Bangladesh 2.0: Reform Proposals by NDM

Restoring Power to the People: Building Structures to Safeguard Democracy

An initiative of the Nationalist Democratic Movement - NDM

Message
From
Mr. Bobby Hajjaj
Chairman, NDM

For over a decade, the Nationalist Democratic Movement (NDM) has stood resolute in its struggle against the forces of fascism that gripped Bangladesh under the tyrannical reign of Sheikh Hasina. Through unwavering determination and boundless sacrifices—both our own and those of millions of brave citizens—the July/August Movement succeeded in ending her fifteen-and-a-half-year dictatorship. This historic victory has opened the door to a new dawn for our nation. Yet, even as we celebrate this triumph, we remain deeply aware of the monumental task ahead: to rebuild a country whose institutions, constitution, and very moral fabric have been eroded and corrupted by the unchecked abuse of power.

The fascist regime of Sheikh Hasina has left behind a legacy of decay, where once-sacred institutions were co-opted, degraded, or rendered dysfunctional. The constitution itself, the highest symbol of our collective aspirations and rights, was twisted into a tool of oppression. Our judiciary was politicized, law enforcement weaponized, and public services paralyzed by cronyism and corruption. This is the grim reality we must confront as we embark on a new era.

In this critical juncture, NDM affirms its unwavering commitment to not just removing the remnants of fascism but to fundamentally reforming the institutions that underpin our state and society. We recognize that the challenges before us demand not just courage but clarity of purpose and vision. It is with this mission in mind that we present this compendium of policy reform frameworks—a roadmap to the future of Bangladesh.

This collection, produced by NDM's research wing, the Governance and Policy Research (GPR), represents the culmination of years of analysis, consultation, and thought leadership. GPR has meticulously crafted blueprints for reforming every vital institution of Bangladesh, from the constitution itself to the far-reaching realms of education, governance, and social development. Each framework is rooted in a vision of accountability, inclusivity, and progress—values that lie at the heart of the Bangladesh we aspire to build.

These documents are not merely academic exercises or abstract proposals. They are the keys to reforming Bangladesh. Each white paper articulates actionable strategies, grounded in the realities of our nation, to restore integrity, efficiency, and justice to every pillar of our society. They chart the course for rebuilding trust in our institutions and re-establishing the balance of power in governance.

For the people of Bangladesh, this compendium represents the manifesto of NDM—a manifesto not just of promises but of principles and practical solutions. It reflects our commitment to a government that is of, by, and for the people—a government that upholds democracy, safeguards freedoms, and invests in the prosperity and well-being of every citizen.

We invite all stakeholders—academics, policymakers, civil society, and the people of this great nation—to engage with the ideas and strategies outlined in these documents. These reforms are not just NDM's vision; they are the collective blueprint for a brighter future, forged through dialogue, dedication, and the unyielding will of our people.

This is the beginning of a new chapter for Bangladesh—a chapter where democracy flourishes, institutions serve the public good, and governance is driven by integrity and inclusiveness. Together, we shall dismantle the vestiges of oppression and build a nation worthy of its name—a Bangladesh that stands tall, resilient, and united in its pursuit of justice, freedom, and prosperity.

NDM offers this compendium as a testament to our resolve and as a guide for the journey ahead. Let this serve as a beacon for our beloved motherland, a reminder of what we have endured, and a vision for what we shall achieve together.

Let us rise, as one nation, to reclaim and rebuild the Bangladesh we love.

Joi Bangladesh.

Message
From
Mr. Mominul Amin
Chief Coordinator, GPR
Secretary General, NDM

The July uprising has marked a turning point in the history of Bangladesh—a nation long yearning for justice, democracy, and equality. It is not just a chapter of defiance but a powerful declaration of a people's collective will to rebuild a nation where freedom, fairness, and opportunity reign supreme. This moment in history, often referred to as the birth of Bangladesh 2.0, is a testament to the indomitable spirit of our citizens, especially the youth, who spearheaded the movement with courage and conviction.

Governance and Policy Research (GPR), the research wing of the Nationalist Democratic Movement-NDM, stands as a beacon of hope and intellect during this crucial juncture. Recognizing the depth of the systemic failures perpetuated by the fascist regime of Awami League, GPR has committed itself to crafting solutions aimed at rebuilding the foundations of our nation. For too long, the democratic institutions, electoral processes, and fundamental rights of the people were trampled upon in the pursuit of unchecked power. Now, the dawn of a new era calls for bold reforms and an unwavering commitment to justice and democracy.

The research papers unveiled in this publication address nine critical pillars of national reform: constitutional amendments, restructuring the police administration, overhauling the banking sector, strengthening the Election Commission and electoral processes, revitalizing the power and energy sector, tackling corruption and syndicate to rationalize price hike, ensuring a strong judicial system, upholding freedom of expression through a neutral mass media and reimagining the education system. These proposals, shaped by a pool of world-class researchers and practitioners, offer comprehensive, actionable strategies to heal the wounds of the past and pave the way for a brighter future.

As the head of GPR, it is my honor to present this body of work to the citizens of Bangladesh and the world. It is a culmination of rigorous research, diverse perspectives, and an unwavering belief in the potential of our nation. These papers are not just academic exercises but blueprints for change—rooted in the ideals of justice, equity, and accountability.

Let this publication serve as both a roadmap and a call to action. Together, we can rebuild Bangladesh into a nation that not only honors its past struggles but also thrives as a beacon of democracy and human dignity in the years to come.

Joi Bangladesh.

Editor's Note

Governance Policy Research (GPR) was established to develop policy solutions addressing the nation's challenges. The goal of The Nationalist Democratic Movement (NDM), GPR's parent organization, is to achieve true democracy in Bangladesh by promoting accountability and the principles of a genuinely representative liberal democracy. To reach this goal, we quickly recognized the need for policy-based solutions to each issue the country faces.

In our endeavour to achieve policy-based solutions to our problems, the NDM is presenting this collection as a symbol of our determination and as a roadmap for the future.

Chapters one, two and three of this publication detail the foundational reforms, i.e., reforms in Constitution, Judiciary and Election Commission. Chapters four and five discuss reforms in governance and public order, i.e., Police and Media reforms. Next two chapters suggest economic and financial reforms, covering topics like Banking and Cartels & Business Groups. The final two chapters address social and developmental reforms, such as reforms proposed for Education and Energy sectors.

The Constitution of Bangladesh, adopted in 1972, aimed to establish a democratic and just society but contained flaws that have compromised its effectiveness. It centralized power excessively in the Prime Minister, initially designed around Sheikh Mujibur Rahman, which set a precedent for authoritarianism. Over the past 15 years, Sheikh Hasina's regime has manipulated the Constitution to consolidate power, undermining its role as a democratic safeguard. This chapter proposes reforms to address these structural issues, depoliticize its principles, and ensure government accountability, aiming to restore the Constitution as a true reflection of the people's will.

The judiciary in Bangladesh is crucial to its democracy but faces significant challenges due to politicization and corruption, which undermine its independence and public trust. Judicial appointments often prioritize political loyalty over merit, leading to perceptions of bias and weakening the judiciary's role as a check on executive power. This politicization, coupled with corruption, has eroded the judiciary's integrity, making it seem accessible mainly to the elite and failing to protect citizens' rights effectively. Recent history highlights the judiciary's politicization, with key moments showing its use as a political tool rather than an impartial institution. Reform is essential to restore judicial independence and accountability, ensuring it can safeguard democracy and uphold the rule of law. Strengthening the judiciary through transparent appointments, robust oversight, and enforceable ethical standards is critical for rebuilding public trust and protecting democratic freedoms.

The Bangladesh Election Commission (BEC) urgently needs reform to restore public trust and ensure credible elections. A proposal combining Governance and Policy Research (GPR) recommendations with international best practices aims to make the BEC an independent and impartial body. Key reforms include enhancing the Commission's autonomy, preventing administrative interference, and implementing transparent voting and monitoring procedures to ensure free, fair, and inclusive elections.

The police force in Bangladesh, rooted in its colonial past, functions more as a tool of state control than a public service agency. Over the past decade, it has been increasingly politicized under Sheikh Hasina's regime, with party loyalists in key positions leading to corruption and political repression. This politicization was starkly evident during recent protests, where the police used brutal force to suppress dissent, further eroding public trust. This chapter calls for urgent reforms to transform the police into a professional, accountable, and community-focused institution that upholds democratic principles and serves the people.

The media in Bangladesh, crucial for democracy, has been undermined under Sheikh Hasina's government, making independent journalism difficult. The government controls media through restrictive laws, financial manipulation, and patronage networks, ensuring pro-government voices dominate. Licensing processes favor those with ties to the ruling party, and censorship is enforced through laws like the Digital Security Act, which targets critical journalists. State-sponsored advertising primarily supports loyal media outlets, leading to financial struggles for independent publications and fostering self-censorship among journalists. This chapter proposes reforms to restore media integrity and independence by addressing these systemic issues.

Bangladesh's banking sector faces significant challenges, necessitating comprehensive reforms for stability and sustainable growth. Key issues include high non-performing loans, weak regulatory oversight, political interference, and poor risk management. Empowering Bangladesh Bank as an independent regulator, strengthening anti-money laundering measures, and enhancing transparency are crucial steps. Integrating global best practices and promoting ethical leadership will further align the sector with international standards. Successful reforms require strong political will and coordinated efforts, transforming the banking sector into a resilient and efficient model that supports economic development and public trust.

Bangladesh is facing an economic crisis due to monopolistic practices by cartels and powerful business conglomerates. These groups manipulate prices and exert significant political influence, undermining competition and democratic institutions. Cartels control essential goods' prices, causing economic inequality and food insecurity. International examples show that strong competition laws can effectively dismantle such monopolies. The proposed reforms aim to break up these cartels and

conglomerates, promoting fair competition and reducing corruption. Implementing these changes is crucial for restoring economic balance and safeguarding Bangladesh's democratic future.

Bangladesh's educational system is at a critical juncture, needing modernization to meet the demands of a modern economy. The current system overly emphasizes theoretical education, lacking hands-on learning and skills development relevant to the labor market. Recent curriculum reforms have not fully integrated professionalism and market-fit requirements. The July 2024 quota reform movement highlighted the disconnect between education and workforce demands, contributing to the previous government's downfall. High youth unemployment and a significant number of NEETs underscore the need for reforms focusing on practical learning, digital literacy, and innovative teaching methods.

Bangladesh's power and energy sector, despite achieving 100% electricity access and significant generation capacity, faces critical challenges due to inefficiencies, financial mismanagement, and governance failures. The Nationalist Democratic Movement (NDM) aims to address these issues and lead efforts to create a competitive, inclusive, and sustainable sector, essential for the country's economic development and future growth. NDM's vision for reforms aims to create a sustainable, responsible, and equitable energy sector by addressing financial inefficiencies, promoting renewable energy, and strengthening governance. These reforms focus on financial discipline, modernizing infrastructure, and fostering energy independence to ensure long-term energy security and economic growth for Bangladesh.

- *Tasbir Ahmed Chowdhury*

Contributors

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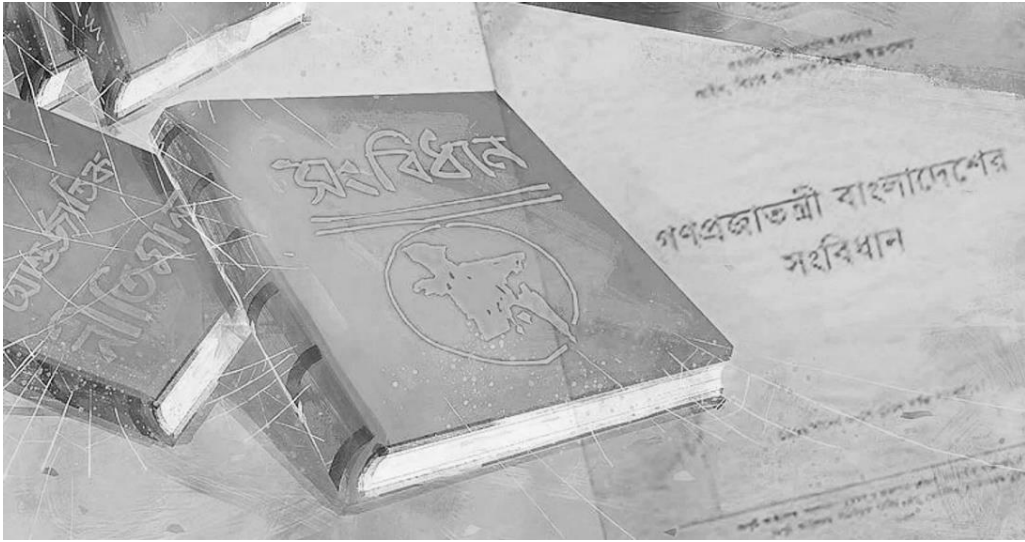
Sezan Ahmed is a law professional specializing in Criminal, Corporate, and Constitutional law. Based in the U.K., he is particularly intrigued by the various aspects of Constitutional law and aims to gain expertise in this area. Sezan devotes his time to working at a legal firm and writing on Constitution-related topics.

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A Renewed Constitution for a Democratic and Just Bangladesh: Proposals for Reform

Key Recommendations

To establish a robust, accountable, and democratic constitutional framework, the following key reforms are proposed:

1. Strengthening Accountability and Preventing Fascism

- Enforce Fundamental Principles: Amend Article 8(2) to make the fundamental principles of state policy enforceable by courts.

- Balance State Power: Restructure state power to prevent the concentration of authority and uphold the principles of the Liberation War and the 24th Uprising.

- Revisit the 15th Amendment: Remove Article 7(a) to ensure all constitutional provisions remain amendable as per the state's needs.

- Depoliticize Symbolism: Eliminate politically charged provisions such as mandatory recognition of the "Father of the Nation" to reduce polarization.

- Ensure Accountability: Abolish indemnity clauses that shield public officials from accountability.

2. Promoting Human Rights and Freedoms

- Recognize Indigenous Perspectives: Amend the clause on indigenous groups to reflect their views authentically.

- Expand Fundamental Rights: Declare voting rights, religious freedom, access to information, and higher education as constitutional rights.

- Strengthen Human Rights Oversight: Make the National Human Rights Commission (NHRC) a constitutional body with enhanced powers.

- Protect Freedom of Assembly: Repeal Article 12(c) and allow gatherings without administrative permission.

3. Reforming the Executive Branch

- Empower Local Governments: Grant financial and operational autonomy to local governments for welfare projects.

- Resolve Constitutional Contradictions: Address inconsistencies like those in Articles 123(3) and 148(2/a) regarding parliamentary oaths.

- Authorize Parliamentary Dissolution: Enable the President to dissolve parliament in cases of tyranny or public opposition, subject to a referendum.

- Depoliticize Public Administration: Establish an independent constitutional commission to oversee public administration.

4. Ensuring Legislative Independence

- Amend Article 70: Reform this article to allow legislators greater independence in voting.

- Introduce Bicameral Legislature: Create a bicameral system for improved legislative oversight and representation.

- Support Election Integrity: Dissolve parliament during general elections and establish an interim government to oversee the process.

5. Securing Judicial Independence

- Establish a Judicial Secretariat: Ensure administrative independence for the judiciary.

- Reform Pardoning Powers: Require Supreme Judicial Council input before granting presidential pardons.

- Define Judicial Qualifications: Set explicit eligibility criteria for Chief Justice and Appellate Division judges to uphold meritocracy.

