

# July charter and constitutional reform: Will we waste a generational opportunity?

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The oppression of citizens under the Sheikh Hasina regime resulted in the July uprising. Through repeated breaches of trust, the regime forfeited its moral authority to govern, while the democratic and republican character of the state was destroyed. The Constitution, having been manipulated and undermined, effectively became inoperative when the head of government fled to India. As sovereignty ultimately belongs to the people, political authority thus devolved to them.

The idea that citizens may alter or abolish a government that betrays their trust is a long-standing doctrine in political thought. One of the most famous expressions of this idea appears in the Declaration of Independence of the United States, which states that whenever a government becomes destructive of unalienable human rights, "it is the right of the people to alter or to abolish it, and to institute new government."

The interim government of 2024-26 was formed outside the framework of the written Constitution, on the basis of the people's sovereign authority. Hence, it possessed certain unique competences, including the authority to take tangible steps to reform the state machinery for the restoration of the republic and democracy and for the protection of citizens' rights. The July National Charter and the July National Charter (Constitution Reform) Implementation Order, 2025 were adopted pursuant to that competence.

**BNP's reason for not taking the oath—that the Constitution does not provide for the assembly or the oath—is constitutionally unfounded. This is because the people are supreme, even above the Constitution itself. Article 7 of the Constitution recognises this principle, stating that all powers in the republic belong to the people. It is therefore not tenable to argue the absence of constitutional provisions for something that the people have overwhelmingly approved in a referendum.**

While the interim government represented the people's sovereign authority, the extent and limits of that authority were difficult to define clearly. Therefore, for the implementation of the charter and the order, two further steps were put in place: first, a referendum involving the direct participation of the people; and second, the formation of a Constitution Reform Assembly (CRA) to be composed of their representatives elected through the election. Thus, in the design for implementing constitutional reforms, the people were placed at the centre of the process.

So on February 12, in addition to electing members of the new parliament, citizens cast a separate vote in a referendum. The referendum

posed several critically important questions: should the next parliament have a dual role—serving both as a national legislature and as a Constitution Reform Assembly for 180 working days—and should fundamental changes be made to the existing system of checks and balances as envisioned in the July charter? More than seven and a half crore voters participated in the referendum, of whom 61.63 percent voted "Yes."

However, as of today, it remains unclear whether BNP, the party that won the election with a two-thirds majority, will respect the outcome of the referendum. Concerns have

documents grounded in popular sovereignty.

Furthermore, if we are to speak of the absence of provisions in the existing Constitution, many actions taken since August 5, 2024—including the election—are not covered by the Constitution per se. BNP does not appear to have any objection to most of those. By refusing to take the oath, the ruling party has disregarded the people's verdict.

The political significance of a referendum lies in giving citizens a direct voice and agency in shaping democratic outcomes. It is widely accepted that decision making becomes more democratic when citizens are actively engaged.

popular consent. This is especially important in constitutional reform, where the exercise of popular sovereignty forms the foundation of the process and where the legislature cannot disregard people's will. Finally, as in this case, referendums often serve as a mechanism for dispute resolution: when political parties fail to reach agreement, the decision is made by citizens, who have the sovereign right to determine the outcome.

In light of the decisive result of the February 12 referendum, there can be no doubt about the expression of the people's collective will. Clearly, politicians, who are expected to

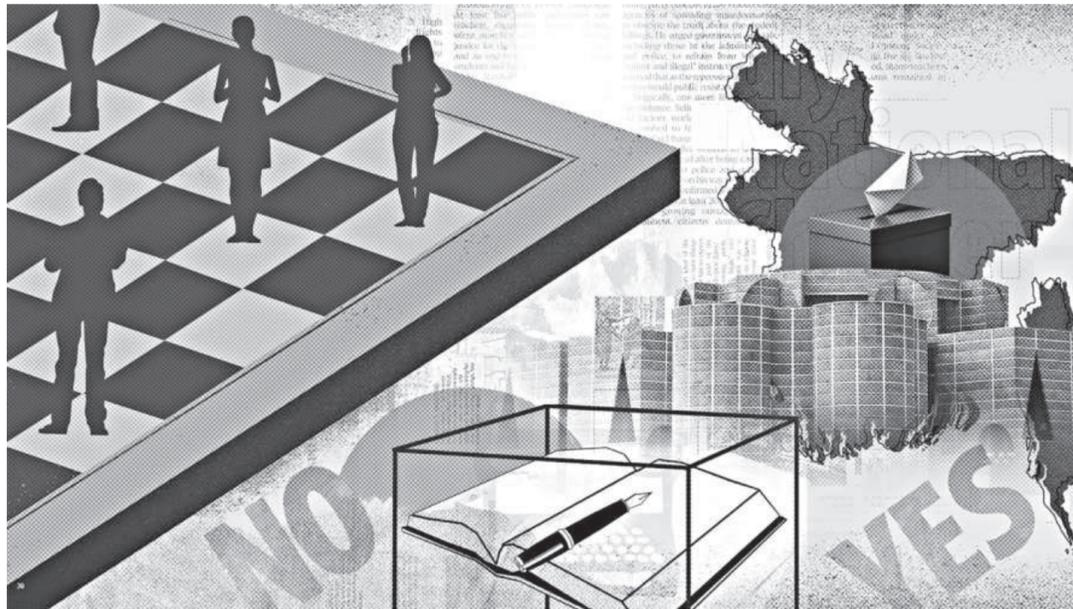
the governing party, and they also expected it to implement the key provisions of the July charter through the Constitution Reform Assembly. By approving the referendum, citizens conferred legitimacy on the key provisions of the charter, the implementation order, and the assembly. It is also noteworthy that, prior to the election, BNP had endorsed the referendum, urging citizens to vote in favour.

