

Can rewriting the constitution bring real freedom?



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In his influential book *Development as Freedom*, Nobel Laureate in economics Amartya Sen argues that genuine freedom is achieved through comprehensive development rather than mere economic growth. He challenges the view that GDP alone can measure development, asserting that real progress is marked by access to essential services like education, healthcare, and transportation, as well as fundamental rights such as voting and freedom of expression. Sen uses Singapore as a case in point, demonstrating that economic advancement does not necessarily equate to freedom of speech or democratic rights.

The debate in Bangladesh over whether constitutional changes are required to ensure development and freedom is a pressing one. There is an assumption that without rewriting the constitution, it might be difficult to safeguard voting and other rights, and that autocracy could return in some form in future. Let's assume that we rewrite the constitution to ensure democracy in Bangladesh and strengthen the judiciary, administrative bodies, law enforcement, and the election commission. We might even alter the way parliament operates to prevent political domination by any single individual. In theory, this could provide comfort that political or elite influence on democratic institutions could be reduced.

However, this might be considered a *straw man* argument in the context of Bangladesh's political landscape. By *straw man*, I refer to a fallacy that distorts or oversimplifies an established or meritorious idea to oppose it. For instance, the existing constitution might work effectively even if some argue that changes or a rewrite are necessary. In this context, I argue that advocating for constitutional rewriting is a straw man

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argument because predicting how any government might turn autocratic again, despite having an ideally crafted constitution, is inherently uncertain. There is no perfect constitutional solution to safeguard democracy. Democracy relies not only on the constitution but also on political culture,



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education, public awareness, and a collective commitment to democratic principles.

Dr BR Ambedkar, world-renowned writer of the Indian Constitution, expressed this idea clearly in his 1949 Constituent Assembly speech given in the Indian parliament: "...I shall not therefore enter into the merits of the constitution. Because I feel, however good a constitution may be, it is sure to turn out bad because those who are called to work it, happen to be a bad lot. However bad a constitution may be, it may turn out to be good if those who are called to work it, happen to be a good lot. The working

judiciary, the law enforcement agencies—ensures democratic stability. While none of these institutions are perfect, they function effectively enough to ensure democracy in the US and the UK. Despite the generally effective functioning of democratic institutions in both countries, concerns about poor governance and cronyism have emerged as significant factors that critics argue may have contributed to loss of the Conservatives in the 2024 election to the Labour Party.

Thus, my argument against attempts at constitutional rewriting in a country like Bangladesh is twofold. First, within

Second, unless politicians break free from monopolistic or authoritarian attitudes, changing the constitution would not prevent future regimes from prioritising corporate interests over public welfare. Many politicians enter politics with the sole expectation of advancing their own business interests by manipulating the existing system. For example, from stock price manipulation to corrupt tender processes, not to mention the manipulation of grocery prices for higher profits, all are instances of such manipulative behaviour. Therefore, unless a clear separation between business and politics

CIVIL SERVICE BUDGET

A crisis of overspending and inertia

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One challenge Bangladesh faces today as it moves forward is the sheer size and unsustainability of the Bangladesh Civil Service budget. The budget for FY23-24 reveals that 22 percent of our national budget (Tk 1,67,880 crore) goes into public administration, which is a clear marker of the inefficiency, redundancy, and clientelist nature of our civil service. Meanwhile, only five percent is allocated to health and only 5.5 percent to defence. It is a sector that has grown into an untenable part of the national economy and serves as a focal point for political patronage that has long supported political parties.

An unjustifiable allocation

By this measure, Bangladesh's budget allocation to public administration is one of the largest in the world. Pakistan, which faces arguably greater fiscal constraints than Bangladesh, allocates only 6.3 percent of budgetary expenditure to civil administration. In Europe, one of the world's most sophisticated and extensive administrative systems, less than 10 percent of the budget goes to public administration. In Texas, 3.4 percent of the state budget is spent on general government operations. Bangladesh's allocation of funds to public administration is drastically disproportionate and urgently needs reform.

The GHS index shows that Bangladesh has one of the worst performing health sectors in the region. In comparison, Bangladesh's neighbours India, China, Bhutan, and Myanmar all score better. Bangladesh requires funding for its healthcare, manufacturing industries, defence, and the finance sector.