6. Enhancing Democratic Processes in Treaty Ratification and Constitutional Amendments

- Parliamentary Ratification of Foreign Treaties
- Public Referendums for Constitutional Amendments

Introduction

The Constitution of Bangladesh, adopted in 1972, was envisioned as the foundation for a democratic, just, and equitable society. However, its structure, shaped by the context of its creation, bore inherent flaws that have compromised its longevity as a unifying document. Central to its design was an excessive concentration of power in the Prime Minister, a feature tailored around the towering figure of Sheikh Mujibur Rahman without adequate foresight for the evolving political landscape. This personalization of power set a precedent that undermined the constitutional balance, leaving the nation vulnerable to authoritarian tendencies.

Moreover, the spirit of the Constitution, as articulated in its principles and declarations, reflected the ideology of Mujibism—a partisan and contested framework rooted in the Awami League's political philosophy. These principles were never subjected to broad public consensus, leaving a disconnect between the people and the foundational document that was supposed to embody their collective will.

In the last 15 years, the regime of Sheikh Hasina has exploited and manipulated the Constitution to entrench its own power. Through selective amendments, restrictive provisions, and blatant disregard for its intended sanctity, the Constitution has been reduced to a mere tool for legitimizing authoritarian governance. Its sacrosanct status has eroded, as it no longer serves as a bulwark for democracy or a safeguard for the rights and aspirations of the people.

This white paper outlines critical reforms aimed at restoring the Constitution as a true reflection of the people's will. By addressing its structural flaws, depoliticizing its principles, and ensuring accountability across all branches of government, these proposals seek to renew the promise of a democratic and just Bangladesh.

Reforms We Want

Accountability and Prevent Fascism

Promoting Human Rights and Freedoms

Securing Judicial Independence

CONSTITUTION

Reforming the Executive Branch

Enhancing Democratic Processes

Ensuring Legislative Independence

1. Ensuring Equality, Human Dignity, Social Justice, and Accountability Across All Levels of the State to Prevent Fascism

Bangladesh's Constitution, since its inception in 1972, has been a document of promise and contradictions. It sought to embody the aspirations of a newly independent nation but was shaped by the immediate socio-political dynamics of its time. Over the years, systemic issues have emerged that have compromised the Constitution's role as a guarantor of equality, dignity, and justice. These deficiencies have been exacerbated by deliberate manipulations, especially during the authoritarian governance of the past 15 years under Sheikh Hasina's regime. This necessitates a comprehensive constitutional reform to restore democracy, eradicate fascist tendencies, and ensure a just and accountable state.

1.1 Reforming the Enforceability of Fundamental Principles

The Constitution of Bangladesh is uniquely divided into two parts: the aspirational principles of the state (Chapter II) and the enforceable fundamental rights of citizens (Chapter III). Article 8(1) delineates core state principles like socialism, secularism, democracy, and nationalism. However, Article 8(2) explicitly states that these principles are not enforceable by any court. This distinction has created a paradox: the foundational values of the state are rendered legally impotent, subject to the whims of the executive.

Internationally, enforceable principles of state policy are considered essential for fostering a just and accountable society. For example, the Indian Constitution integrates Directive Principles of State Policy (Part IV), which, though non-justiciable, serve as guiding principles for governance and policy-making. Unlike Bangladesh, India's judiciary frequently refers to these principles in interpreting laws and policies, ensuring their influence on the state. South Africa provides another example where the Constitution explicitly requires the state to "respect, protect, promote, and fulfill" the rights and values enshrined in it, including socio-economic rights.

Bangladesh must reform Article 8(2) to make the fundamental principles enforceable or at least provide for their stronger judicial consideration. This would compel the state to adhere to these core values, ensuring that no government can subvert them for political expediency.

1.2 Establishing a Balanced Power Structure

The concentration of power in the Prime Minister's office, a legacy of the 1972 Constitution, has allowed successive leaders to exploit this structural flaw. The principles of the Liberation War emphasized

democracy, justice, and equality, but the Constitution failed to distribute state power equitably across the executive, legislative, and judiciary. This imbalance has enabled authoritarian tendencies and weakened democratic safeguards.

Comparative constitutional frameworks demonstrate the importance of balanced power distribution. Germany's Basic Law ensures a system of checks and balances, preventing the domination of any one branch of government. Similarly, the United States Constitution distributes power across the executive, legislative, and judicial branches, with mechanisms like judicial review and legislative oversight to prevent overreach.

Bangladesh's reforms should include explicit limitations on executive power, enhance legislative independence, and ensure judicial autonomy. This is essential to uphold the principles of the Liberation War, realize the aspirations of movements like the 24' Uprising, and permanently eliminate the conditions that foster fascism.

1.3 Revisiting the 15th Amendment

The 15th Amendment, passed in 2011, inserted Article 7(a), which renders over one-third of the Constitution immune to amendment. This provision has severely undermined the flexibility of the Constitution, entrenching provisions that serve the ruling party's interests while suppressing accountability and reform. By making certain provisions unamendable, the amendment ensures that any future democratic government remains constrained by these limitations, perpetuating a legacy of authoritarianism.

Constitutional rigidity is uncommon in democratic systems. In contrast, India allows for amendments through a special legislative process, ensuring adaptability to changing socio-political needs. The United States also permits constitutional amendments, though the process is rigorous. Such flexibility ensures that the Constitution evolves alongside the nation, rather than serving as a tool for political entrenchment.

Bangladesh must repeal Article 7(a) and restore the amendability of all constitutional provisions. This will ensure that the Constitution remains a living document, adaptable to the changing needs and aspirations of its people.

1.4 Removing Politically Charged Provisions

Provisions mandating the preservation of the "Father of the Nation" Sheikh Mujibur Rahman's images and portraits institutionalize political partisanship in the Constitution. While acknowledging historical figures is common, enshrining their legacy in a manner that stifles political pluralism is counterproductive.

Comparatively, countries like South Africa and Germany honor their historical figures through societal recognition rather than constitutional mandates, ensuring that such acknowledgment does not polarize governance or politics. Bangladesh should follow this example, removing politically charged provisions that perpetuate divisions and hinder the Constitution's role as a unifying framework.

1.5 Eliminating Indemnity Clauses

Provisions granting indemnity to state officials for actions taken in office erode accountability and foster a culture of impunity. These clauses have historically been used to shield those responsible for crimes against democracy and human rights.

The absence of such provisions is a hallmark of democratic governance. For instance, Chile's transition from dictatorship to democracy included the repeal of indemnity clauses, ensuring accountability for past abuses. Similarly, South Africa's Truth and Reconciliation Commission prioritized accountability while balancing the need for national reconciliation.

Bangladesh must abolish indemnity clauses to reinforce accountability and ensure that no individual is above the law, regardless of their position or political affiliation.

1.6 Redefining Nationalism

The Constitution's interpretation of nationalism, rooted in "Bengali nationalism," excludes significant portions of the population, particularly non-Bengali ethnic groups. This interpretation marginalizes communities whose identities do not align with this narrow definition.

Countries like Canada and India embrace inclusive nationalism, recognizing the multicultural and multiethnic nature of their societies. Bangladesh should adopt "Bangladeshi nationalism," a more inclusive framework that reflects the diversity of its population and fosters national unity. Article 6(2) must be amended to officially declare citizens as "Bangladeshi," ensuring equal recognition for all.

1.7 Guaranteeing Freedom of Association

Article 12(c), which restricts freedom of association, undermines the democratic principle of collective

action. This restriction has been used to suppress dissent and limit political participation, further entrenching authoritarianism.

Freedom of association is enshrined in international human rights instruments like Article 20 of the Universal Declaration of Human Rights and Article 22 of the International Covenant on Civil and Political Rights. Democratic nations like Norway and the Netherlands uphold this freedom, ensuring that individuals can organize without fear of reprisal.

Bangladesh must repeal Article 12(c) to guarantee freedom of association, empowering its citizens to engage in political, social, and cultural activities without undue interference.

1.8 Why These Reforms Are Crucial for Democracy

Without these constitutional reforms, Bangladesh risks further erosion of its democratic institutions. The last 15 years have demonstrated how constitutional manipulation can entrench authoritarianism, weaken accountability, and stifle pluralism. The proposed reforms aim to restore the Constitution's role as a bulwark against tyranny and a guarantor of equality, justice, and dignity for all citizens.

By learning from international best practices and addressing its unique challenges, Bangladesh can ensure a future where the Constitution serves as a foundation for democracy and social justice. These reforms are not merely about rectifying historical wrongs—they are essential for building a resilient, inclusive, and accountable state that reflects the aspirations of its people.

2. Protecting Human Rights: Essential Reforms for a Democratic Future

Human rights are the cornerstone of any democratic society, ensuring equality, justice, and dignity for all citizens. In Bangladesh, the Constitution offers a framework for rights but leaves significant gaps that allow for systemic violations. These gaps have been exacerbated by years of authoritarian practices, requiring urgent reforms to align the Constitution with democratic principles and global standards. By addressing cultural recognition, reinforcing fundamental rights, and enhancing mechanisms for accountability, Bangladesh can ensure that human rights are not only protected but actively promoted.

2.1 Cultural Recognition for Indigenous Groups

The 2011 constitutional amendment recognizing the "culture of tribal, small ethnic groups, and communities" was a step toward inclusivity but failed to reflect the actual views and perspectives of these communities. The language remains vague and paternalistic, framing indigenous groups within a narrative of token acknowledgment rather than genuine empowerment.

International examples underscore the importance of authentic recognition of indigenous rights. Canada's Constitution Act, 1982, explicitly recognizes the rights of Aboriginal peoples, including land claims, self-governance, and cultural preservation. Similarly, New Zealand's Treaty of Waitangi forms the basis for Maori rights, fostering a relationship of partnership with the state. Bangladesh must revise its constitutional provisions to reflect the lived experiences, aspirations, and autonomy of indigenous groups. This would not only honor their contributions to national identity but also strengthen social cohesion.

2.2 Commitment to Global Human Rights

Article 18 of Bangladesh's Constitution outlines foreign policy principles but lacks a clear commitment to global human rights and justice. Amending this article to include an explicit declaration of support for international human rights would align Bangladesh with its obligations under global frameworks like the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Countries like Germany and Norway have incorporated human rights into their foreign policies, using their global influence to advocate for justice and equity. Bangladesh, with its historical legacy of the Liberation War and the associated fight for human rights, should similarly position itself as a champion for global justice. This commitment would bolster its international reputation and reinforce domestic adherence to human rights norms.

2.3 Recognition of Fundamental Rights

Bangladesh's Constitution guarantees certain fundamental rights, but significant gaps remain. The right to vote, propagate one's religion, access information, and pursue higher education must be enshrined as explicit constitutional rights. These rights are foundational to individual empowerment and democratic participation.

For example, South Africa's post-apartheid Constitution includes the right to education, information, and political participation as enforceable rights. Similarly, Article 19 of the Indian Constitution guarantees the freedom of expression and the right to

form associations. Enshrining these rights in Bangladesh's Constitution would ensure equal opportunities for all citizens, addressing systemic barriers and fostering inclusive development.

2.4 Addressing Police Abuse

The misuse of police power during remand or interrogation is a pervasive issue in Bangladesh, often resulting in human rights violations. Declaring such abuses a "serious crime" in the Constitution would establish a strong deterrent against such practices.

Countries like the United Kingdom and the United States have robust mechanisms to prevent police abuse, including independent oversight bodies and legal safeguards. For instance, the UK's Independent Office for Police Conduct investigates allegations of police misconduct, ensuring accountability. Bangladesh must adopt similar measures, integrating constitutional provisions with institutional reforms to protect citizens from abuse.

2.5 Freedom of Assembly

The current requirement for prior police or administrative permission to organize gatherings undermines the constitutional right to freedom of assembly. This restriction has been used to suppress dissent and limit civic engagement.

Freedom of assembly is a hallmark of democratic societies. Germany's Basic Law guarantees this right without requiring prior approval, provided gatherings are peaceful. Similarly, the First Amendment to the US Constitution ensures the right to assemble. Bangladesh must repeal restrictive provisions and guarantee this right, empowering citizens to express their views and advocate for change without fear of reprisal.

2.6 Strengthening the National Human Rights Commission (NHRC)

The NHRC in Bangladesh lacks the constitutional backing and powers needed to function effectively. Establishing the NHRC as a constitutional body with expanded powers would enhance its ability to investigate and address human rights violations independently.

India's National Human Rights Commission, established under the Protection of Human Rights Act, serves as a model. It operates independently and has the authority to investigate abuses, recommend remedies, and hold the state accountable. Bangladesh's NHRC must be similarly empowered to act as a watchdog for human rights, ensuring justice and redress for victims.

2.7 Why These Reforms Are Necessary

The proposed reforms are essential for protecting human rights and strengthening democracy in Bangladesh. Without cultural recognition, indigenous groups remain marginalized, weakening national unity. Without explicit commitments to global human rights, Bangladesh risks losing credibility on the international stage. Without robust protections for fundamental rights, police accountability, and freedom of assembly, citizens face continued suppression and disenfranchisement.

Moreover, empowering the NHRC as a constitutional body would provide an institutional safeguard against future violations, ensuring that human rights remain central to governance. These reforms are not only aligned with global standards but are also critical for building a fair and just society.

By learning from international best practices and addressing its unique challenges, Bangladesh can lay the foundation for a future where human rights are not aspirational ideals but guaranteed realities for all its citizens.

3. Executive Branch Reforms: Strengthening Democratic Accountability

The executive branch is the cornerstone of governance in any democracy, responsible for policy implementation and the day-to-day administration of the state. In Bangladesh, structural flaws in the Constitution and an over-concentration of power in the executive have weakened democratic accountability, enabled authoritarian tendencies, and stifled local governance. The following proposed reforms aim to rectify these issues, drawing on international best practices and addressing the unique challenges faced by Bangladesh.

3.1 Empowering Local Governments

Local governments in Bangladesh lack the financial and operational autonomy necessary to function effectively. Their dependence on central government approval for welfare projects has stifled grassroots development and undermined the principles of decentralized governance. Granting local governments the authority to undertake welfare projects within a specified limit without central interference is critical for fostering accountability and promoting equitable development.

Globally, decentralized governance models have been successful in enhancing democratic participation and efficiency. In India, the Panchayati Raj system empowers local governments to implement welfare schemes and manage resources independently. Similarly, Sweden's municipal governments have significant autonomy, including taxation powers, which enable them to address local needs effectively. For Bangladesh, empowering local governments will bridge the gap between citizens and policymakers, ensuring that decisions reflect local priorities and enhancing the quality of governance.

3.2 Resolving Contradictory Provisions

The contradiction between Article 123(3), which delays the swearing-in of new parliament members until the tenure of the previous parliament ends, and Article 148(2/a), which mandates that members take their oaths within three days of election results, exemplifies the legal ambiguities that undermine institutional coherence. This inconsistency, introduced during the Awami League's tenure, has been exploited to perpetuate power, delay accountability, and create legislative uncertainty.

Comparatively, clear constitutional timelines are essential for democratic transitions. South Africa's Constitution, for instance, mandates a smooth transition between governments, with precise timelines for the swearing-in of new representatives. Bangladesh must repeal or harmonize these contradictory provisions to ensure that electoral processes lead to timely transitions of power, safeguarding democratic integrity.

3.3 Dissolution of Parliament

In Bangladesh, the power to dissolve parliament is effectively monopolized by the Prime Minister, limiting checks on parliamentary overreach or abuses of power. Granting the President the authority to dissolve parliament, subject to a referendum confirming public support, would introduce a crucial mechanism to counteract oppressive or treasonous governance.

Countries like Italy and the United Kingdom empower heads of state or similar figures to dissolve parliament under specific circumstances, ensuring that the executive does not abuse its authority. Italy's President can dissolve parliament to resolve political deadlocks or restore public confidence. A similar provision in Bangladesh, with safeguards like mandatory referenda, would strike a balance between accountability and stability, preventing misuse while empowering citizens.

