



# Groundwork laid for sweeping constitutional reforms

With the July National Charter finally taking shape,

The Daily Star looks into the changes in the constitution, legislative structure, balance of power, and caretaker government system, as well as the new laws needed to reshape governance, in this special supplement consisting of five stories written by MOHIUDDIN ALAMGIR

The July National Charter, forged in the wake of the 2024 mass uprising, seeks to reshape Bangladesh's constitution, as it proposes extensive reforms aimed at strengthening democracy and accountability.

Over three dozen articles of the constitution need to be amended, with changes to scores of provisions and the inclusion of several new ones. Moreover, at least three Articles will be repealed, says the charter that contains 84 reform proposals.

Finalised through discussions between 30 political parties, the charter outlines changes that will affect the basic principles, institutional structures, and the rights of citizens.

Political parties have pledged to incorporate this ambitious blueprint into the schedule of the constitution and ensure its protection. They have also committed to providing constitutional recognition to the historic significance of the uprising.

Ali Riaz, vice president of the National Consensus Commission, said the aim of this constitutional overhaul is to make the state more accountable.

"We want to prevent any system that allows the concentration of power. We want citizens' rights to be protected and institutions to be strong and independent."

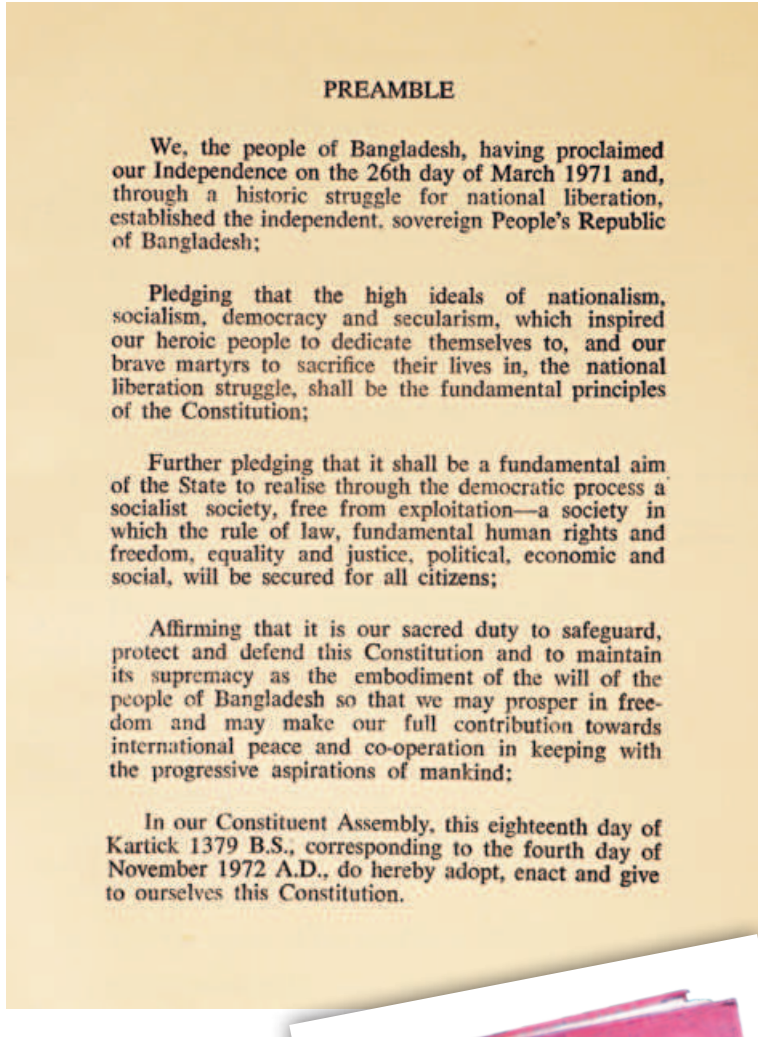
## REPEAL OF ARTICLES

The current constitution comprises 153 articles, a preamble, and several schedules that outline territorial boundaries, oaths, and electoral procedures.

Political parties have agreed to repeal articles 7A, 7B, fifth and sixth, schedules that were incorporated into the constitution through article 150(2).

Article 7A says a person shall be guilty of sedition for abrogating, repealing, or suspending the constitution or any of its provisions by unconstitutional means.

Article 7B renders almost a third of the constitution unamendable, including the preamble; parts I and II that deal with the republic and



## INCLUSION

The fundamental principles of state policy will include "equality, human dignity, social justice, and religious freedom and harmony".

About the new principles, Ali Riaz said, "These will be part of the constitution as core values, which could either be included or replace the old ones."