The government should be playing a critical role in developing these crucial sectors for the country's economy.

The problem of redundancy and political loyalty

The civil service has become a bloated, inefficient, and patronage-driven sector that rewards political loyalty rather than merit. Political appointments by the ruling party have solidified this sector as one of the most effective and loyal clients of the government. The government has only further politicised this bloated, inefficient bureaucracy by expanding it.

Such a system not only squanders precious resources that could otherwise be devoted elsewhere, but also perpetuates inefficiency. Lacking accountability, public funds are routinely wasted, and reforms that would increase effectiveness are resisted by the entrenched interests that benefit from the status quo. This has become a hindrance to the country's development.

Economic impact and missed opportunities

A bloated civil service absorbs a significant portion of the national budget, leaving less money for investment in growth-driving sectors such as technology, manufacturing, and renewable energy. By failing to modernise the economy, and stagnating it with a vast, rent-seeking bureaucracy, Bangladesh continues to deprive its people of opportunities for a decent life. According to various reports, tax laws in Bangladesh are written in English and are often complicated, creating confusion for taxpayers and the National Board of Revenue (NBR) about tax rebates. This should be addressed and modernised to increase income tax collection from eligible earners.

For a so-called middle-income country, it is a self-inflicted wound. This is evident in the previous government's ad hoc tax policy, too. For example, the recent debate on raising taxes on individuals with more than one vehicle would only incentivise them to purchase fewer

cars, eventually reducing tax income from this source. Additionally, there were talks of adding fees to government services, which could increase opportunities for corruption, as well as increasing source taxes for land registration and introducing travel taxes, which could adversely affect the travel industry.

Instead of addressing the core issue of reforming direct tax laws and mechanisms, the previous government often considered increasing indirect taxes and VAT on specific

arbitrary adjustments do little to change the larger structural problems with Bangladesh's fiscal policy, which must be challenged and addressed. Bangladesh can start by modernising the tax administration, reducing bureaucratic inefficiencies, and updating tax laws to simplify tax collection.

Urgent need for structural reforms

Bangladesh needs to think differently about public administration. The interim government has the opportunity to introduce

Public Management (NPM) style management of public offices is needed. Savings from these cuts should be redirected to infrastructure, healthcare, education, and innovation.

Adopt NPM-style management and accountability: Introduce performance-based evaluations and accountability in the civil service to weed out inefficiency. A lean and meritocratic public administration will serve the nation better than the bloated, politicised structure currently in place. The current laws that protect civil servants from scrutiny and accountability must be repealed and replaced with laws that align with the student movement's demand for a meritocratic society.

Depoliticise the civil service: The entrenched clientelist system of appointments and promotions based on political loyalty must be replaced by a merit-based system. The current and future quota systems should be reformed or abolished to prevent further politicisation.

Consolidate tax revenue: A greater proportion of direct tax collection, rather than reliance on indirect taxes, will create a more equitable tax system, raise more revenue for the government, and promote societal equity.

Utilise technology and innovation: Digital transformation of public services can decrease costs and increase efficiency. Investment in technology will modernise public administration and make it more responsive to citizens' needs.

Bangladesh is at a tipping point. An unsustainable share of the budget is being spent on public administration, reflecting decades of inefficiency and political patronage. The interim government should take advantage of this moment to finally make the reforms we so desperately need. Without addressing the underlying sources of inefficiency and clientelism in our public administration, Bangladesh cannot build a more prosperous and equitable society. The country cannot afford to continue down this path.



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goods and services. This shows the previous government's short-term thinking and lack of initiative to modernise the tax system, burdening only a small segment of the middle class while larger businesses and influential people evaded taxes.

The money whitening scheme is also a defeatist strategy that fails to combat the critical problems of financial crimes. These

much-needed reforms that previous administrations avoided. These are some of my suggestions:

A roadmap to gradually reduce the civil service budget: The civil service budget must be brought down to a global standard. While this cannot be done overnight, a roadmap to downsize the civil bureaucracy over the long term through the implementation of New