3.4 Presidential Election via Electoral College

The current system of electing the President in Bangladesh lacks the broader representation necessary for democratic legitimacy. Introducing an electoral college system—comprising representatives from both national and local levels—would democratize the process, ensuring that the President reflects the will of the people.
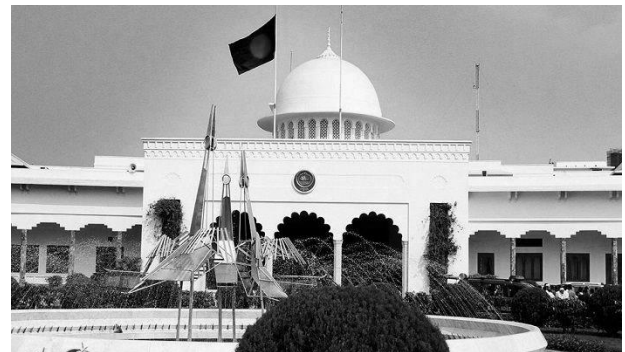
India's system of electing the President through an electoral college, involving members of Parliament and state legislatures, provides a model of inclusivity. Such a system ensures that the President serves as a neutral and unifying figure. Adopting a similar approach in Bangladesh would elevate the office of the President, reducing its susceptibility to partisan control and enhancing its capacity to act as a check on the executive branch.

3.5 Independent Commission for Public Administration

The politicization of public administration in Bangladesh has undermined meritocracy and eroded trust in state institutions. Establishing a constitutional commission to oversee the depoliticization of public administration would ensure transparency and impartiality in appointments, promotions, and disciplinary actions.

Countries like Singapore have demonstrated the value of merit-based public administration, which has been key to its success as a well-governed state. An independent body similar to Singapore's Public Service Commission would help Bangladesh restore

professionalism and neutrality in its bureaucracy, fostering efficiency and public confidence.

3.6 Defining Prime Ministerial Powers

The Constitution of Bangladesh grants the Prime Minister substantial authority but fails to explicitly define the scope of these powers under Article 55(2). This vagueness has allowed successive administrations to exploit executive discretion, undermining checks and balances.

Constitutions in well-functioning democracies often clearly delineate executive powers. For instance, Germany's Basic Law outlines the Chancellor's responsibilities while ensuring legislative and judicial oversight. Similarly, the UK's unwritten constitution establishes clear conventions that constrain the Prime Minister's authority. Bangladesh must amend Article 55(2) to define the Prime Minister's powers explicitly, ensuring accountability and limiting overreach.

3.7 Why These Reforms Are Necessary

The proposed executive branch reforms are essential for the future of democracy in Bangladesh. Decentralized governance, as seen in India and Sweden, fosters accountability and enhances service delivery. Resolving contradictions like those in Articles 123(3) and 148(2/a) will prevent legislative paralysis and ensure smooth democratic transitions. Granting the President the authority to dissolve parliament, as practiced in Italy and the UK, will empower citizens and provide a check on authoritarian tendencies.

Moreover, democratizing the presidential election process, depoliticizing public administration, and clearly defining executive powers will create a more accountable and balanced system of governance. These reforms are not just about rectifying past abuses—they are about building an executive branch that reflects the aspirations of a democratic Bangladesh, ensuring that power is exercised responsibly and transparently.

By learning from international best practices and addressing its unique constitutional challenges, Bangladesh can establish an executive branch that safeguards democracy, promotes accountability, and empowers its citizens.

4. Judiciary Reforms: Strengthening Independence and Accountability

A robust, independent judiciary is the cornerstone of any democracy, ensuring that the rule of law prevails and that citizens' rights are protected from abuses of power. In Bangladesh, the judiciary's independence has been compromised by executive influence, legislative non-compliance with court orders, and systemic administrative inefficiencies. These issues have undermined public trust in the judiciary, enabling authoritarian governance and weakening the Constitution's checks and balances. The following reforms aim to restore judicial independence and accountability, drawing on international best practices and addressing Bangladesh's unique challenges.

4.1 Judicial Independence

Ensuring the judiciary operates free from executive influence is essential to maintain its impartiality and integrity. In Bangladesh, the executive branch has historically interfered in judicial appointments, promotions, and decision-making, eroding the judiciary's autonomy.

Globally, judicial independence is a hallmark of strong democracies. For example, India's judiciary operates under a collegium system, where senior judges have significant input in the appointment of new judges, minimizing executive interference. Similarly, in the United States, the judiciary is insulated from the executive and legislative branches through life tenure for federal judges and an independent judicial budget.

To achieve similar independence, Bangladesh must institutionalize transparent judicial appointment processes, free from political influence. Establishing a judicial oversight body, composed of senior judges and legal experts, could safeguard against executive overreach and ensure merit-based appointments.

4.2 Legislative Compliance with Court Orders

One of the critical weaknesses in Bangladesh's governance structure is the ambiguity regarding the extent to which legislative bodies are bound to comply with court directives. This ambiguity has allowed the legislature and executive to ignore or delay implementing judicial decisions, undermining the rule of law.

In contrast, countries like South Africa and Germany emphasize the enforceability of judicial decisions. South Africa's Constitutional Court rulings are binding on all branches of government, as explicitly stated in its Constitution. Similarly, Germany's Federal Constitutional Court decisions are final and enforceable, ensuring compliance across all levels of governance.

Bangladesh must amend its Constitution to clearly define legislative and executive obligations regarding court orders, ensuring timely and full compliance. This will reinforce the judiciary's authority and restore public confidence in its ability to uphold justice.

4.3 Presidential Pardons

Article 49 of Bangladesh's Constitution grants the President the power to issue pardons, often leading to controversial decisions influenced by political considerations. To mitigate this, requiring the President to seek the opinion of the Supreme Judicial Council before granting pardons would ensure a more transparent and accountable process while preserving the President's ultimate authority.

This approach has precedence in several democracies. In India, the President consults the Council of Ministers before granting clemency, though the final decision remains discretionary. In South Korea, pardons require thorough reviews to ensure they align with public interest and legal standards. Implementing similar safeguards in Bangladesh would balance executive discretion with judicial oversight, preventing misuse of the pardon power.

4.4 Oath-Taking under the Chief Justice

Mandating that the President take their oath under the Chief Justice's supervision would symbolize the judiciary's role as a co-equal branch of government. This practice would also reinforce the separation of powers and underscore the judiciary's role in upholding constitutional integrity.

In the United States, the Chief Justice traditionally administers the oath of office to the President, reflecting the judiciary's ceremonial and constitutional significance. Adopting this practice in Bangladesh would enhance the judiciary's stature and promote institutional respect between branches of government.

4.5 Judicial Secretariat

Administrative independence is a critical component of judicial autonomy. Currently, Bangladesh's judiciary relies on the executive for administrative support, creating opportunities for interference. Establishing a separate Judicial Secretariat would ensure the judiciary has control over its staffing, budgeting, and other administrative functions, free from executive influence.

India and Pakistan provide examples of Judicial Secretariats that operate independently, enabling their judiciaries to function without undue interference. For Bangladesh, such a reform would not only enhance efficiency but also reinforce public trust in the judiciary's impartiality.

4.6 Defining Judicial Qualifications

Article 95(c)(2) of Bangladesh's Constitution provides general criteria for appointing judges to the Supreme Court but lacks specific qualifications for the Chief Justice and Appellate Division judges. This vagueness allows for arbitrary and politically motivated appointments.

Countries like Canada and South Africa emphasize clear, merit-based criteria for judicial appointments. In Canada, potential judges undergo rigorous evaluations by independent committees, ensuring high standards of professionalism and expertise. Similarly, South Africa's Judicial Service Commission conducts transparent assessments of candidates.

Bangladesh must amend Article 95(c)(2) to establish explicit qualifications for higher judicial appointments, including legal experience, academic credentials, and demonstrated integrity. This reform would ensure that only the most qualified candidates ascend to leadership positions within the judiciary.

4.7 Why These Reforms Are Necessary

The proposed judiciary reforms are critical for safeguarding democracy in Bangladesh. Judicial independence is essential to check executive overreach and uphold citizens' rights. Clear legislative compliance with court orders ensures that the rule of law is respected across all branches of government. Reforms to presidential pardons and judicial qualifications would enhance transparency and accountability, preventing political misuse of the judiciary.

Administrative independence, through a Judicial Secretariat, would address systemic inefficiencies, enabling the judiciary to operate without interference. Mandating the President's oath-taking under the Chief Justice's supervision would symbolically and practically affirm the judiciary's co-equal status in governance.

International comparisons highlight the success of such reforms in strengthening democratic institutions and fostering public trust. For Bangladesh, implementing these reforms is not merely an option but a necessity for building a judiciary that can effectively uphold the Constitution, protect individual freedoms, and serve as a bulwark against authoritarianism. These changes would lay the foundation for a fair, just, and democratic future.

Photo: Bangladesh Sangbad Sangstha

5. Enhancing Democratic Processes in Treaty Ratification and Constitutional Amendments

In a democracy, the legitimacy of governance stems from transparency, accountability, and public participation. Two areas where Bangladesh's constitutional framework falls short of these principles are the ratification of foreign treaties and the process for constitutional amendments. These deficiencies have allowed governments to operate without adequate oversight, often compromising the nation's sovereignty and democratic values. Introducing parliamentary ratification for treaties and public referendums for constitutional amendments would align Bangladesh with international best practices and strengthen its democratic integrity.

5.1 Parliamentary Ratification of Foreign Treaties

The Constitution of Bangladesh does not require foreign treaties to be ratified by Parliament. This absence of a formal process gives the executive branch unchecked authority to negotiate and sign international agreements without legislative oversight. Such a system limits transparency, undermines democratic accountability, and risks binding the nation to treaties that may not align with its long-term interests or the public will.

In contrast, most democratic nations ensure legislative involvement in treaty ratification. For instance, the United States requires the Senate's advice and consent, with a two-thirds majority needed for the ratification of treaties (U.S. Constitution, Article II, Section 2). This process ensures thorough scrutiny of treaties and promotes bipartisan consensus. Similarly, India's Constitution mandates

parliamentary oversight for treaties that involve financial commitments, territorial changes, or laws affecting fundamental rights, providing a clear check on executive discretion.

Another robust example is Germany, where the Basic Law requires parliamentary approval for treaties concerning foreign relations, defense, and sovereignty. This legislative involvement ensures that treaties are subjected to comprehensive debate and align with national interests. Even in the European Union, member states' parliaments often have a say in approving significant agreements negotiated by the EU.

Bangladesh's Constitution must be amended to mandate parliamentary ratification of treaties, particularly those involving national security, financial commitments, or changes to territorial boundaries. Such a reform would enhance accountability and ensure that international agreements reflect the will of the people. It would also provide an institutional check on the executive branch, fostering a more balanced governance framework.

5.2 Public Referendums for Constitutional Amendments

The current process for amending the Constitution in Bangladesh requires a two-thirds majority vote in Parliament. While this threshold ensures some degree of consensus, it places significant power in the hands of the legislature, often dominated by the ruling party. This exclusivity has enabled governments to pass amendments that serve partisan interests, bypassing broader public consultation. For example, the 15th Amendment, which removed the provision for a caretaker government, was passed without any direct input from the people, despite its far-reaching implications.

Internationally, many democracies incorporate public referendums into the constitutional amendment process, ensuring that citizens have a direct say in shaping their fundamental law. Switzerland is a notable example, where any constitutional amendment must be approved by a majority of voters in a national referendum as well as by a majority of cantons (Swiss Federal Constitution, Articles 140-142). This dual requirement ensures both popular and regional support, making amendments truly reflective of the national will.

Ireland also mandates public referendums for constitutional changes, allowing citizens to directly approve or reject proposed amendments (Irish Constitution, Article 46). This approach has been instrumental in fostering public engagement and legitimacy, as seen in the 2018 referendum that repealed the Eighth Amendment on abortion rights.

In the United States, while constitutional amendments require approval by Congress and state legislatures,

many states incorporate referendums into their amendment processes. For example, California requires voter approval for state constitutional changes, ensuring public participation in decisions that affect their governance framework.

Bangladesh should adopt a similar model, introducing a provision for public referendums on significant constitutional amendments. While maintaining the two-thirds parliamentary vote as an initial filter, the final decision should rest with the electorate. This would democratize the amendment process, ensuring that changes to the nation's supreme law are rooted in popular consent.

5.3 Why These Reforms Are Necessary

Both treaty ratification and constitutional amendments are matters of national importance that should not be left solely to the discretion of the executive or legislature. Requiring parliamentary approval for treaties would increase transparency, foster public trust, and ensure that international agreements align with national interests. Similarly, incorporating public referendums into the amendment process would prevent governments from unilaterally altering the Constitution, safeguarding it against partisan exploitation.

These reforms would also bring Bangladesh in line with international democratic standards, enhancing its global standing and reinforcing its commitment to participatory governance. In a nation where political polarization and executive overreach have often undermined democratic processes, these changes would serve as vital safeguards, ensuring that power truly resides with the people.

By learning from global best practices and adapting them to its unique context, Bangladesh can strengthen its democratic institutions and uphold the principles of accountability, transparency, and public participation that are essential for a thriving democracy.

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Policy White Paper- 2
JUDICIAL REFORMS

Judicial Reform for Bangladesh: A White Paper

Judicial Reform for Bangladesh: A White Paper

Key Recommendations

To address the systemic issues within Bangladesh's judiciary and enhance its independence, efficiency, and accessibility, the following recommendations are proposed:

1. Addressing the Inadequate Number of Judges and Judicial Staff

2. Addressing Inadequate Judicial Infrastructure

3. Improving Access to Legal Aid for the Poor and Disenfranchised

4. Establishment of a Supreme Judicial Council (SJC)

5. Reforming the Judicial Appointment Process

6. Strengthening Lower Courts

7. Implementing Judicial Financial Audits

8. Developing a Judicial Code of Conduct

9. Judicial Skills Development

Introduction

The judiciary in Bangladesh is a cornerstone of its democratic framework but faces significant challenges to its independence and effectiveness. Politicization and corruption have undermined public trust and compromised the judiciary's ability to function as a neutral arbiter of justice.

Judicial appointments, especially to higher courts, are frequently driven by political considerations rather than merit or seniority. This practice fosters perceptions of bias, with judges often viewed as aligned with ruling parties instead of impartial defenders of the rule of law. Such politicization erodes the separation of powers and the judiciary's ability to serve as a safeguard against executive overreach (International Crisis Group, 2016). A judiciary that lacks independence risks enabling authoritarianism, as seen under the Sheikh Hasina government, where unchecked executive control over state institutions has cultivated an environment of de facto one-party rule and curtailed democratic freedoms (Freedom House, 2023).

The trajectory of the judiciary's politicization is starkly illustrated by two key moments in Bangladesh's recent history. Between Chief Justice ABM Khairul Haque's rescinding of the 13th Amendment in 2011 and the attempted judicial coup by Chief Justice Obaidul Hasan right after the fall of Sheikh Hasina's fascist regime, the judiciary has been increasingly perceived as a battleground for political interests rather than an impartial institution. This image underscores the deepening polarization and political interference that have plagued Bangladesh's judicial system.

Corruption exacerbates these challenges, with instances of financial misconduct, undue corporate influence, and ethical lapses eroding judicial integrity. The absence of robust accountability systems and enforceable ethical codes allows bribery and influence-peddling to persist. High-profile cases frequently reveal outcomes favoring powerful entities, deepening public distrust and disproportionately disadvantaging marginalized groups who already face systemic barriers to justice (Transparency International Bangladesh, 2022).

Together, these factors have fostered a judiciary perceived as accessible primarily to the elite, undermining its foundational role in upholding citizens' rights and the rule of law.