The constitution now upholds four fundamental principles: nationalism, socialism, democracy, and secularism.

A new provision will recognise Bangladesh as a nation of multiple ethnicities, religions, languages, and cultures.

"This will ensure the coexistence and proper dignity of all communities, aiming to foster greater inclusivity and uphold minority rights," Ali Riaz said.

The charter proposes expanding fundamental rights, ensuring their constitutional and legal protection as well as their effective implementation. The consensus commission's report will outline recommendations for future legislative action.

New provisions need to be incorporated into the constitution to reintroduce the caretaker government system and give full independence to the judiciary.

Another provision will introduce bicameral legislature, comprising a 300-member lower house (Jatiya Sangsad) and a 100-member upper house.

Even during a state of emergency, the citizens' right to trial under article 35 will be ensured through the inclusion of a provision in article 47A.

Additional provisions will allow impeachment of the president for treason, gross misconduct, or a

constitutional violation, subject to a two-thirds majority in both lower and upper houses after a formal hearing.

## AMENDMENTS

Article 3 will be revised to reaffirm Bengali as the "state language", and recognise other tongues spoken across Bangladesh as "national languages".

Article 6(2) will be amended to do away with the distinction between Bengalee, the nation; and Bangladeshi, the citizenry. All citizens of Bangladesh will be identified as Bangladeshis.

There will be tougher requirements for constitutional amendments, which can currently be made with a two-thirds majority in parliament. But the charter says such amendments will require a two-thirds majority in the lower house and a majority in the upper house, and in some cases, a referendum as well.

A referendum will be needed to amend articles that cover fundamental

principles, and provisions regarding the president, the cabinet, the caretaker government system and the amendment procedure.

Ali Riaz said this provision is meant to safeguard core structural characteristics from easy alteration.

The charter proposes amending Article 20(2) to affirm that the state shall create conditions wherein, as a general principle, no person shall be able to "abuse constitutional or legal powers" for personal gains.

An amendment will be made to article 141A to redefine the grounds for declaring a state of emergency, replacing "internal disturbance" with "a threat to independence, sovereignty, territorial integrity, war or natural disaster".

The declaration of emergency will require the cabinet's approval alongside the prime minister's signature on the relevant documents. The leader of the opposition or a nominated representative must be present at the cabinet meeting when such a decision is made.

The president will be chosen by a majority vote in both houses of the legislature. No candidate will be allowed to hold a position in the state, the government, a political party or an organisation at the time of candidacy.

Article 48(3) will be altered to expand the president's powers, granting unilateral authority to appoint heads and members of the National Human Rights Commission, Information Commission, Press Council, Law Commission, Energy Regulatory Commission and the governor of Bangladesh Bank.

Further amendments will be made to empower the president to appoint and remove judges in the Supreme Court without requiring the PM's advice.

The president will retain the power to grant clemency, subject to the consent of victims or their families. The exercise must be in line with the defined legal criteria, policies, and procedures.

There will be two new provisions: one to bar any individual from serving as prime minister for more than 10 years, regardless of the number of terms, and another to prevent the PM from holding the position of party chief simultaneously.

Both houses of parliament will have one deputy speaker nominated from the opposition. Chairpersons of key parliamentary standing committees as well as departmental committees will also be elected from the opposition.

Article 70 will be amended to allow lawmakers to vote freely except for finance bills and votes of confidence.

Changes will be made to a provision to give the chief justice the authority to set up permanent benches in each administrative division.

A new provision will allow the establishment of an independent judicial appointment commission to oversee the selection process for judges of the apex court.

Several provisions need to be altered to clearly outline the appointment procedure for key oversight institutions, including the Election Commission (EC), the Ombudsman, the Public Service Commission, the Office of the Comptroller and Auditor

General, and the Anti-Corruption Commission. Furthermore, the anti-graft watchdog will be elevated to a constitutional body.

Additional provisions will ensure that local government elections are held under the EC's direct supervision. Local bodies will be granted full autonomy regarding financial management and implementation of development projects unless they fall under national programmes.

"We have tried to ensure that there is no constitutional scope for authoritarianism... But it's not just about writing it down, it is a matter of implementation, and for that, political culture must change," said Ali Riaz.

About the implementation process, he said, "I won't comment on that right now. A discussion is still going on, and anything I say might be misinterpreted."

