach also ensures right to social protection and improves trust and loyalty of the citizens toward the state, thus promoting social cohesion.

The first NSSS was marked by adoption of a life cycle approach to address the vulnerabilities that citizens face at different stages of life. The second NSSS, scheduled in 2026, could be marked by adopting a universal approach for life cycle programmes that would ensure social protection for every deserving citizen as committed by the Constitution of Bangladesh.

CROSSWORD BY THOMAS JOSEPH

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1 Members of the force
5 Archaeologist’s find
9 Bean-bearing tree
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16 Child
17 Egg layers
18 Spends time at the mirror
21 Ram’s mate
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29 Apply hastily
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- DOWN**
1 Kidney-shaped nut
2 Gas pump number
3 Louvre location
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5 Keg need
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9 Secret store
11 Finishes
15 Sports injuries
19 Tear
20 Have lunch
22 Retro style
23 Atlas page
24 Bison’s home
25 Hidden
26 Self-assured
27 Stubborn
28 Irritable
29 Couch
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