Judicial reform is essential to restore independence and accountability within Bangladesh's legal system. Political interference in judicial appointments and rulings, coupled with corruption, has weakened the judiciary's ability to protect individual rights and check the executive's power. Without an independent judiciary, the concentration of all state power in the executive branch risks enabling authoritarian governance, as seen in the erosion of democratic institutions under the last regime (United Nations Human Rights Council, 2023).

Strengthening the judiciary through transparent appointment processes, robust oversight mechanisms, and enforceable ethical standards is critical to safeguarding democracy. A reformed judiciary not only ensures the separation of powers but also protects citizens against state overreach, serving as a bulwark against the encroachment of dictatorship or fascism. Upholding judicial independence is thus indispensable for restoring public trust, ensuring equal access to justice, and

preserving Bangladesh's democratic framework (UNDP Bangladesh, 2021).

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1. Addressing the Inadequate Number of Judges and Judicial Staff

- Increase Judicial Appointments: Allocate resources to hire a sufficient number of judges and support staff to address the current backlog of cases and ensure timely resolution.

- Streamline Recruitment Processes: Empower the Supreme Judicial Council (SJC) to oversee transparent and merit-based hiring processes.

- Expand Training Programs: Implement capacity-building initiatives, including training in global best practices, to improve the competence and efficiency of judicial officers and staff.

- 1 judge for every 95,000 people
- 1 judge handles 1800–2100 cases at a time
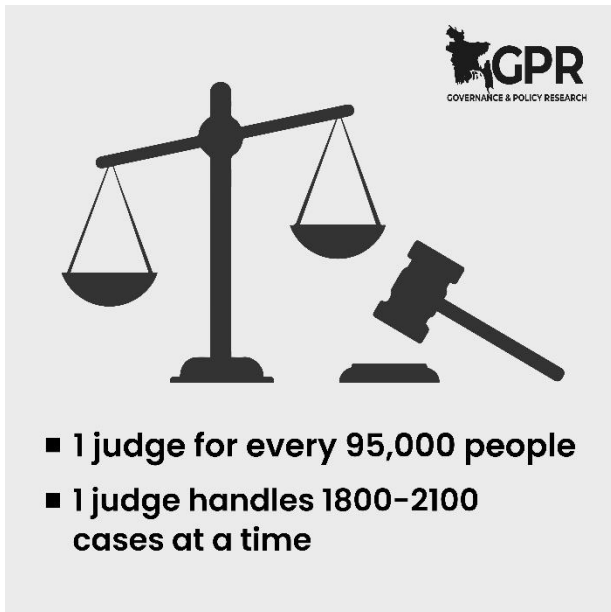
1.1 Our Recommendations

1. **Immediate Measures:**
   - Launch nationwide recruitment campaigns for judges and judicial officers.
   - Extend retirement age and incentivize re-engagement of retired judges.

2. **Long-Term Reforms:**
   - Expand judicial academies with state-of-the-art training programs.
   - Digitize court processes to improve efficiency and reduce dependence on manual administrative work.

3. **Complementary Strategies:**
   - Strengthen Alternative Dispute Resolution (ADR) mechanisms to handle non-critical disputes outside formal courts.
   - Introduce fast-track systems for critical cases, ensuring timely resolutions.

1.2 Global Practices and Recommendations for Bangladesh

The shortage of judges and judicial officers in Bangladesh has significantly contributed to case backlogs and delays in justice delivery. To address this challenge, lessons can be drawn from international practices, offering scalable solutions tailored to Bangladesh's context.

Recruitment and Capacity Building

Periodic recruitment drives have proven effective in ensuring a steady influx of judicial officers in countries like India, where public service commissions and judicial academies play a central role in staffing the judiciary (National Judicial Academy India, 2021). These processes are transparent and often include fast-track recruitment mechanisms to address vacancies promptly. For Bangladesh, similar recruitment initiatives, coupled with quotas for lower courts and specialized tribunals, could address workforce shortages. Complementing this, judicial academies such as those in the Philippines, which offer comprehensive training for new recruits, enable rapid deployment and efficiency in handling cases (Asian Development Bank, 2022). Strengthening Bangladesh's judicial training institutes would be a key step in preparing candidates for immediate court assignments.

Retaining Experience and Utilizing Technology

Extending the retirement age of judges is another viable strategy. The United Kingdom has implemented this measure to retain skilled professionals while allowing time to train new recruits (UK Ministry of Justice, 2023). Bangladesh could adopt a similar approach to maintain institutional knowledge within the judiciary. Furthermore, integrating technological solutions has shown remarkable success in Singapore, where digital courts and AI-powered case management systems have streamlined judicial workflows, reducing the dependency on a large volume of judicial officers (Singapore Academy of Law, 2022). Investments in e-judiciary systems in Bangladesh could automate administrative tasks, freeing judges to focus on more complex legal matters.

Temporary Measures and Case Management

To address immediate backlogs, temporary appointments can provide relief. In Australia, retired judges and part-time judicial officers are engaged to manage case surges (Australian Law Reform Commission, 2021). Bangladesh could similarly leverage retired judges or experienced legal professionals on temporary contracts. Additionally, the United States employs "fast-track" systems that prioritize urgent cases, optimizing resource allocation and reducing burdens on judicial officers (American Bar Association, 2022). Implementing such triage systems in Bangladesh could ensure more efficient case handling.

Reducing Case Inflows Through Alternative Mechanisms

Reducing the volume of cases reaching courts is critical. In South Africa, alternative dispute resolution (ADR) mechanisms, such as mediation and arbitration, play a significant role in easing judicial workloads (South African Law Commission, 2023). Promoting ADR in Bangladesh, alongside community-based dispute resolution systems, would provide effective alternatives to litigation and alleviate pressure on the judiciary.

By adopting these globally tested practices, Bangladesh can address its shortage of judges and judicial officers, enhancing the efficiency and accessibility of its judicial system. These reforms would ensure timely justice delivery while reinforcing public trust in the judiciary.

2. Addressing Inadequate Judicial Infrastructure

- Upgrade Facilities: Modernize courtrooms and administrative offices, focusing on expanding access to digital tools like e-filing and virtual hearings.
- Develop Dedicated Judicial Complexes: Establish specialized court buildings to reduce logistical challenges for case hearings.
- Ensure Regional Equity: Invest in infrastructure improvements in rural and underserved areas to promote equitable access to justice across the country.

2.1 Our Recommendations:
1. **Immediate Actions:**
   o Prioritize budget allocation for judicial infrastructure upgrades.
   o Recruit and train more judicial support staff, with an emphasis on court clerks, IT specialists, and case managers.

2. **Mid- to Long-Term Strategies:**
   o Digitize court systems to reduce physical infrastructure reliance.
   o Build multi-purpose judicial complexes in high-demand areas.
   o Establish mobile courts to reach remote populations.
3. **Policy-Level Reforms:**
   o Create a judicial infrastructure development authority to oversee modernization efforts.
   o Engage in public-private partnerships for financing and operational support.

2.2 Global Practices and Recommendations for Bangladesh
Inadequate judicial infrastructure and a shortage of supporting staff are significant challenges facing Bangladesh's judiciary, contributing to inefficiency and delays in justice delivery. Drawing inspiration from global practices, targeted reforms can address these deficiencies while ensuring sustainability and accessibility.

Modernizing Judicial Infrastructure

Many countries have prioritized infrastructure modernization to streamline judicial operations. For instance, India's e-Courts Project has digitized court records and administrative workflows, significantly reducing reliance on physical space and accelerating case processing (Supreme Court of India, 2022). Bangladesh can adopt similar investments in digital infrastructure to enhance efficiency and transparency. Likewise, the United Kingdom allocates a fixed percentage of its national budget to judicial infrastructure, enabling consistent upgrades to court facilities (UK Ministry of Justice, 2023). Establishing a dedicated judicial infrastructure fund in Bangladesh would ensure the construction of new courtrooms and the renovation of aging facilities.

Integrated judicial complexes have also proven effective in optimizing resources. In South Africa, multi-use court facilities host multiple courts, mediation centers, and legal aid offices, reducing operational costs and improving accessibility (South African Law Commission, 2023). Bangladesh could

replicate this model, developing comprehensive judicial complexes that cater to a variety of legal needs under one roof. Furthermore, decentralized court systems, such as Kenya's mobile and rural courts, have improved access to justice for underserved communities (Kenya Judiciary Annual Report, 2022). Expanding mobile courts and rural judicial facilities in Bangladesh would alleviate the burden on urban courts and extend judicial services to remote areas.

<div align="center">Enhancing Supporting Staff Capacity</div>

An effective judiciary depends not only on judges but also on a skilled and adequately staffed administrative workforce. The United States has introduced court management programs to train clerks, stenographers, and IT personnel, ensuring that courts operate efficiently (American Bar Association, 2022). Bangladesh could launch similar recruitment and training programs to strengthen its judicial support staff. Additionally, adopting case management software, as seen in Singapore, can automate repetitive tasks like scheduling and case tracking, reducing dependence on manual labor and enhancing administrative efficiency (Singapore Academy of Law, 2022).

Improving incentives for judicial staff is equally critical. In the Philippines, better salaries, housing allowances, and clear career progression pathways have helped attract and retain skilled professionals (Asian Development Bank, 2022). Bangladesh should adopt competitive pay structures and growth opportunities for judicial staff to reduce attrition and maintain a motivated workforce.

Sustainable Infrastructure Financing

Given budgetary constraints, Bangladesh could explore public-private partnerships (PPPs) to finance new court facilities. Brazil has effectively used PPPs to construct modern court buildings, leveraging private capital to reduce pressure on public funds (Brazilian Ministry of Justice, 2021). Similar partnerships could enable Bangladesh to build sustainable and modern judicial infrastructure.

By embracing these global practices, Bangladesh can address its infrastructural and staffing challenges, creating a more efficient and accessible judiciary. Such reforms will enhance the judiciary's capacity to deliver timely justice and restore public confidence in the legal system.

3. Improving Access to Legal Aid for the Poor and Disenfranchised

- Strengthen Legal Aid Programs: Increase funding for state-sponsored legal aid initiatives, ensuring comprehensive support for economically disadvantaged and marginalized groups.

- Promote Awareness Campaigns: Educate the public about available legal aid resources to empower individuals to seek justice.
- Partner with NGOs: Collaborate with civil society organizations to expand outreach and service delivery for disenfranchised populations.

39 lakh++ cases are pending justice

15.96 lakh+ civil cases

21.32 lakh+ Criminal cases

3.1 Our Recommendations:
1. **Immediate Actions:**
   - Increase funding for NLASO and expand its reach to underserved areas.
   - Partner with law schools to establish student-led legal aid clinics.
2. **Mid- to Long-Term Strategies:**
   - Institutionalize mandatory pro bono work for lawyers.
   - Invest in technology-driven legal aid platforms to offer remote assistance.
   - Develop a national network of community paralegals to extend legal aid services.
3. **Policy-Level Reforms:**
   - Strengthen collaboration with NGOs and private organizations.
   - Introduce legal aid awareness campaigns through mass media and grassroots networks.

3.2 Global Practices and Recommendations for Bangladesh
Access to legal aid is a fundamental pillar of justice, yet in Bangladesh, the poor and disenfranchised face significant barriers to legal representation. Drawing from global best practices, targeted reforms can improve access to justice for marginalized populations, ensuring a fairer and more inclusive legal system.

Strengthening State-Funded Legal Aid

State-funded legal aid programs play a critical role in bridging the gap between legal services and underprivileged communities. The United Kingdom's Legal Aid Agency, funded by the government, provides free or subsidized legal assistance for both civil and criminal cases (UK Ministry of Justice, 2022). In Bangladesh, expanding the budget and scope of the National Legal Aid Services Organization (NLASO) can ensure broader coverage, enabling more comprehensive legal support to vulnerable groups. Targeted funding increases and better resource allocation can enhance NLASO's effectiveness and reach.

Expanding Community-Based Legal Aid Services

Localized legal aid clinics have proven effective in increasing access to justice in rural and underserved areas. India's Lok Adalats and legal aid clinics resolve disputes through mediation and counseling, offering a cost-effective and community-centric solution (National Legal Services Authority of India, 2022). Bangladesh can establish similar community-based legal aid clinics to provide accessible, localized assistance, particularly in rural areas where formal legal resources are scarce.

Promoting Pro Bono and Collaborative Legal Services

Encouraging or mandating pro bono work by legal professionals can significantly increase access to legal aid. In the United States, bar associations and law firms actively promote pro bono services for low-income clients, often incentivized through professional recognition and career benefits (American Bar Association, 2022). Bangladesh's bar councils could introduce similar frameworks, fostering a culture of voluntary legal support for the disenfranchised. Collaboration with NGOs and private organizations, as seen in South Africa, further amplifies the reach of legal aid services through public-private partnerships (South African Legal Aid Board, 2023).

Leveraging Technology for Wider Reach

Technology offers innovative solutions for expanding access to legal aid. Kenya's digital platforms provide remote legal consultations and advice, reaching marginalized communities through mobile and online services (Kenya Legal Aid Service, 2022). Bangladesh can adopt similar platforms to deliver virtual legal consultations, particularly for hard-to-reach areas. Additionally, training community paralegals, as practiced in Uganda, can empower local representatives to provide basic legal guidance and support (Uganda Legal Aid Service Providers Network, 2021).

Raising Awareness and Educating Citizens

Public awareness campaigns are essential to inform citizens about their legal rights and available legal aid resources. The Philippines has successfully conducted nationwide campaigns to educate its population, resulting in increased utilization of legal aid services (Philippine Legal Aid Center, 2023). Bangladesh could replicate these initiatives to improve awareness and ensure that individuals understand their rights and the mechanisms available to defend them.

By adopting these global best practices, Bangladesh can enhance access to legal aid for the poor and disenfranchised, fostering a more equitable and accessible legal system. These measures would ensure that justice is not a privilege for the few but a right for all.

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4. Establishment of a Supreme Judicial Council (SJC)

- Ensure Transparent Oversight: Empower the SJC to oversee judicial appointments, disciplinary actions, and performance evaluations, ensuring accountability and meritocracy.
- Address Misconduct: Implement stringent disciplinary mechanisms to tackle corruption and misconduct within the judiciary.

4.1 Proposed Role of the Supreme Judicial Council in Bangladesh

The Supreme Judicial Council in Bangladesh should be empowered to perform several critical functions, drawing on lessons from both common law and civil law systems:

1. **Appointment and Promotion of Judges**: The SJC should be responsible for overseeing the selection of judges to the Supreme Court and lower courts, ensuring that appointments are based on seniority and merit. This body should conduct a thorough review of candidates, assessing their legal acumen, ethical standing, and judicial independence.

2. **Disciplinary Proceedings**: The SJC should have the authority to investigate allegations of judicial misconduct, including corruption, bias, and unethical behavior. It should be able

to recommend appropriate sanctions, including removal from office if necessary. An independent disciplinary process would help restore public confidence in the judiciary.

3. **Ensuring Judicial Independence**: The SJC should serve as a safeguard against political or executive interference, ensuring that judges can perform their duties without fear of reprisal or influence. This body should act as a buffer, protecting judges from pressures that could undermine their independence.

4. **Regular Monitoring and Evaluation**: The SJC could establish a system of regular performance evaluations for judges to ensure that they are adhering to the highest standards of judicial conduct. This would include monitoring their case management efficiency, legal reasoning, and adherence to ethical guidelines.

5. **Implementing Reforms**: The SJC could also advise the government on necessary judicial reforms, ensuring that changes to the legal system are grounded in best practices and international standards. This advisory role would ensure that the judiciary evolves to meet contemporary challenges while maintaining its independence and integrity.