## MAJOR CHANGES IN THE CONSTITUTION

New basic principles of state: equality, human dignity, social justice, religious freedom and harmony

Fundamental rights to expand

Removal of Declaration of Independence and March 7 address

Incorporation of July National Charter

Introduction of bicameral legislature

Restoration of caretaker government

No individual can hold post of PM for over 10yrs

PM to be barred from holding post of party chief simultaneously

High Court benches in all divisions

Independent body for selecting judges

President to be elected by both houses

ACC to be elevated to a constitutional body



PHOTO: CHIEF ADVISER'S PRESS WING

fundamental principles of state policy; part III, which covers fundamental rights; provisions concerning the basic structure of the constitution; and article 150.

Article 150(2) provides for the inclusion of Bangabandhu Sheikh Mujibur Rahman's historic March-7 speech in the fifth schedule; the telegram of the Declaration of Independence issued by him on March 26, 1971, in the sixth schedule.



Leaders of political parties pose for a photo following talks with the National Consensus Commission at the Foreign Service Academy in the capital on October 8.

PHOTO: THE NATIONAL CONSENSUS COMMISSION

# REVIVING PARLIAMENT, *the heart of democracy*

July charter sets out vision for a vibrant, effective Jatiya Sangsad

The July National Charter, born out of a compact among political parties, proposes a raft of constitutional reforms to reinvigorate Bangladesh's parliament, which has remained weak and failed to function as an effective check on executive authority. The proposals include the introduction of bicameral

practices." At present, the executive holds excessive influence. If that can be curtailed, many of the problems will be solved, he noted. "The tendency to treat the opposition as an enemy needs to be corrected. The opposition plays a vital role," Riaz added.

procedural formalities. Successive ruling parties have been able to unilaterally adopt repressive decisions, facilitating arbitrary lawmaking and the centralisation of power. Two notable examples of such repressive legislation are the fourth amendment in 1975 and the 15th amendment in 2011. Additionally, the unicameral parliament has failed to adequately represent the interests of various social groups—particularly minorities and marginalised populations.

A significant number of lawmakers had either business interests or owned enterprises, further blurring the line between public service and private interest. Instead of scrutinising policy or defending public interest, many MPs spent valuable time in parliament praising party leaders, turning the chamber into a platform for pledging loyalty rather than demanding accountability. Since the restoration of democracy in 1991, the opposition frequently boycotted sessions, and in later years, became virtually aligned with the government. It rarely mounted meaningful resistance or provided effective oversight. All this may change.

## WHAT IS NEW?

Political parties have agreed that Bangladesh will have a 100-member upper house alongside the 300-seat lower house. The upper house members will be elected through proportional representation (PR) based on the votes received in the general election. The lower house members will continue to be elected under the traditional first-past-the-post system.

The qualifications and disqualifications of upper house members will be similar to those of the lower house. The upper chamber's term will be five years from the date its members are sworn in. However, if the lower house is dissolved, the upper house will automatically cease to exist.

Political parties will be required to publish lists of candidates for the upper house simultaneously with the final lists of candidates for the general election. At least 10 percent of the candidates must be women.

## FUNCTION OF UPPER HOUSE

The upper house will review legislation proposed by the lower house but will not have the power to initiate bills. However, it may propose laws to the lower house on matters of national importance. All bills passed by the lower house,

except for money bills and votes of confidence, must be presented to the upper house. The upper chamber cannot sit idle on a bill indefinitely; if a bill is held for more than two months, it shall be deemed approved.

Once the upper house approves a bill, it will be sent to the president for signing, provided it has already been passed in the lower house. If the upper house returns a bill with recommended amendments, the lower house will have the discretion to accept or reject them in full or in part.

If the lower house passes the same bill for a second time, it will be sent directly to the president for signing.

Any bill related to constitutional amendments must be passed by a simple majority in the upper house.

Political scientists explained that the creation of an upper house introduces a second tier of legislative scrutiny. It holds the authority to review and recommend amendments to bills. This mechanism will ensure that legislation undergoes deliberate and thorough vetting, reducing the risk of hasty or partisan law-making.

An upper house based on proportional representation guarantees that minority and opposition parties secure representation in line with their share of votes in the national election. This breaks the monopoly of majoritarian control and ensures that dissenting voices are structurally embedded in the legislative process.

Nizam Uddin Ahmed, an expert on parliamentary affairs, said, "An upper house would ensure a degree of balance. No party would be able to amend the constitution at will; they would have to justify it to their opposition."

The Consensus Commission said the upper house would play a supportive role in legal scrutiny and establish a significant check on executive power.

## OTHER CHANGES

Each chamber will have a deputy speaker from the opposition or from among members not affiliated with the ruling party. Chairs of key parliamentary committees—public accounts, privileges, estimates, government institutions—will come from the opposition bench. Besides, members of ministry-related standing committees on public interest will be elected from opposition in proportion to their seats in parliament.