Despite its formal wording and legalistic narrative, the July charter's central message is clear: traditional liberal democratic checks and balances intended to constrain the executive have hardly worked in the country since its independence. Such accountability failures have also led to many tragic outcomes. The reasons for this are well known: historically contingent patterns of strong personalistic, overtly centralised, and dynastic rule have, over the decades, fostered perverse forms of political and social orders characterised by patron-clientelism, a weakened civil society, and a totalised form of party-archal governance in which dominant political parties have, *de facto*, monopolised and controlled nearly all institutions and actors of the state. This perversity has rendered existing checks and balances largely dysfunctional and, more critically, prevented the growth of effective citizens' countervailing power, which is essential for genuine democratic practice.

The July charter has crafted solutions intended to overcome the limitations and failures of these dysfunctional checks and balances by introducing multiple, complex accountability mechanisms aimed at constraining the executive (especially the prime minister) in a robust manner. One may hope that the implementation of these mechanisms will disperse power and neutralise the *de jure* and *de facto* dominance of the prime minister.

The few weeks of the new regime's tenure have already shown how critical it is to have robust checks and balances. Consider the following: the improper dismissal of the central bank governor, the deregulation of otherwise stringent loan rescheduling rules, the removal of the MD of Dhaka metro rail, and the "voluntary" resignation of the commissioners of the Anti-Corruption Commission. Could the government have accomplished these actions at such dizzying speed if robust checks and balances involving multiple stakeholders, as proposed in the charter, had been in place?

If the Constitution Reform Assembly is not formed, constitutional reforms would need to proceed through amendments under Article 142, which confers on parliament the power to amend the Constitution. However, parliament cannot alter the fundamental features of the Constitution under Article 142 due to the basic structure doctrine. According to this doctrine, legislative power is derived from—and constrained by—the Constitution, whereas constituent power, the authority to create or fundamentally change a constitution, resides with the people, who exercised it in the February 12 referendum. Past attempts to amend the Constitution through parliamentary amendments, such as the Eighth and Thirteenth Amendments, were later struck down for violating the basic structure. Therefore, implementing the charter's fundamental reforms through Article 142 may not be sustainable. A resolution remains possible if BNP takes the oath for the reform assembly.



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VISUAL: ANWAR SOHEL

In an indirect democracy like ours, elections delegate decision-making authority solely to elected representatives, limiting citizens' opportunity to have their voices heard directly. This is particularly consequential for policies with fundamental implications for governance. As a tool of direct democracy, a referendum can complement representative institutions and is therefore one of the most important mechanisms for implementing constitutional reforms.

Since the 1970s, referendums have become increasingly popular in democratic countries, as greater emphasis has been placed on ensuring direct citizen engagement in the political process. According to one estimate, over the past 50 years, approximately 1,800 to 2,000 referendums have been held globally, of which more than 600 were constitutional referendums conducted to amend or introduce new constitutions.

Referendums have gained popularity for several reasons. First, they enable citizens to participate directly in political and law-making processes. Second, they allow people to exercise their sovereign authority over political outcomes. Third, referendums provide a means for citizens to express their collective will, lending legitimacy to decisions through

uphold democratic norms and values, cannot prioritise their own version of reforms over those endorsed by the citizens. To do so would constitute a direct violation of democratic principles.