A well-structured Supreme Judicial Council can be a cornerstone of judicial reform in Bangladesh, providing a robust mechanism for the appointment, oversight, and discipline of judges. By incorporating the best practices from common law and civil law systems, the SJC can help restore public trust, enhance the judiciary's independence, and ensure that judges are both accountable and impartial. This reform would mark a significant step toward a more transparent, fair, and effective judicial system in Bangladesh.

4.2 Global Practices in Ensuring Judicial Accountability and Independence

One critical role of the SJC is overseeing judicial appointments to ensure they are merit-based and devoid of political interference. Models like India's Collegium System, which emphasizes seniority and competence in judicial appointments, illustrate the importance of safeguarding the judiciary from executive overreach (Supreme Court of India, 2022). Similarly, Pakistan's SJC, established under Article 209 of its Constitution, effectively handles judicial discipline and misconduct investigations (Pakistan Ministry of Law, 2023).

Disciplinary accountability is another vital function of an SJC. Councils in France and Italy investigate and sanction judicial misconduct, ensuring adherence to ethical and professional standards (Conseil Supérieur de la Magistrature, 2022). These examples underscore the value of having an independent body to hold judges accountable without compromising their autonomy.

An SJC also plays a pivotal role in promoting judicial independence by shielding judges from political and economic pressures. The General Council of the Judiciary in Spain, for example, manages judicial appointments and performance evaluations to protect judges from external interference (Consejo General del Poder Judicial, 2023).

Countries with established SJCs, such as Pakistan, France, and Italy, demonstrate the efficacy of these councils in maintaining judicial integrity and independence. The Italian Consiglio Superiore della Magistratura (CSM), with its dual focus on accountability and autonomy, offers a model Bangladesh could adapt to suit its legal and cultural framework (European Commission for the Efficiency of Justice, 2022). Similarly, Kenya's Judiciary leverages transparent oversight mechanisms to strengthen public confidence (Kenya Judiciary Annual Report, 2022).

4.3 Composition and Responsibilities

The Supreme Judicial Council (SJC) is an essential institution designed to uphold judicial independence while ensuring accountability within the judiciary. Its core functions include overseeing the selection and appointment of judges, conducting disciplinary proceedings, upholding judicial ethics, and advising on judicial reforms. To effectively perform these responsibilities, the SJC's composition must strike a balance between judicial expertise and external oversight, safeguarding its impartiality and independence from political or external interference.

Composition of the SJC

The structure of an SJC varies across legal systems but generally includes a combination of judicial and non-judicial members. This ensures both expertise and transparency in decision-making.

Judicial Members:

The majority of SJC members are senior members of the judiciary, such as the Chief Justice and other judges from both the Appellate and High Court Divisions. The Chief Justice often serves as the chairperson, leveraging their seniority and leadership to align the council's decisions with the judiciary's broader mission of justice and independence. Including experienced judges ensures that decisions related to

appointments and disciplinary actions are informed by deep legal knowledge and practical experience.

Non-Judicial Members:

To prevent insularity and ensure transparency, many countries incorporate non-judicial members, such as legal scholars, academics, or representatives from civil society. Legal experts bring theoretical and ethical perspectives, while public representatives ensure accountability to the broader citizenry. This diversity in membership enriches the council's decision-making and aligns its activities with societal expectations.

Appointment Process:

The integrity of the SJC relies heavily on its appointment process, which must be transparent and insulated from political influence. In many systems, members are selected through elections by judicial peers or appointed by a balanced mix of judicial, executive, and legislative bodies. Such safeguards prevent any single branch of government from dominating the judiciary, preserving its independence.

International Best Practices

In Pakistan, the SJC comprises senior judges and operates independently to investigate judicial misconduct and oversee appointments, ensuring accountability while protecting judicial autonomy (Pakistan Ministry of Law, 2023). Similarly, France's Conseil Supérieur de la Magistrature includes judicial and non-judicial members, reflecting a balanced approach to transparency and expertise (Conseil Supérieur de la Magistrature, 2022). These examples demonstrate how diverse composition and robust appointment processes can enhance judicial integrity and public trust.

An SJC that embodies these principles can strengthen the judiciary, reinforcing both accountability and independence—cornerstones of a just and impartial legal system.

5. Reforming the Judicial Appointment Process

- Prioritize Merit: Ensure appointments to higher courts balance seniority and

demonstrated competence, excluding candidates with overt political affiliations or foreign citizenship.

5.1 Chief Justice

The appointment of the Chief Justice is a critical decision that impacts the judiciary's independence and effectiveness. Traditionally, Bangladesh has prioritized seniority in selecting the Chief Justice, following a common law tradition similar to countries like India, where the judiciary respects seniority through systems like the "Collegium System." Seniority-based selection ensures predictability, stability, and transparency, as senior judges possess decades of experience and familiarity with legal and administrative challenges.

However, relying solely on seniority may overlook vital qualities such as judicial performance, leadership skills, and ethical integrity. A more holistic approach that incorporates both seniority and merit-based criteria is increasingly recognized as essential.

Merit-Based Criteria

1. Judicial Competence: A demonstrated ability to deliver fair and well-reasoned judgments that reflect a deep understanding of legal principles and societal impacts.

2. Integrity and Ethical Conduct: A reputation for unwavering integrity and adherence to judicial ethics to uphold the credibility of the judiciary.

3. Leadership and Administrative Skills: Strong administrative capabilities to manage courts, oversee case management, and implement judicial reforms effectively.

4. Vision and Commitment to Judicial Independence: A capacity to protect the judiciary from external pressures, upholding the rule of law and resisting influence from political or economic elites.

To integrate merit alongside seniority, a Supreme Judicial Council (SJC) could be tasked with evaluating and recommending candidates. The SJC could use transparent methods, including peer reviews, assessments of judicial performance, and feedback from legal professionals. This would ensure that the selection process remains objective and results in the appointment of a Chief Justice capable of leading with competence, integrity, and independence.

Adopting a balanced approach to Chief Justice appointments—combining seniority with merit—would strengthen the judiciary's leadership and enhance public confidence in the legal system.

Global Best Practices

Globally, countries employ diverse approaches to balance seniority and merit in appointing a Chief

Justice, reflecting their legal traditions while ensuring competence and independence in judicial leadership.

In the United Kingdom, the selection of the Lord Chief Justice is primarily merit-based and overseen by an independent commission, comprising judges and legal professionals. This process evaluates candidates on their leadership skills, administrative capabilities, and judicial track record, while respecting but not prioritizing seniority (UK Judicial Appointments Commission, 2023).

The United States, by contrast, appoints its Chief Justice through a political process. The President nominates a candidate, who is then confirmed by the Senate. While this system places significant emphasis on merit, including legal philosophy and leadership skills, it has faced criticism for introducing political considerations into the judiciary (American Bar Association, 2022).

In France, the appointment of the Chief Justice, or First President of the Court of Cassation, incorporates both seniority and merit. The Conseil Supérieur de la Magistrature (CSM) evaluates candidates based on judicial performance and experience, aiming to balance expertise with competence (Conseil Supérieur de la Magistrature, 2022).

Germany employs a merit-based system for appointing the Chief Justice of the Federal Constitutional Court. A parliamentary committee, with input from the judiciary, assesses candidates based on professional qualifications, judicial competence, and independence, minimizing reliance on seniority (German Federal Constitutional Court, 2023).

In Canada, the Prime Minister appoints the Chief Justice, often considering seniority alongside merit. This process includes consultations with legal professionals and stakeholders, ensuring the appointee is respected within the legal community. Emphasis is also placed on leadership and administrative skills critical for overseeing the judiciary's operations (Supreme Court of Canada, 2023).

5.2 Appellate Division Appointments

The appointment of judges to the Appellate Division is a pivotal process in ensuring a fair and effective judiciary. This selection must balance seniority and merit, two foundational principles that ensure competence, integrity, and independence.

Seniority remains a critical criterion in many jurisdictions. It reflects a judge's extensive experience and familiarity with legal systems, which are invaluable in appellate cases. For instance, India mandates years of High Court service before eligibility for Supreme Court appointments (Supreme Court of India, 2022). Similarly, in Pakistan, seniority within the judiciary influences Supreme Court eligibility, emphasizing stability and transparency (Pakistan Ministry of Law, 2023).

Seniority ensures judges possess consistent career paths and substantial judicial experience. Malaysia, for example, prioritizes uninterrupted service, underscoring the importance of remaining current with legal developments (Malaysian Judicial Appointments Commission, 2023). However, reliance on seniority alone risks overlooking more meritorious candidates, making a balanced approach essential.

Merit complements seniority by emphasizing judicial competence, integrity, and specialized expertise. Appellate judges must demonstrate excellence in legal reasoning, as seen in Canada and the UK, where the quality of judgments is a decisive criterion (Judicial Appointments Commission UK, 2023; Supreme Court of Canada, 2023). Ethical conduct and independence from political influence are equally crucial. In France, the Conseil Supérieur de la Magistrature emphasizes judicial ethics and unblemished reputations in appointments (Conseil Supérieur de la Magistrature, 2022).

Judicial scholarship and subject-matter expertise also play vital roles. In Germany and Italy, academic contributions and specialization in fields like constitutional or commercial law are valued (German Federal Constitutional Court, 2023). Similarly, India considers expertise in complex legal areas when promoting judges (Supreme Court of India, 2022).

Finally, courtroom management and judicial demeanor, such as fairness and patience, are key factors in appointments. Australia and the United States prioritize judges with efficient case management and strong judicial temperament (Australian High Court, 2022; American Bar Association, 2022).

Additional Recommendations
- Exclusion of Candidates with Political Party Affiliations
- Exclusion of Candidates with Foreign Citizenship

Countries such as India, Pakistan, and Germany prohibit active political affiliations for judges to ensure judicial neutrality. In India, judicial candidates are barred from active political roles, and sitting judges cannot participate in political activities (Supreme Court of India, 2022). This restriction has been instrumental in maintaining the perception of impartiality, although challenges persist when judges are appointed after holding politically sensitive roles.

Germany similarly excludes judges from active political roles during their tenure. Judges in the Federal Constitutional Court are appointed based on merit and legal expertise, with rigorous checks to ensure political neutrality (German Federal Constitutional Court, 2023). This rule has been effective in upholding public trust in the judiciary, fostering confidence in its independence.

In Pakistan, judges cannot hold political office while serving on the bench. The country's Supreme Judicial Council ensures that candidates for judicial appointments have no recent political affiliations (Pakistan Ministry of Law, 2023). This rule has been moderately successful, though accusations of political favoritism in appointments occasionally arise.

Excluding candidates with foreign citizenship is another common practice, aiming to protect national sovereignty and prevent potential conflicts of interest. In France, judges in key positions must hold French citizenship, ensuring their allegiance lies solely with the state (Conseil Supérieur de la Magistrature, 2022). This policy has strengthened the judiciary's alignment with national interests.

Similarly, Canada requires all judges to be Canadian citizens, reflecting a commitment to national loyalty (Supreme Court of Canada, 2023). This restriction has proven effective, with no significant controversies regarding foreign influence in the judiciary.

5.3 Appointments to Lower Courts

Appointing judges to lower courts is a foundational step in creating a fair and efficient judiciary. Many countries adopt transparent, merit-based processes to ensure that lower court judges are competent, impartial, and accountable. These practices could serve as models for reforming the judicial appointment system in Bangladesh.

Countries like India and Japan emphasize merit-based examinations for lower court appointments. In India, the Judicial Services Examination assesses candidates on their legal knowledge, reasoning skills, and ethical standards. The examination process, overseen by state public service commissions and high courts, ensures consistency and fairness (National Judicial Academy India, 2022). Similarly, Japan's National Bar Examination evaluates candidates rigorously before

appointment to the lower courts (Japan Federation of Bar Associations, 2023).

Comprehensive judicial training is a cornerstone of lower court appointments in France and the United Kingdom. In France, candidates undergo mandatory training at the École Nationale de la Magistrature (ENM) before assuming judicial responsibilities (ENM France, 2022). This ensures that newly appointed judges are well-prepared to handle complex cases. The Judicial College in the UK also provides extensive training for new judges, focusing on legal skills and ethical conduct (Judicial Office UK, 2023).

In Germany, the recruitment process for lower courts is transparent and includes interviews, academic evaluations, and input from judicial councils. This approach ensures that appointments are based on competence rather than external influences (German Judicial Appointments Commission, 2023).

Adopting global best practices, such as merit-based examinations, mandatory training, and transparent selection processes, can enhance the credibility and efficiency of Bangladesh's lower judiciary. These measures would ensure that appointments are free from political interference and prioritize the judiciary's integrity and independence.

5.4 Proposed Policies for Judicial Remuneration in Bangladesh

Setting fair and competitive remuneration for judges in Bangladesh is essential for attracting and retaining competent judicial officers while safeguarding judicial independence. Based on global best practices, the following policies are proposed for High Court and lower court judges:

1. Salary Benchmarking

Judges' salaries should be benchmarked against high-level public servants and adjusted for inflation to ensure they reflect the cost of living. India employs a similar system, where judges' salaries are reviewed periodically and benchmarked against senior administrative officials (National Judicial Pay Commission India, 2022).

2. Transparent and Independent Review Mechanism

An independent Judicial Remuneration Commission should oversee salary adjustments to prevent political interference. This model is adopted in Canada, where the Judicial Compensation and Benefits Commission ensures judicial remuneration is fair and reflects the judiciary's importance (Judicial Compensation Commission Canada, 2023).

3. Performance-Linked Allowances

Introduce non-monetary performance incentives, such as housing and travel allowances, tied to judicial efficiency. Singapore supplements judicial salaries with performance-linked bonuses to encourage efficiency and retain talent (Singapore Academy of Law, 2023).

4. Unified Pay Structure with Adjustments for Complexity

Create a unified pay structure for lower and High Court judges, with additional allowances for handling complex or high-profile cases. Germany provides additional remuneration for judges managing specialized cases, such as constitutional or commercial law (German Judicial Pay Commission, 2023).

5. Post-Retirement Benefits

Ensure comprehensive pension schemes and retirement benefits for judicial officers. Australia offers lifetime pensions based on last-drawn salaries, promoting financial security and reducing corruption risks (Australian Judicial Commission, 2022).

6. Non-Monetary Benefits

Provide subsidized housing, medical insurance, and educational support for judges and their families. France and India have implemented similar welfare schemes to enhance the judiciary's quality of life (École Nationale de la Magistrature, 2022; National Judicial Academy India, 2022).

6. Strengthening Lower Courts

- Ensure Independence: Empower the SJC to oversee appointments and discipline in lower courts, reducing external influences.

- Enhance Case Management: Provide training and resources to lower courts to improve case resolution efficiency.

6.1 Ensuring Independence in Lower Courts

Strengthening the independence of lower courts is vital for maintaining impartiality and public trust in the judiciary. Empowering an independent body, such as the Supreme Judicial Council (SJC), to oversee appointments and discipline in lower courts can significantly reduce external influences, including political and executive interference.

In Pakistan, the Supreme Judicial Council oversees the appointment and conduct of lower court judges to ensure adherence to judicial independence (Pakistan Ministry of Law, 2023). This system helps shield judges from undue pressure while promoting accountability. Similarly, in India, state judicial services commissions, under the supervision of High Courts, handle recruitment and disciplinary matters for lower court judges, ensuring transparency and merit-based appointments (National Judicial Academy India, 2022).

Germany also provides an effective model, where judicial councils manage lower court appointments and career progression based on merit and qualifications, free from executive influence (German Federal Constitutional Court, 2023). This practice ensures that judicial independence is maintained at all levels of the judiciary.

For Bangladesh, empowering the SJC to oversee lower court appointments and discipline would create a robust system of checks and balances. This would prevent undue external interference, foster merit-based recruitment, and reinforce public confidence in the judiciary's impartiality.