Political parties also agreed that Article 70 will be amended to allow MPs to vote against party lines except for money bills and votes of confidence.

## WOMEN'S REPRESENTATION

The existing 50 reserved seats for women will remain. To gradually increase women's representation, each political party will be urged to nominate at least five percent women candidates for the lower house in the upcoming (13th) general election.

Political parties will be required to nominate at least 10 percent women candidates in the 14th general election. This process will continue until 33 percent women's representation is achieved.

## CHANGE OF POLITICAL CULTURE

Political scientists remain sceptical about the prospects for change, citing the entrenched political culture surrounding party nominations and the prevailing attitudes of politicians.

Sabbir Ahmed, professor of political science at Dhaka University, said that in Bangladesh's context, elections are largely determined by who receives party nominations, and most nominees tend to be businesspeople.

"There is a clear correlation here: if the nomination process continues to be driven by party loyalty and patronage, the broader political culture will remain unchanged. But if candidates are selected based on merit, we might begin to see meaningful reforms and a more effective parliament," he said.

In the country's political system, the party chief typically holds sole authority over nominations. This creates a single peak structure where democratic practices are scarcely visible, Sabbir noted.

"That's the core issue. Yet no one has seriously taken up the challenge of reforming political parties. Without internal party reforms, democratic progress will remain stalled," he added.

Sk Tawfique M Haque, professor of political science and sociology at North South University, also emphasised the need to reform the nomination process to ensure the election of capable and qualified MPs.

"When we talk about reforming political culture, it's clear that genuine political will is essential. Without it, nothing will change. In recent parliaments, nearly 70 percent of MPs were businesspeople—and the trend is likely to continue," he said.

"Written reform proposals are important. But I am doubtful that documents alone will bring change. Reform must begin with the nomination process itself, and with a commitment to democratic practices within political parties," he concluded.