It is true that the referendum questions were not easy. However, studies show that this is far from the first time that complex questions have been posed in a referendum. While a lack of clarity in framing questions can sometimes affect the likelihood of their approval, that was clearly not the case here. The argument that citizens did not understand the questions, and therefore their opinions do not matter, is elitist. Over seven crore people voted—surely, they did so based on their understanding of the issues—and to question their judgment on the basis of some supposed superior knowledge is simply outrageous. One might even ask: could the ego and preferences of certain politicians and experts result in the loss of a generational opportunity?

Several surveys conducted before the election indicated that citizens generally held favourable opinions about the referendum questions and were interested in bringing changes to the structure of political governance. Clearly, the outcomes of the election and the referendum reflect their will: most of them wanted BNP as

## Why Bangladesh needs a brand reset



### RMG NOTES

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### MOSTAFIZ UDDIN

For decades, the international image of Bangladesh has been shaped by a narrow and increasingly outdated narrative. Far too often, the country has been reduced to being a low-cost sourcing destination, associated mainly with labour exploitation, industrial accidents, and relentless price pressure. That was never the full picture, and it is even less so now. With a new government in place, we have a rare opportunity to rethink not just industrial policies but how the outside world perceives us. This is the right moment for a full branding reset.

Branding is more than a superficial side issue. The way a country is perceived affects investment decisions, buyer confidence, tourism, diplomatic influence, and the willingness of international companies to make long-term commitments. Countries that present a clear and credible story about who they are and where they are going tend to attract stronger partnerships. The good news is that we already have the substance to support a far stronger identity. What we have been lacking is a confident, coordinated and strategic effort to tell that story properly.

We should begin with the RMG sector, because it remains our industrial calling

card to the world. Our export growth over the last two decades has been remarkable. Bangladesh has become one of the most important RMG manufacturing countries in the world. But we need to stop presenting our success only in terms of low cost and scale. A much more powerful argument is that our industry is already evolving into something much more capable and forward-looking. Today, Bangladesh is home to one of the world's largest concentrations of green RMG factories. This is clear, undisputed evidence that our manufacturing base is upgrading. It shows we are investing in better buildings, stronger systems, more efficient operations, and a more credible industrial future—we are building modern industrial capacity.

The same is true for energy. More and more RMG factories are adopting rooftop solar power systems and looking seriously at renewables as a long-term strategy. Besides being important for cost and resilience, this also adds to our international brand. When buyers, investors and regulators are paying much closer attention to carbon, energy and supply chain performance, we should make it clear that our country wants to be seen as part of the solution, not the problem.

This is where our branding reset

should begin. We should position Bangladesh as the world's most serious platform for responsible, scalable apparel manufacturing. That message would be credible because it would be built on real strengths. We have a large workforce, a growing industrial base and a generation of young people who want jobs, skills and opportunity. We should present Bangladesh as a young, energetic manufacturing nation

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with the potential to move up the value chain not just in apparel but also in textiles, logistics, engineering, digital services, and green industry. We need that broader vision because if we define ourselves only through RMG manufacturing, we risk being trapped by it. If we have built one of the world's largest apparel industries, we can also build strength in technical textiles, man-made fibres, recycling, renewables, logistics, and higher-value manufacturing.

However, any branding reset must be backed by practical action. To make the world see Bangladesh differently, we must make it easier for the world to experience the unseen side of the country.

First, we should decide exactly what we

want Bangladesh to be known for over the next decade. In my view, our new identity should rest on five pillars: competitive manufacturing, verified sustainability, young talent, renewable energy transition, and reliability. Once that is decided, every ministry, agency, embassy, investment body and trade mission should use the same language.

Second, we need a much stronger

stronger compliance systems should be documented and promoted internationally.

Fourth, we must match branding with a better business environment. To project an image of modernity, investors and buyers must find—or build—an upgraded system. That means faster approvals, greater transparency, more efficient customs, better infrastructure planning, easier access to land, and fewer administrative bottlenecks. A branding reset cannot succeed if the experience of doing business does not improve alongside the message.

Fifth, we should align our national branding with green industrial strategy. The global sourcing model is changing. Decarbonisation, traceability, and environmental performance are becoming more important every year. The government should support rooftop solar, energy efficiency finance, wastewater treatment, grid reform and textile recycling infrastructure. To create a strong, resilient brand, we must make green industrialisation visible and measurable.

Finally, we need to tell our story more effectively across the world. Brand Bangladesh should not live only in official speeches or policy papers but be carried by ambassadors, trade commissioners, business leaders, universities and entrepreneurs. It should be visible at trade fairs, in global media, across digital channels, and in every major international forum where sourcing and investment decisions are shaped. This is about discipline, clarity, and consistency.

For too long, Bangladesh's image has been shaped by outsiders and by the worst chapters in our history. The next chapter should be written by us.