6.2 Enhancing Case Management in Lower Courts

Efficient case management is critical for reducing backlogs and ensuring timely justice. Providing training and resources to lower courts can improve efficiency in case resolution.

In Singapore, digital case management systems and training for judicial officers have significantly streamlined lower court operations. Automated systems prioritize cases, reduce administrative burdens, and allow judges to focus on adjudication (Singapore Judiciary Annual Report, 2023). Similarly, Australia employs case triage systems that assign cases based on complexity, improving resource allocation (Australian Judicial Commission, 2022).

France has implemented comprehensive training programs at the École Nationale de la Magistrature (ENM) to equip lower court judges with skills in case

management, ensuring efficient and fair trials (ENM France, 2022).

For Bangladesh, investing in digital case management tools, training judicial officers, and implementing triage systems would enhance efficiency. Strengthening resources for lower courts can help resolve cases more effectively, reducing delays and ensuring justice for all.

7. Implementing Judicial Financial Audits

- Promote Accountability: Conduct regular financial audits of judicial officers to detect and deter corruption.
- Mandate Financial Transparency: Require judicial officers to disclose assets annually.

7.1 Promoting Accountability

Conducting regular financial audits of judicial officers is a critical step in detecting and deterring corruption in the judiciary. By systematically examining financial records, authorities can identify discrepancies that may signal unethical behavior. Countries like Kenya have implemented financial audits of judicial officers as part of broader anti-corruption measures under the Judiciary Fund Regulations. These audits are overseen by the Judiciary Audit Committee, enhancing accountability and deterring misconduct (Kenya Judiciary Annual Report, 2022).

In South Korea, the Supreme Court mandates financial audits for judges, focusing on income and asset verification. This approach has been effective in uncovering irregularities and reinforcing public confidence in judicial integrity (Supreme Court of Korea, 2023).

For Bangladesh, integrating regular financial audits within the judiciary, supervised by the Supreme Judicial Council (SJC), could serve as a deterrent to corruption and foster transparency. This measure would ensure that judicial officers adhere to ethical standards and maintain public trust.

7.2 Mandating Financial Transparency

Mandating annual asset disclosure by judicial officers is a proven strategy for promoting transparency and preventing corruption. In India, judges of the Supreme Court and High Courts are required to disclose their assets annually, with some states publishing these records online for public access. This practice enhances transparency and discourages illicit financial gains (National Judicial Academy India, 2022).

The Philippines mandates annual submissions of Statements of Assets, Liabilities, and Net Worth (SALN) by judicial officers, a measure that has improved accountability and reduced corruption (Philippine Judicial Academy, 2022).

Bangladesh can adopt similar measures, requiring all judicial officers to disclose their assets annually to the SJC or a designated independent body. Publishing these records in a transparent manner would enhance public confidence in the judiciary and strengthen ethical practices.

8. Developing a Judicial Code of Conduct

- Regulate Behavior: Establish clear guidelines prohibiting judges from public commentary on active cases, social media misuse, and acceptance of corporate gifts.
- Enhance Ethics Training: Mandate annual ethics training to align with global best practices.

8.1 Regulating Behavior

A well-defined judicial code of conduct is critical to maintaining the integrity and impartiality of the judiciary. Countries like Canada and Australia provide clear examples of how such codes can regulate judicial behavior effectively. In Canada, the Canadian Judicial Council enforces ethical guidelines prohibiting judges from public commentary on active cases, ensuring impartiality and public trust (Canadian Judicial Council, 2023). Similarly, in Australia, the judiciary is bound by codes of conduct that restrict social media use to prevent compromising judicial impartiality or public confidence (Judicial Commission of New South Wales, 2022).

Prohibiting the acceptance of corporate gifts is another crucial guideline. India mandates strict policies through the Supreme Court Guidelines on

Ethics, forbidding judges from accepting gifts or benefits that could influence their decisions (National Judicial Academy India, 2022).

For Bangladesh, adopting a comprehensive judicial code of conduct overseen by the Supreme Judicial Council (SJC) would strengthen ethical compliance and public trust.

8.2 Enhancing Ethics Training

Annual ethics training ensures that judges remain updated on evolving ethical standards and global best practices. France, through its École Nationale de la Magistrature (ENM), mandates ethics training for judicial officers, focusing on impartiality, professionalism, and public trust (ENM France, 2022). In the United States, the Federal Judicial Center provides regular ethics training tailored to the challenges judges face, including maintaining impartiality in politically sensitive cases (Federal Judicial Center, 2023).

For Bangladesh, introducing mandatory annual ethics training, modeled on these international examples, would enhance judicial professionalism. Training could cover areas such as conflict of interest, public communication, and digital ethics, ensuring the judiciary remains aligned with both national and international expectations of integrity.

9. Judicial Skills Development

- Foster Professional Growth: Institutionalize continuous professional development programs to equip judges with modern legal and administrative expertise.

Continuous professional development (CPD) for judges is essential to ensure they remain adept at addressing evolving legal complexities and administrative challenges. Institutionalizing such programs can enhance the competence and efficiency of lower court judges, promoting a more effective judiciary in Bangladesh.

Many countries have successfully implemented CPD initiatives to equip judges with modern legal and administrative skills. For example, Canada offers ongoing training through the National Judicial Institute (NJI), which focuses on areas such as legal reasoning, case management, and emerging issues like technology in law and human rights (National Judicial

Institute, 2023). Judges participate in tailored workshops and seminars, ensuring their knowledge remains current.

Similarly, France's École Nationale de la Magistrature (ENM) provides judges with continuous training programs, covering topics like courtroom management, ethics, and new legal frameworks (ENM France, 2022). This mandatory training ensures that judges are not only skilled in legal reasoning but also adept at handling administrative responsibilities efficiently.

Singapore has integrated technological training into its judiciary development programs, helping judges adapt to digital case management systems and virtual hearings, thereby enhancing judicial productivity (Singapore Academy of Law, 2023).

For Bangladesh, establishing a dedicated Judicial Training Institute or enhancing existing facilities under the Supreme Judicial Council (SJC) could institutionalize CPD for lower court judges. Programs should include legal updates, ethics training, administrative efficiency, and specialization in areas like commercial law, technology, or human rights.

By fostering continuous professional growth, Bangladesh can equip its judiciary with the skills necessary to address contemporary challenges, reduce case backlogs, and enhance public confidence in the legal system. A modernized approach to judicial training would align the lower courts with global best practices while ensuring sustainable development in the judiciary.

Conclusion

Judicial reform in Bangladesh is essential to restore the judiciary's independence and credibility. The proposed changes—centered on transparent appointments, accountability mechanisms, and a robust code of conduct—will create a fair and impartial legal system. By adopting these reforms, Bangladesh can strengthen the rule of law, safeguard democracy, and ensure justice for all citizens.

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Policy White Paper -3

ELECTORAL REFORMS & STRENGTHENING THE ELECTION COMMISSION

Towards Democratic Integrity: Reforming the Election Commission and Electoral Processes in Bangladesh

Towards Democratic Integrity: Reforming the Election Commission and Electoral Processes in Bangladesh

Key Recommendations

To address the systemic issues within Bangladesh's electoral process and strengthen the independence, efficiency, and accessibility of the Election Commission, the following recommendations are proposed:

1. Establishing Neutral Caretaker Government for Elections
2. Removing Political Symbols from Local Government Elections
3. Empowering the Election Commission
4. Reforming the Electoral System
5. Reforming Election Administration
6. Reforming Candidate Nomination Rules
7. Amending Rules and Laws for Election Day
8. Creating Media Regulations for the Election Period

Introduction

In response to increasing concerns about the credibility of upcoming elections and public trust in democratic institutions, the Bangladesh Election Commission (BEC) faces an urgent call for reform under this interim government. Both the Governance and Policy Research (GPR) proposal and comparative international practices from developed, democratic country can guide necessary important changes in the Election Commission's structure, ensuring it functions as a truly independent and impartial body to ensure to the democratic right of Bangladeshi citizen. This reformation proposal integrates NDM & GPR's specific recommendations alongside international standards and procedure to create an effective framework for a fair and transparent electoral process.

This proposal outlines a comprehensive reform plan of BEC to enhance the integrity, transparency, and efficiency of Bangladesh's electoral system. The proposed reforms mainly focus on ensuring a balanced approach that acknowledges Bangladesh's current political realities and fragile democratic landscape. It prioritizes strengthening the Election Commission's autonomy and accountability, implementing measures that prevent administrative influence, interference, and introducing transparent voting and monitoring procedures. Drawing on best practices from established democracies, such as multi-

day voting system, district-based election tribunals, and equitable media access for all political parties, these reforms aim to ensure that elections in Bangladesh are conducted in a manner that is free, fair, inclusive and accessible.

By aligning the Election Commission's mandate with globally recognized democratic principles, this proposal advocates for a realistic pathway to foster a culture of integrity and resilience in Bangladesh's electoral framework. It recognizes that lasting reform will require both structural changes and a commitment to ongoing oversight and support for the Election Commission, enabling it to act as an effective and neutral arbiter of the democratic process.

1. Neutral Caretaker Government for Elections: An Imperative for Credible Democracy

Ensuring free and fair elections is the cornerstone of a functional democracy. However, in Bangladesh, the deeply polarized political landscape and the lack of public trust in partisan governments overseeing elections have severely undermined the credibility of electoral processes. Historical data underscores the necessity of a **neutral caretaker government (NCG)** to ensure fairness. Since its introduction in 1996, Bangladesh has experienced relatively free and fair

elections only under NCGs, as seen in the parliamentary elections of 1996, 2001, and 2008. These elections had significantly higher voter turnout rates, averaging 74%, compared to the disputed 2014 election, held under a partisan government, where turnout plummeted to an official rate of 51%, with independent estimates suggesting it was closer to 22%.

Under NCGs, political parties reported higher confidence in the electoral process, reducing the instances of post-election violence and allegations of vote manipulation. For example, the 2008 election, conducted under a caretaker government, was widely praised by international observers, including the European Union, for its transparency and inclusivity. In contrast, elections held under partisan governments, such as those in 2014 and 2018, were marred by widespread allegations of voter intimidation, ballot-stuffing, and misuse of state resources. These disparities highlight the necessity of a neutral body to oversee elections and ensure the level playing field essential for democracy.

Globally, similar mechanisms exist to address trust deficits in electoral processes. Pakistan, for instance, employs a caretaker government during elections to maintain neutrality, while India relies on a constitutionally empowered Election Commission and a model code of conduct to prevent misuse of administrative powers. Research published by the International IDEA (Institute for Democracy and Electoral Assistance) demonstrates that trust in electoral outcomes is significantly higher in countries where mechanisms are in place to separate election administration from partisan control. In Bangladesh's context, a neutral caretaker government complements this principle by creating a buffer against political influence over state machinery during elections.

The proposed NCG model in Bangladesh would consist of representatives nominated by parliamentary political parties, excluding those contesting the elections. This body would assume general administrative responsibilities during the electoral period, enabling the Election Commission (EC) to conduct elections impartially within 90 days. By ensuring administrative neutrality and empowering the EC, the NCG would mitigate the risks of voter suppression, electoral violence, and manipulation.

Bangladesh's history offers compelling evidence that only elections under neutral caretaker governments can achieve credibility and inclusivity. Returning to this system, backed by lessons from international practices and reinforced by constitutional amendments, is essential to restore public confidence in the democratic process. Without such reforms, elections risk remaining a tool of political dominance rather than a genuine expression of the people's will.

2. Removing Political Symbols from Local Government Elections

The use of political symbols in Bangladesh's local government elections began in 2015, following a decision by the Election Commission to allow political parties to officially endorse candidates for Union Parishad, Upazila Parishad, and municipal elections. This policy was introduced to enhance political accountability and promote structured electoral competition. However, this shift has led to significant drawbacks, including increased polarization, political violence, and the erosion of local government autonomy. The use of symbols has often transformed grassroots elections into battlegrounds for national-level political rivalries, undermining the primary purpose of local governance: addressing community-specific issues through non-partisan representation.


To mitigate these challenges, it is essential to remove political symbols from all local government elections. Such a reform would reduce political tensions, minimize the influence of national politics on local governance, and encourage independent candidates who prioritize local development over partisan agendas.

Internationally, several countries have successfully implemented non-partisan local elections. For example, in the United States, local government elections in most cities and counties are held without political party affiliations, focusing on candidate competence and community priorities rather than partisan agendas. Similarly, in India, while symbols are used for elections at the state and national levels, many Panchayat (village council) elections are conducted without party symbols to promote grassroots democracy and community participation. These practices demonstrate that non-partisan elections foster collaboration and reduce the divisive impact of party politics at the local level.

To ensure the fairness and integrity of reformed local elections in Bangladesh, all Union Parishad, Upazila Parishad, and municipal elections should be conducted on the same day under a unified schedule. This approach will prevent regional dominance, reduce logistical costs, and mitigate opportunities for manipulation. During the campaign period, the local administration should report directly to the district

election officer, ensuring neutrality and detachment from local political influences. Furthermore, on election day, the district election officer must be empowered to annul elections in the event of severe irregularities, such as violence, voter suppression, or tampering, thereby reinforcing public trust in the electoral process.

By removing political symbols from local elections and adopting best practices from international models, Bangladesh can strengthen the autonomy of local governance and create a more inclusive and peaceful electoral environment.

Source: Bangladesh Election Commission, Al Jazeera, Daily Star January 6, 2024
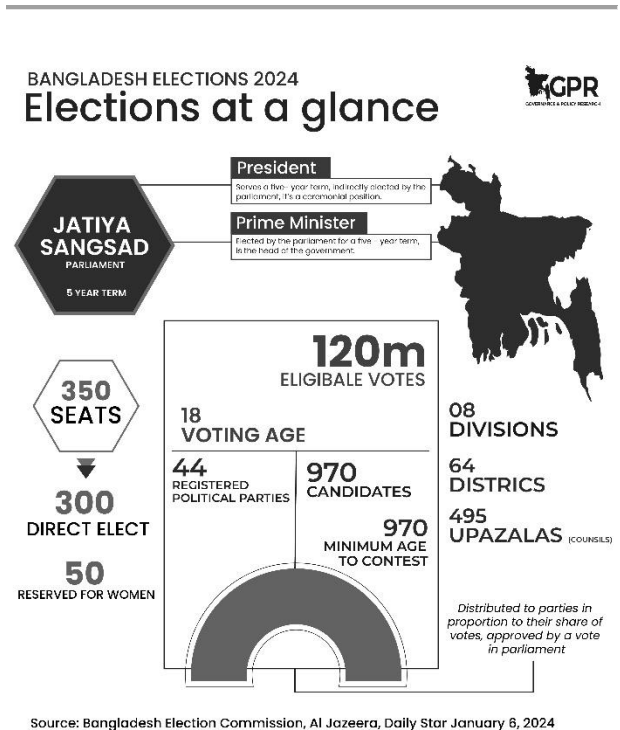
3. Empowering the Election Commission: Financial, Operational, and Institutional Reforms

An empowered Election Commission (EC) is critical for ensuring free, fair, and credible elections. In Bangladesh, the Election Commission's current framework suffers from operational constraints, political interference, and limited autonomy. To address these issues, a comprehensive reform package is necessary, with lessons drawn from international best practices.

A. Financial and Operational Autonomy
Purpose:
The Election Commission (BEC) must have full autonomy in financial and operational matters to minimize dependency on government ministries, thus avoiding undue political influence. Financial independence would reinforce the social contract between the BEC and voters, enhancing its credibility and accountability.

Proposals for Reform:
1. **Independent Budgeting:**
   Amend laws to allow the BEC to draft and allocate its own budget, which should be approved directly by Parliament, bypassing executive control. For instance, New Zealand's Electoral Commission operates under a budget allocated directly by Parliament, ensuring it is free from external interference.