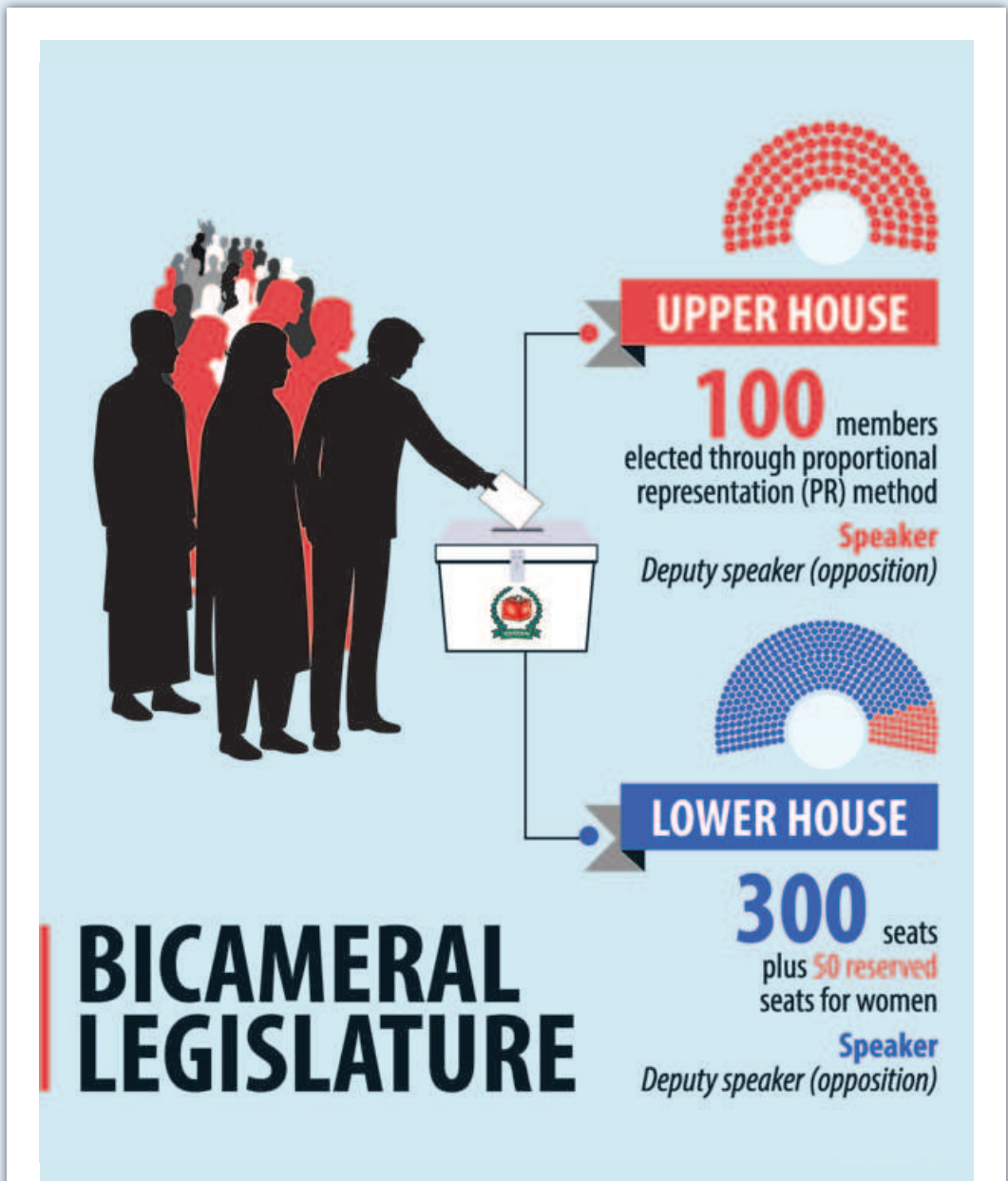


ILLUSTRATION:  
ANWAR SOHEL

legislature, a stronger opposition bench, institutional oversight, and checks and balances at the heart of parliamentary democracy.

National Consensus Commission Vice President Ali Riaz said the focus is to make parliament effective and the centre of all democratic discussions.

"The most important thing is to shift your focus towards the parliament, given that you are adopting Westminster-style

Perennially dominated by the ruling party, the legislature has often functioned as a rubber stamp for the wishes of the treasury bench leader, rather than as a deliberative body.

On numerous occasions, bills were passed within minutes, with MPs merely casting votes for or against proposals without meaningful debate. Parliamentary proceedings frequently lacked substance, reducing legislative sessions to



# Restoring caretaker system with more safeguards

Very few topics in Bangladesh's political discourse have sparked as much debate or endured as long as the caretaker government system. To many, it represents not just a procedural framework but also a reliable means of conducting free and fair elections.

Introduced in 1991 through a rare political consensus, the caretaker system was widely accepted as a safeguard to ensure neutral elections, free from the influence of ruling parties. It was incorporated into the constitution in 1996.

Its unilateral abolition by the

of authoritarianism... That is why a non-partisan interim government is crucial during elections."

"It was included in the constitution through a collective decision, but was later removed in a completely unilateral manner," he said.

Sk Tawfique M Haque, professor of political science and sociology at North South University, said that in Bangladesh, a truly neutral election is impossible without a non-partisan caretaker government. One might ask how India manages without it, as do

individuals as well as those it identifies through its own enquiries. From among eligible citizens, one individual will be selected as chief adviser of the caretaker government and appointed by the president.

If this first option fails, then both the ruling party and the opposition will put forward five nominees each. The second largest opposition will put forward two nominees.

The main opposition will select one from the ruling party's list, and vice versa. They will also pick one nominee from the second-largest party's list. At

up to 15 advisers.

The chief adviser must be under the age of 75, as stipulated by the conditions. The term of the election-time caretaker government will be 90 days except in cases of "act of god" when it may continue for an additional 30 days.

## POLITICAL WILL NEEDED

About the process of the caretaker government formation, Tawfique pointed out that political parties often hold divergent views, which inevitably lead to controversy.

"It's unfortunate that we, as a nation, struggle to reach consensus on any issue. A few years from now, when a new name will be proposed for the chief adviser – regardless of who it is – some parties will likely object and spark controversy. What will we do then?"

"The possibility of a stalemate over a caretaker government cannot be ruled out."

Badiul also warned that a stalemate could arise in the absence of genuine political will.

He hoped that all parties would adopt a realistic approach, keeping in mind the future of democracy and its broader implications.

The caretaker government system was introduced after HM Ershad was forced to resign in 1990. Later, it became a contentious issue, leading to repeated political crises. The BNP adopted the system after prolonged protests led by the AL in 1996.

Another crisis emerged in 2006 amid disputes over who would head the caretaker government. The crisis deepened, leading to a two-year state of emergency in 2007-08 when a military-backed caretaker government was at the helm.

In 2011, two years after assuming power, the AL-led government abolished the system through the 15th amendment. It repeatedly ignored the opposition's demand for a caretaker government system ahead of the national elections in 2014, 2018, and 2024.

In December last year, the High Court struck down part of the 15th amendment to the constitution that had abolished the system.

## PROCESS OF PICKING CHIEF ADVISER

### 5-MEMBER SEARCH PANEL

Prime minister  
Leader of the opposition  
Speaker (lower house)  
Deputy speaker (opposition)  
MP from second largest opposition party

Parties and independent MPs name their nominees for the panel to pick CA

### IF PANEL CAN'T CHOOSE CA

Ruling party, opposition forward 5 nominees each while the second largest opposition party forwards 2

### A SHORTLIST OF CANDIDATES

2 from ruling party  
2 from opposition  
2 from second largest opposition party

Candidate with 4 votes from panel becomes CA

### IF THIS FAILS

2 judges to be included in panel

7-member panel votes for shortlisted candidates in a ranked-choice system to elect CA

### IF THERE IS NO WINNER

Provisions of 13th amendment kick in, barring the president as an eligible candidate

OPTION 1

OPTION 2

OPTION 3

OPTION 4

## CARETAKER GOVT CHRONICLE

- First discussed during the anti-Ershad movement
- Interim govt formed for first time in 1991
- Inclusion in the constitution in 1996 after protests led by AL
- Political crisis over caretaker leadership in 2006
- The system was abolished in 2011
- HC scrapped part of the 15th amendment in Dec 2024, enabling its restoration

The national elections held under caretaker governments in 1991, 1996, 2001 and 2008 are widely regarded as free and fair.



Awami League government in 2011 triggered a decade-long bitter dispute over an acceptable mechanism for holding credible elections.

The issue has emerged again with renewed urgency, as the July charter calls for the restoration of the system.

In the first round of discussions, almost all political parties backed the system's revival.

The parties reached a consensus that any amendment to the constitutional provisions concerning the caretaker government system (articles 58B, 58C, 58D, and 58E) would require a referendum.

The July Charter outlines a detailed framework for appointing a chief adviser, aiming to institutionalise electoral neutrality and rebuild public confidence in the ballot box.

Noting that polls under a political government were not free or fair, Badiul Alam Majumdar, a member of the National Consensus Commission, said, "They have been controlled, and that is a major reason behind the rise

neighbouring countries such as Nepal and Sri Lanka.

"But our reality is different... We have not yet been able to build strong, impartial institutions. Our Election Commission lacks neutrality, the judiciary is not fully independent, and the administration is not politically neutral. That is why we still need a caretaker system."

## CARETAKER GOVT FORMATION

According to the July Charter, a five-member panel comprising the prime minister, the leader of the opposition, the speaker (the lower House) and the deputy speaker (from the opposition), and a representative of the second-largest opposition party will be formed to pick chief adviser from a pool of nominees.

The panel will invite parties with representation in parliament as well as those registered with the EC, and independent MPs to propose names of individuals qualified to serve as chief adviser. Each party and independent MP may propose only one name.

The committee will then deliberate on the proposed

this point, four out of five panel votes will suffice to select a chief adviser from the short list.

But failing this second option, two judges – one from the Appellate Division and one from the High Court Division – will join the panel. This seven-member panel will vote for the shortlisted nominees in a ranked choice method to select one as chief adviser.

This method requires the panel members to score candidates according to preference – one for the first choice, two for the second choice, and so on.

Failure to select one nominee at this point will invoke provisions of the 13th amendment to the constitution, with the condition that the president be kept out of consideration.

Several parties, including the BNP, submitted notes of dissent against the inclusion of judges and the use of ranked-choice voting. They suggest that if the second option fails, parliament should vote to pick chief adviser from the short list.

Following the appointment, the chief adviser will be required to consult the panel and select

## THE JOURNEY TO NATIONAL CONSENSUS

### February 2, 2025

The formation of National Consensus Commission

### March 20-May 19

44 meetings with 32 parties, alliances in the first round of talks

### Consensus on 62 issues including

- Deputy speaker from the opposition
- Separate secretariat for Supreme Court
- Permanent attorney service
- Permanent public administration reform commission
- Scrutiny of affidavits by MP aspirants

### June 2-July 31

The second round of talks saw 29 meetings with 30 parties, alliances

### Consensus on 22 issues including

- Basic principles of the state
- MPs can vote against party line, except for confidence motions and finance bills
- Chairs of four parliamentary standing committees will come from the opposition
- Presidential clemency to be regulated by a law

### Notes of dissent from BNP, several other parties on

- Appointment of chief adviser
- PR system-based upper house
- Most senior appellate judge to become top judge

### Draft of the July National Charter prepared on July 28

### Final draft completed on September 10

### September 11-October 8

The third round of dialogue saw five meetings with 30 parties about

- The means of implementing the charter
- Implementation of reforms through ordinance and order wherever possible
- Referendum on reforms related to constitution

### October 14

The final draft of the charter sent to 30 parties

### October 17

The signing of the July National Charter

# THE POWER TANGO

## between the PM and the president

Reforms ahead of the national election have been the most consistent pledge of the interim government. One of the core reforms, apart from reviving the caretaker government system, is to bring about a balance of power between the prime minister and the president.