2. **Streamlined Financial Oversight:**
   Post-election audits should be conducted by a neutral body such as the Chief Comptroller of Audit, ensuring transparency in expenditure.

3. **Decentralized Authority:**
   The BEC must have full authority to appoint election officers at the district and upazila levels, ensuring consistency and impartiality across administrative units.

International Best Practices:
- **New Zealand:** The Electoral Commission operates independently of government ministries, with its budget approved by Parliament. This financial autonomy strengthens its independence.
- **Canada:** The Chief Electoral Officer oversees all election-related operations, free from executive control, ensuring impartiality and credibility.

B. Equal Political Participation
Purpose:
Ensuring fair opportunities for all registered political parties, regardless of size or age, is fundamental for democratic inclusivity and voter trust.

Proposals for Reform:
1. **Equal Media Access:**
   Media coverage must be equitable for all parties. Inspired by Japan's model, where an independent body monitors media representation during campaigns, Bangladesh could ensure that no party—ruling or opposition—receives preferential treatment.

2. **Neutral Campaign Conditions:**
   Election monitoring cells should enforce uniform campaign rules, preventing misuse of state resources by ruling parties or dominant groups.

International Best Practices:
- **Japan:** During elections, all political parties receive equal access to media time, with strict oversight by an independent electoral body to maintain neutrality.
- **South Africa:** Political parties are given equitable opportunities for public

campaigning, monitored by the Independent Electoral Commission, which also provides resources for smaller parties to participate effectively.

C. Constitutional Amendments to Guarantee Independence

Purpose:

The current framework under Article 118 of Bangladesh's Constitution establishes the Election Commission but lacks sufficient safeguards to guarantee its independence. Constitutional amendments can enshrine the EC's impartiality and autonomy.

Proposals for Reform:

1. **Amend Article 118:**
   Explicitly declare the BEC an autonomous and independent body, modeled on South Africa's Electoral Commission, which is constitutionally mandated to operate "without fear, favor, or prejudice."

2. **Transparent Appointment Process:**
   Reform the selection process for Election Commissioners to include a multi-stakeholder committee comprising representatives from the judiciary, academia, civil society, and political parties. India's system of involving judicial oversight in appointments can serve as a model.

D. Enhanced Election Commission Authority

1. **Expanded Powers for the Chief Election Commissioner (CEC):**
   o Designate the CEC as a "Super Prime Minister" during the election period, granting them authority to hold caretaker government officials accountable for violations of the electoral code.
   o Empower the EC to annul national elections, partially or entirely, in cases of severe irregularities.

2. **Oversight of Public Administration:**
   During elections, any changes in public administration, police, or intelligence agencies must require prior approval from the EC.

3. **Disqualification and Sanctions:**
   o Establish a robust observation cell with the authority to disqualify candidates for breaching the electoral code.
   o Enable the EC to cancel or suspend the registration of political parties involved in terrorism, constitutional violations, or genocide.


4. **Neutral Secretarial Appointments:**
   Appoint a secretary-level officer retired at least four years ago to serve as the EC Secretary on a contract basis three months before national elections.

5. **Appellate Tribunal for Disputes:**
   Form an appellate tribunal with representation from the judiciary, civil society, and the EC to resolve election disputes efficiently.

International Best Practices:

- **India:** The Election Commission of India has the authority to disqualify candidates and nullify elections if serious violations occur. Its Commissioners are appointed through a transparent process involving judicial and executive stakeholders.

- **South Korea:** The National Election Commission has extensive powers to oversee campaigns, regulate expenditures, and enforce electoral laws, ensuring fairness.

4. Reforming the Electoral System: A Blueprint for Democratic Integrity

Reforming Bangladesh's electoral system is imperative to enhance its democratic framework, promote balanced representation, and address systemic challenges such as campaign finance abuse and voter integrity. Drawing on international best practices, this section proposes actionable reforms to establish a more robust and transparent electoral process.
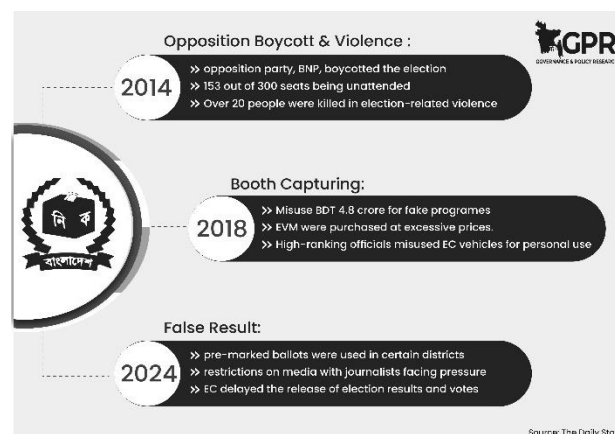
A. Introducing a Bicameral Legislature

Purpose:
A bicameral legislature ensures a balanced distribution of power and provides greater representation for diverse political views. Bangladesh's current unicameral system risks concentrating legislative authority, limiting the ability to incorporate proportional representation and regional interests.

Proposed Reform:
- **Formation of an Upper House:**
  Introduce an upper house where members are elected proportionally based on the percentage of votes received by political parties in the general election. A separate ballot with party symbols, distinct from the candidate-specific ballot, should be introduced to facilitate this process.

International Best Practices:
- **India:** The Rajya Sabha (upper house) represents states proportionally, ensuring a balance of power and regional representation.
- **Germany:** The Bundesrat, representing federal states, operates as an upper chamber, providing proportional input into legislative processes.
- **Australia:** The Senate is elected through proportional representation, ensuring minority voices and smaller parties are included in governance.

This system would allow smaller political parties in Bangladesh to participate meaningfully in legislation, fostering a more inclusive democracy.

B. Enhancing Electoral Infrastructure

1. **Inclusion of Paper Audit Trails in EVMs:**
   While Electronic Voting Machines (EVMs) can improve efficiency, the lack of a verifiable audit trail has raised concerns about transparency. Future elections conducted via EVMs should include a paper audit trail to allow for recounts and build public trust.

   - **International Example:**
     In **India**, EVMs with Voter Verifiable Paper Audit Trails (VVPAT) have been mandated to ensure transparency and accountability in the electoral process.

2. **National Elections Over Multiple Days:**
   Allowing voting across multiple days would increase voter participation, especially in remote and densely populated areas, and reduce logistical challenges on election day.
   - **International Example:**
     Indonesia conducts staggered elections to accommodate its geographically dispersed population, ensuring accessibility and minimizing election-day chaos.

C. Strict Regulation of Campaign Finance
Purpose:
Unregulated campaign financing undermines electoral integrity by creating an uneven playing field. Excessive expenditure by candidates often results in voter manipulation, perpetuating inequality and corruption.
Current Gaps:
Bangladesh's existing campaign expenditure regulations are poorly enforced, allowing candidates to spend exorbitant sums on elections without accountability.
Proposed Reforms:
1. **Monitoring and Enforcement:**
   Deploy mobile courts led by magistrates to monitor campaign spending in real-time. These courts would address violations of expenditure limits and penalize candidates engaging in vote-buying or other financial malpractices.
   - **International Example:**
     In **France**, election spending is capped, and candidates must submit detailed expenditure reports audited by an independent body. Violations result in fines or disqualification.
2. **Transparency in Funding Sources:**
   Require all candidates and political parties to disclose the sources of their campaign funds publicly. Regular audits by an independent authority would ensure compliance.

o **International Example:**

Canada mandates full disclosure of campaign contributions and imposes strict caps on individual and corporate donations, promoting transparency and reducing undue influence.

3. **Penalties for Non-Compliance:**

Introduce severe penalties, including disqualification of candidates who exceed expenditure limits or engage in financial misconduct. Repeat offenders could face bans from contesting future elections.

D. Strengthening Electoral Administration

1. **Comprehensive Voter Education:**

Increase public awareness about voting rights, the electoral process, and the importance of transparent campaign financing. A well-informed electorate can resist financial coercion and hold candidates accountable.

o **International Example:**
Australia conducts extensive voter education campaigns through its Electoral Commission, ensuring high voter turnout and informed decision-making.

2. **Real-Time Oversight During Campaigns:**
Establish an independent oversight body to monitor campaign activities, spending, and adherence to electoral codes.

o **International Example:**
In **South Korea**, the National Election Commission monitors campaigns closely and takes swift action against violations, ensuring fair competition.

E. Broader Electoral Reforms for Long-Term Impact

1. **Strengthen Electoral Laws:**
Amend electoral laws to reflect international standards for transparency, accountability, and proportional representation.

2. **Independent Electoral Tribunal:**
Create a permanent electoral tribunal to resolve disputes efficiently and fairly. The tribunal should include representatives from the judiciary, civil society, and the Election Commission.

o **International Example:**
Mexico has an Electoral Tribunal of the Federal Judiciary, which adjudicates election disputes impartially and upholds electoral integrity.

3. **Civic Engagement and Participation:**
Foster greater civic involvement in electoral reforms through consultations with civil society organizations, academic institutions, and grassroots leaders.

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5. Reforming Election Administration: Ensuring Impartiality and Transparency

Effective election administration is critical to maintaining public trust in democratic processes. In Bangladesh, the current reliance on executive department officials for roles such as Returning Officers (ROs) and Presiding Officers has raised concerns about potential bias and undue influence. To address these challenges, reforms emphasizing neutrality, transparency, and accountability are essential. Drawing from international best practices, this section outlines key reforms to enhance the integrity of election administration.

A. Non-Executive Appointment of Returning Officers and Presiding Officers

Current Challenges:
Returning Officers and Presiding Officers are often drawn from executive departments, including civil administration. This practice raises concerns about impartiality, as these officials may face pressure from the ruling government or have conflicts of interest stemming from their departmental affiliations.

Proposed Reforms:

1. **Neutral Appointments:**
   o Appoint Returning Officers and Presiding Officers from non-executive backgrounds, such as District Judges, retired military officers, or senior professionals from the private sector, ensuring no political affiliations or vested interests.
   o Officials should be selected from outside the district in which they are

serving to prevent local biases or influence.
- o Involve citizens' representatives alongside administrative officials in the selection process to promote accountability and public trust.

International Best Practices:
- **India:** Returning Officers are often drawn from the judiciary or senior administrative services, with clear directives to maintain neutrality.
- **South Korea:** The National Election Commission recruits neutral officials, including retired judges and academics, to oversee elections, ensuring fairness and independence.

B. Candidate Submission and Affidavit Verification

Current Gaps:
The lack of rigorous verification processes for candidate information and weak mechanisms to enforce accountability can result in discrepancies in affidavits and undermine the credibility of elections.

Proposed Reforms:
1. **Affidavit Submission and Verification:**
   - o Contesting political parties must submit up to three candidate names for each constituency at least 60 days before the national election.
   - o Candidates should pay a nominal fee for affidavit verification, with checks conducted by a neutral investigative agency.
   - o Any discrepancies between the submitted affidavit and final disclosures will result in disqualification.
2. **Transparent Vetting Process:**
   - o Use automated and manual checks to verify candidate disclosures,

including financial information and criminal records.
- o Publish affidavits online to allow public scrutiny and promote transparency.

International Best Practices:
- **Mexico:** Candidate disclosures are audited by an independent electoral tribunal, with discrepancies resulting in penalties or disqualification.
- **Philippines:** Affidavits and financial statements are publicly accessible, enabling citizens and watchdog groups to scrutinize candidate qualifications.

C. Campaign Expenditure Limits

Current Challenges:
Unregulated campaign spending undermines fairness in elections, disproportionately benefiting wealthy candidates and facilitating vote-buying.

Proposed Reforms:
1. **Expenditure Caps:**
   - o Set a maximum expenditure limit of 4 million BDT per candidate for national elections, reflecting economic realities and ensuring an equitable playing field.
2. **Real-Time Monitoring:**
   - o Deploy mobile courts and independent auditors to monitor campaign spending and investigate violations.
   - o Impose strict penalties, including disqualification, on candidates exceeding expenditure limits.

International Best Practices:
- **France:** Campaign finance laws cap spending based on constituency size, with independent oversight ensuring compliance.
- **Canada:** The Federal Election Commission enforces strict expenditure limits and audits candidate expenses to prevent financial manipulation.

D. Strengthening Election Oversight

Additional Measures:
1. **Independent Oversight Mechanisms:**
   - o Establish an election oversight body within the Election Commission to ensure neutrality in the appointment and functioning of election officials.

2. **Training and Capacity Building:**
    o Provide specialized training to Returning Officers and Presiding Officers to equip them with the knowledge and skills necessary for impartial administration.

International Best Practices:
- **South Africa:** The Independent Electoral Commission provides rigorous training for all election officials, ensuring they understand legal requirements and ethical standards.

- **Australia:** Election officials undergo continuous capacity-building programs to maintain high standards of administration.

6. Reforming Candidate Nomination Rules: Ensuring Integrity and Equity in Electoral Participation

Candidate nomination rules play a crucial role in maintaining the integrity of elections and ensuring equitable access to political participation. In Bangladesh, revisiting nomination requirements is essential to prevent conflicts of interest, promote accountability, and encourage a fair electoral process. This section outlines reforms to candidate nomination rules and aligns them with international best practices for democratic integrity.

A. Waiting Period for Independent Candidates After Party Resignation

Proposed Reform:

Individuals resigning from a registered political party's central, metropolitan, district, or upazila-level committees must observe a mandatory 90-day waiting period before contesting as independent candidates in a national election.

Rationale:
This rule would prevent opportunistic resignations solely aimed at circumventing party structures while ensuring candidates genuinely represent independent voices.

International Best Practices:
- **India:** Candidates resigning from political parties must follow procedural formalities, although no specific waiting period is mandated. However, recommendations for similar provisions have been proposed to address party-hopping.

- **Germany:** Members resigning from political parties often observe a self-imposed moratorium before contesting independently, fostering transparency and trust in the electoral process.

B. Restriction on Recently Retired Government Officials
Proposed Reform:
Individuals who retired from government service within the past four years should not be eligible to contest national elections.
Rationale:
This restriction would minimize conflicts of interest and prevent recently retired officials from leveraging their former positions for electoral advantage.

International Best Practices:
- **United States:** The Hatch Act restricts active federal employees from participating in political campaigns, and recently retired officials often face ethical review processes before engaging in political activities.

- **Philippines:** Retired military and civil officials are required to observe a "cooling-off" period before contesting elections, preventing undue influence from their previous roles.

C. Exclusion of Officials Implicated in Genocide or Atrocities

Proposed Reform:
Any Awami League official implicated in the genocide during the '24 public uprising should be barred from contesting national elections until the legal process is resolved.

Rationale:
This reform ensures accountability for human rights violations and upholds the moral standards of electoral candidates. Protecting the democratic process from individuals facing serious accusations reinforces public trust.

International Best Practices:
- **South Africa:** Individuals implicated in apartheid-era human rights violations were disqualified from holding public office until

cleared by the Truth and Reconciliation Commission.

- **Rwanda:** Post-genocide electoral reforms barred individuals accused of crimes against humanity from contesting elections until judicial proceedings concluded.

D. Abolition of the 1% Voter Signature Requirement for Independent Candidates

Proposed Reform:
The requirement for independent candidates to collect signatures from 1% of voters in their constituency should be abolished.

Rationale:
This provision disproportionately burdens independent candidates, creating an uneven playing field. Removing this requirement would make the electoral process more inclusive and accessible to grassroots leaders and non-partisan individuals.

International Best Practices:
- **United Kingdom:** Independent candidates are not required to gather voter signatures but must pay a deposit to demonstrate seriousness, which is forfeited if they fail to secure a minimum percentage of votes.

- **Canada:** While independent candidates must gather a modest number of signatures (100 in most constituencies), the threshold is far lower than 1% of the electorate, ensuring inclusivity.