For years, critics have warned that the immense constitutional powers vested in the prime minister risk fostering authoritarianism, with the post of president remaining largely ceremonial, devoid of substantive authority.

The July charter proposes curbing the PM's overarching powers and strengthening the role of the president.

"To prevent the emergence of a fascist regime in the future, there must be a balance of power," said Prof Ali Riaz, vice president of the National Consensus Commission.

Political parties have long stressed the need for a mechanism to prevent the concentration of power in the hands of the head of the government.

"Nearly all institutions are subject to the prime minister's unilateral control. The president is constitutionally bound to act on the advice of the prime minister. In effect, the president holds no independent authority," added Riaz.



PRESIDENT  
WILL MAKE  
APPOINTMENTS  
REGARDING

- National Human Rights Commission
- Energy Regulatory Commission
- Public Service Commission
- Anti-Corruption Commission
- Comptroller and Auditor General
- Bangladesh Bank governor

BNP issued notes of dissent on all except for appointments relating to NHRC

The president will have the authority to grant pardon or reduce any sentence but this authority will have to be exercised in line with procedures prescribed by law.

"While some of the president's powers will be expanded, the position will be simultaneously brought under a system of accountability," Ali Riaz said.

**PM'S POWERS**

According to the charter, most political parties agreed that an individual may serve as PM for a maximum of 10 years.

The charter proposes that an MP would be barred from holding the office of PM and remain party chief at the same time. However, BNP and several like-minded parties issued a note of dissent on the matter.

"The aim here is to create a degree of separation between the party and the government, thereby reducing the concentration of power in the hands of the prime minister," Ali Riaz said.

Until now, the same individual has held the positions of PM, the leader of the House, and the head of the ruling party, exercising unilateral control over the government, parliament, and the party. And there is no limit on the PM's tenure.

Nizam Ahmed noted that the proposed 10-year cap stems from lessons learnt during the tenure of the Sheikh Hasina-led government.

"We need this change," said Nizam, a former teacher at the public administration department of Chittagong University.

He, however, expressed caution regarding the proposal that an individual should not simultaneously hold the post of the PM and serve as the head of a political party.

"In the long run, this could impact party structures... Without strong political parties, democracy itself may falter," he warned.

Al Masud Hasanuzzaman, a former teacher at the government and politics department of Jahangirnagar University, said, "There are uncertainties about whether the matters noted with dissent will be implemented. If not, the expected balance of power between the president and the prime minister may never materialise.

"Plenty of theoretical ideas are there [in the charter], but what will happen in practice remains to be seen," he said.

The charter proposes that the president be elected by a simple majority in both houses of parliament, and individuals holding a position in any political party would be ineligible

Following independence, Bangladesh adopted a parliamentary system of government. However, the country transitioned to a presidential form through the fourth amendment to the constitution in 1975.

The parliamentary system was reinstated in 1991 through the 12th amendment, designating the prime minister as the executive head of the government and the president as the constitutional head of state.

At present, the post of president is largely ceremonial. Real executive authority lies with the PM, who is the most powerful political actor with control over the executive, strong influence over the legislature, and

indirect dominance over other state organs.

In reality, the president acts on the PM's advice in almost all matters.

**WHAT JULY CHARTER SAYS**

The July Charter proposes empowering the president to independently make certain appointments including that of the chairman and members of the National Human Rights Commission; the Information Commission; Bangladesh Press Council; the Law Commission; the Energy Regulatory Commission; and the Bangladesh Bank governor.

However, BNP and several other parties voiced dissent over the appointments relating to the central bank and the energy regulator.

According to the charter, based on recommendations from specific search panels, the president will appoint the chief election commissioner and other election commissioners; ombudsman; chairman and members of the Public

Service Commission and the Anti-Corruption Commission, and the comptroller and auditor general. The process will not involve the prime minister.

BNP and like-minded parties issued notes of dissent over appointments based on panel recommendations which, according to them, would be ad hoc and not accountable to anyone. They called for legislation to ensure a stronger, more transparent framework.

Prof Nizam Ahmed, an expert in parliamentary affairs, said that the curtailment of the PM's powers would not create any problems.

He also welcomed the idea of appointing the CEC and other commissioners through a search panel, with the president making the final selection.

The charter proposes that the president be elected by a simple majority in both houses of parliament, and individuals holding a position in any political party would be ineligible.

# A dozen new laws for SYSTEM REBOOT

It will require at least a dozen new laws and amendments to eight existing ones to implement the raft of proposals made in the July National Charter.

These laws are needed to strengthen oversight, promote good governance and accountability, and address the long-standing legal gaps that have fostered impunity, politicisation, and corruption, said members of the consensus commission that facilitated dialogue between political parties.

The parties agreed to enact laws for presidential pardon; appointments of the comptroller and auditor general (CAG), and the chairman and members of the Public Service Commission; a code of conduct for election commissioners; administrative autonomy for the judiciary; and

the whims of any individual or group.

**NEW LAWS**

The charter states that the president will be authorised to pardon or reduce any sentence, but the procedure must adhere to the principles prescribed by a new law, which will require the consent of the complainant or the victim's family.

Iftekharuzzaman, a member of the consensus commission, said the charter has proposed enacting laws to regulate the appointments of the CAG and the chairman and members of the PSC. It also calls for amendments to existing laws governing the appointment process of election commissioners, the Ombudsman, and the Anti-Corruption Commission.

- | NEW LAWS FOR                                                      | AMENDMENTS                                                           |
|-------------------------------------------------------------------|----------------------------------------------------------------------|
| Appointments of ACC, PSC, CAG                                     | RTI will be applicable to political parties                          |
| Presidential pardon                                               | Official Secrets Act will facilitate flow of info                    |
| Independent criminal investigation                                | Electoral laws will ensure transparency in financing                 |
| Supreme Court secretariat                                         | Financial disclosure of aspiring election candidates                 |
| Full disclosure of ownership by companies, trusts and foundations | Annual income statements of elected public representatives, families |

"These laws are primarily related to state institutions, which are meant to serve the public interest, not the interests of those in power."

Iftekharuzzaman, a member of the National Consensus Commission



independent criminal investigation, among others.

They also reached a consensus that reforms which don't require constitutional changes can be implemented through ordinances and executive orders.

Consensus commission Vice President Ali Riaz said the overarching objective is to establish an accountable state and strengthen its institutions so that the country is not governed by

According to the charter, there should be a new law and a code of conduct to ensure the accountability of election commissioners, and another to regulate special rights of parliamentary committees and its members.

The charter calls for enactment of a Supreme Court secretariat law, leading to an autonomous administrative body for the SC with financial independence. The secretariat will

be responsible for administrative functions of subordinate courts, their budgets as well as promotions, transfer, and disciplinary regulation of subordinate court judges.

It also proposes Independent Criminal Investigation Service Act to create an impartial body for investigating criminal offences, free from political or bureaucratic influence.

There needs to be a law to prevent corruption and money laundering through concealment of actual ownership of institutions. This law will create a framework to keep records and publicly disclose all details of owners of companies, trusts, and foundations.

Another new law would end state practices that legitimise income without a lawful source, while Audit Act would ensure independent auditing.

The charter also proposes a beneficial ownership law to prevent conflicts of interest and the misuse of state and legal authority to amass undisclosed or hidden assets.

Iftekharuzzaman, also the head of Transparency International Bangladesh, said the new laws would

ensure good governance and secure government accountability.

"These laws are primarily related to state institutions, which are meant to serve the public interest, not the interests of those in power."

**AMENDMENT TO EXISTING LAWS**

The Right to Information Act, 2009, would be reviewed and amended to ensure citizens have easier and uninterrupted access to government service information. Additionally, registered political parties would be brought under the purview of this law, according to the charter.

The Official Secrets Act, 1923, would be reviewed and amended to facilitate timely and easier access to information for citizens.

Electoral laws would be reformed to strengthen transparency and integrity in political and election financing. Political parties and election candidates must publicly disclose details about their sources of funding, income and expenditure.

The EC, with support from the National Board of Revenue and the ACC, would verify the accuracy of candidates' financial disclosures in

their affidavits and take appropriate action in case of discrepancies.

All elected public representatives would be required to submit annual statements of income and assets for themselves and their family members to the EC within three months of taking office. These statements would be published on the commission's website.

Political parties would be barred from appointing or nominating individuals involved in corruption or misconduct to party positions or as election candidates.

A provision of the Anti-Corruption Commission Act, 2004, would be repealed, exempting the corruption watchdog from the requirement of prior government approval for filing cases against judges, magistrates, or government officials.

Another provision of the law would also be amended to reduce the tenure of commissioners from five years to four.

The Legal Aid Services Act, 2000, would be repealed, and a new ordinance, "Legal Aid and Mediation Services Ordinance, 2025", would be promulgated.