E. Ensuring Accountability in Candidate Vetting

1. **Transparent Vetting Mechanisms:**
   o Establish an independent vetting body within the Election Commission to scrutinize candidate eligibility, including their adherence to the proposed reforms.
   o Publish the vetting outcomes online to promote public transparency.
2. **Public Scrutiny:**
   o Allow civil society organizations and watchdog groups to review candidate information, further enhancing accountability.

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7. Rules and Laws for Election Day: Ensuring Integrity, Accessibility, and Fairness

Election day regulations are a cornerstone of democratic integrity, providing a framework for transparency, fairness, and the prevention of electoral malpractices. Strengthening the rules governing election day can significantly enhance public trust in the process while aligning Bangladesh's electoral practices with international best standards. This section outlines key proposals for reforming election day rules and laws.

A. Establishment of Independent Election Tribunals in Each District

Rationale:
Electoral disputes, including campaign violations, voter intimidation, and submission of false affidavit information, require swift and impartial adjudication. Currently, delays in resolving such disputes undermine the credibility of the process and the legitimacy of elected officials.

Proposed Reform:
- Form independent **Election Tribunals** at the district level, empowered to address violations promptly.

- Grant tribunals the authority to impose penalties, including the cancellation of candidacies for severe breaches, ensuring accountability for all stakeholders.

International Best Practices:

- **South Korea:** Election oversight is managed by the National Election Commission, which has the authority to investigate and penalize candidates for violations, including disqualifying candidates where necessary.

- **Mexico:** Electoral tribunals address disputes within strict timelines, ensuring that election outcomes are not unduly delayed.

B. Complete Administrative Control During Election Period

Current Limitations:
In Bangladesh, the Election Commission (EC) lacks full administrative control during elections, leading to inconsistencies and potential manipulation of the process through promotions, transfers, and biased actions by public officials.

Proposed Reform:
- Once the election schedule is announced, the EC should assume **full control over public administration** to ensure neutrality.

- Suspend promotions, transfers, and new appointments within government departments during the election period.
- Allow the EC to immediately transfer officials found exhibiting bias or undue influence.

International Best Practices:

- **Pakistan:** The Election Commission assumes temporary control over administrative postings during elections to maintain impartiality and prevent undue government influence.
- **India:** During elections, the Model Code of Conduct empowers the Election Commission to oversee and restrict administrative actions that could affect electoral outcomes.

C. Ban on Arrests Related to Political Cases

Basis for Change:
Arresting political workers and leaders on dubious charges close to election day disrupts fair competition and undermines the credibility of the electoral process.

Proposed Reform:

- Implement a temporary moratorium on arrests related to political cases after the election schedule is announced, except in cases with overwhelming evidence of criminal activity.
- The moratorium will prevent misuse of the legal system to suppress opposition voices and ensure a level playing field.

International Best Practices:

- **Ghana:** Political activities are safeguarded against state interference during elections, fostering an environment for free and fair competition.
- **South Africa:** The Electoral Code prohibits state agencies from engaging in actions that may unduly influence political competition during the election period.

D. Enhancing Transparency and Accessibility at Polling Stations

Proposed Measures:
1. **CCTV Monitoring:**
   Equip every polling station with CCTV cameras to deter malpractices and document any irregularities.

   o **Example:** In **India**, critical polling stations are equipped with CCTV cameras to monitor voter activity and ensure transparency.

2. **Timely Result Announcements:**
   Election results must be announced at each polling station via loudspeaker within a specified timeframe after voting ends. This ensures transparency and minimizes concerns of manipulation during result consolidation.

3. **Signed Results Sheets:**
   o Polling station results should be signed by all candidate agents and countersigned by the presiding officer before submission to the Returning Officer.
   o Publicly display the results at polling stations to promote transparency.

4. **Accessible Polling Stations:**
   o Select polling station locations based on public opinion and prioritize accessibility for voters with disabilities, women, and the elderly.
   o **Example:** In **Australia**, polling stations are designed for accessibility, ensuring that all voters can participate without barriers.

5. **Accountability for Disturbances:**
   o Hold the respective candidate accountable for disturbances within 200 yards of a polling station on election day.
   o **Example: Nigeria** enforces a buffer zone around polling stations to prevent voter intimidation and maintain order.

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8. Media Regulations for the Election Period: Ensuring Fairness and Transparency

The media plays a pivotal role during elections, shaping public opinion and influencing voter behavior. Unequal media access and biased coverage can undermine the fairness of elections and distort outcomes. To ensure an equitable and transparent

electoral process, robust media regulations are essential. This section outlines proposals for fair media access and oversight, drawing on international best practices.

A. Fair Access to Media for All Political Parties

Purpose:
Equitable media access ensures a level playing field for all political parties and candidates, regardless of their size, resources, or political affiliations. In Bangladesh, the absence of stringent media regulations during elections has often led to disproportionate coverage favoring certain parties or candidates, eroding public trust in the electoral process.

Proposed Reforms:

1. **Equal Airtime and Advertising Opportunities in State Media:**
   o The Election Commission (EC) should collaborate with state media outlets, political parties, and independent media regulators to establish clear guidelines for equitable airtime and advertisement opportunities.
   o Political parties should receive proportional airtime based on predefined criteria, such as the number of candidates contesting, but with minimum guarantees for smaller or new parties to ensure inclusivity.
   o Example: In the **United Kingdom**, regulations mandate that all major political parties receive balanced broadcast coverage during elections, ensuring fair access to voters.

2. **Monitoring and Regulation of Private Media:**
   o The EC should work with media regulatory bodies to ensure private

media outlets adhere to standards of fair and impartial coverage.
   o Introduce penalties for violations, such as excessive coverage of a single candidate or party.
   o Example: In **Canada**, the Broadcasting Act requires all broadcasters to provide equitable time for political discourse during elections, monitored by the Canadian Radio-television and Telecommunications Commission (CRTC).

3. **Transparent Advertising Rules:**
   o All political advertisements must clearly disclose their sponsors to prevent misleading or covert messaging.
   o Advertising expenditure should be capped to ensure fairness and reduce the influence of wealth on campaign messaging.

B. Real-Time Oversight and Enforcement

Proposed Measures:

1. **Independent Monitoring Committees:**

   o Establish independent committees comprising media representatives, civil society members, and election officials to oversee compliance with media regulations.

   o These committees should have the authority to investigate complaints of bias or unfair coverage and enforce corrective measures swiftly.

2. **Public Awareness Campaigns:**
   o Educate voters about their rights to unbiased information and how to report violations.

   o Example: In **South Korea**, the National Election Commission runs public campaigns to promote awareness of fair media practices during elections.

3. **Periodic Reporting:**
   o Require all media outlets to submit periodic reports to the EC detailing their election coverage, including airtime allocated to each party and candidate.
   o Example: In **Germany**, broadcasters are required to document and justify their coverage decisions to maintain transparency.

Conclusion

Reforming Bangladesh's electoral process is not merely a necessity—it is a cornerstone for restoring public trust, ensuring democratic accountability, and fostering a level playing field for all political stakeholders. By strengthening the Election Commission's autonomy, establishing impartial election administration, regulating campaign finance, ensuring media fairness, and protecting electoral integrity through robust laws, Bangladesh can align its democracy with international best practices. These reforms are not just about fixing a broken system—they are about building a future where every vote counts, every voice matters, and every election reflects the will of the people.

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Policy White Paper- 4

POLICE AND LAW ENFORCEMENT REFORMS

Towards a Safer Tomorrow:

Reforming Bangladesh's Police for Justice and Trust

Towards a Safer Tomorrow:

Reforming Bangladesh's Police for Justice and Trust

Key Recommendations

To transform the policing system in Bangladesh into a modern, accountable, and community-oriented institution, the following key recommendations are proposed. These reforms aim to address structural and operational deficiencies while ensuring respect for human rights, public trust, and long-term sustainability:

1. **Replace the colonial-era Police Act of 1861**
   Introduce a modern law that prioritizes operational autonomy, accountability, and human rights. This includes redefining concepts such as "superintendence" and "dual control" while establishing a robust legal foundation to support subsequent reform measures.

2. **Establish an Independent National Police Commission (NPC)**
   Create a legally autonomous NPC to oversee the police force with transparency and integrity. This body would ensure operational independence, accountability, and public trust through merit-based appointments and transparent oversight mechanisms.

3. **Decentralize Police Leadership**
   Empower local police units with autonomy over resources, recruitment, and operational strategies. Ensure accountability through NPC oversight to balance autonomy with transparency.

4. **Strengthen Internal Accountability**
   Develop a transparent and independent Police Internal Oversight Unit (PIO). Equip it with advanced tools, clear mandates, and public reporting requirements to investigate and address internal misconduct effectively.

5. **Implement Complementary Measures**
   - Publicize detailed job descriptions and mandates for all police branches.
   - Create explicit guidelines for the appropriate use of force, emphasizing minimal and lawful use.
   - Mandate the use of bodycams for specific units to deter misconduct and enhance transparency.

6. **Create an External Public Complaints Commission (PCC)**

   Establish an independent PCC with investigative authority and binding powers to address public grievances against the police. Ensure the PCC operates independently of the executive branch.

7. **Reform Recruitment Processes**
   Transition from the current three-tiered recruitment system to a streamlined two-tiered system. Focus on merit-based progression and decentralized recruitment under NPC oversight to ensure fairness and competence.

8. **Build Community Trust**
   Foster collaboration and understanding between the police and the public by:
   - Establishing Community Police Forums (CPFs).
   - Enhancing police training on cultural and human sensitivity.
   - Conducting community education initiatives on public rights and police procedures.

9. **Ensure Reform Sustainability**
   - Implement mechanisms for continuous policy reviews and public surveys to assess progress.
   - Develop a comprehensive national strategy that includes political commitment and multi-stakeholder engagement to sustain reform efforts over the long term.

Introduction

The police force in Bangladesh remains tethered to its colonial roots, functioning more as an instrument of state control than as an agency for public protection and service. Established under the Police Act of 1861 during British rule, the force was designed to suppress dissent and enforce imperial authority rather than safeguard the rights and well-being of the people. Despite decades of independence, the foundational structure and ethos of Bangladesh's policing system have undergone little substantive change. The result is a rigidly hierarchical institution, detached from its communities and ill-equipped to address the complexities of modern law enforcement.

Over the past decade, this already fragile system has been systematically hijacked by the regime of Sheikh Hasina. By installing party loyalists in key positions, the Awami League has transformed the police into an enforcer of political will. Figures like Harun-or-Rashid and Biplob Kumar Sarker, notorious for their partisanship and disregard for ethics, have risen to prominence, setting a troubling precedent. Their tenure has been marked by rampant corruption, political repression, and a blatant mockery of justice, undermining public trust in the institution.

This politicization reached its apex during the nationwide protests of July and August this year, when the police were deployed not to maintain order but to suppress dissent through brutal force. The systematic use of violence, mass arrests, and extrajudicial killings starkly illustrated the extent to which the force has been subverted. What should have been a neutral arbiter of peace became a tool of oppression, deepening the divide between the police and the people it ostensibly serves.

The urgent need for reform is clear. A transformation is required to reshape the police into a professional, accountable, and community-focused institution. This white paper outlines a comprehensive roadmap for reform, addressing the colonial legacy, political interference, and operational inefficiencies that have plagued the force. It envisions a police system that is independent, ethical, and aligned with democratic principles—a force that serves not as an imperial guard or partisan tool but as a protector of the people and a pillar of justice.
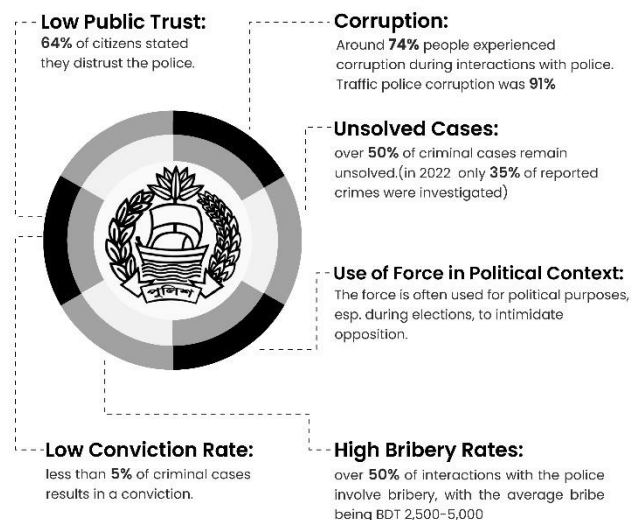
1. Reforming the Legal Framework

A. The Police Act of 1861: A Colonial Legacy

The Police Act of 1861, still in effect in Bangladesh, was introduced during British colonial rule in South Asia. Enacted after the 1857 War of Independence—also known as the Sepoy Mutiny—it aimed to consolidate imperial control. The Act adopted the Irish Constabulary model, emphasizing a paramilitary approach to suppress dissent, as opposed to the London Metropolitan Police model, which prioritized community-oriented crime prevention and engagement [1]. The colonial government's emphasis on maintaining control in non-white territories created a policing system designed to enforce authority and suppress opposition [1]. Despite its limitations and criticisms even during colonial times, the Act remains largely unaltered post-independence and continues to shape Bangladesh's policing framework [2].

Key shortcomings of the 1861 Act include:

1. **Ambiguity in Police-Executive Relationships**
The term "superintendence" lacks a clear definition, enabling political interference. Additionally, the "dual control" system subjects the police to both government oversight and district magistrates, who often lack policing expertise but can exert undue influence [1] [2].

Low Public Trust: 64% of citizens stated they distrust the police.

Corruption: Around 74% people experienced corruption during interactions with police. Traffic police corruption was 91%

Unsolved Cases: over 50% of criminal cases remain unsolved.(in 2022 only 35% of reported crimes were investigated)

Use of Force in Political Context: The force is often used for political purposes, esp. during elections, to intimidate opposition.

Low Conviction Rate: less than 5% of criminal cases results in a conviction.

High Bribery Rates: over 50% of interactions with the police involve bribery, with the average bribe being BDT 2,500-5,000

2. **Inadequate Accountability Mechanisms**
The Act relies solely on internal accountability, with no provisions for independent oversight. This has proven ineffective in addressing issues such as abuse

of power, corruption, and extrajudicial activities, fostering a culture of impunity [1] [2] [3].

3. **Neglect of Community Engagement**
   By focusing on maintaining order, the Act neglects the importance of building trust and partnerships with communities, perpetuating a divide between the police and the public [1].

4. **Lack of Provisions for Modern Challenges**
   The Act fails to address contemporary issues such as cybercrime, terrorism, human trafficking, and gender-based violence. Its centralized structure limits the development of specialized units and trans-jurisdictional collaboration needed for modern law enforcement [2] [3] [4] [5].

5. **Non-Alignment with Human Rights Standards**
   The Act's outdated language does not align with international human rights treaties, failing to safeguard against torture, illegal detention, and discrimination. This has led to frequent human rights violations [3].

B. Replacing the Police Act of 1861 with a Comprehensive Modern Law

The first and most critical step toward police reform in Bangladesh is to replace the 1861 Act with a modern and comprehensive legal framework. Efforts since the 1970s have faced resistance, but the 2007 Draft Police Ordinance offers a significant starting point. It incorporates essential reforms such as civilian oversight and alignment with international policing standards [2]. Key recommendations include:

1. **Redefining Police-Executive Relations**
   o Replace "superintendence" with "operational responsibility" to grant the police chief greater autonomy in daily operations while ensuring accountability. The Patten Commission's model in Northern Ireland is a successful example [1].

   o Reform the "dual control" system by adopting hybrid models such as the **Kerala Police Act (2011)** or India's **Model Police Act (2006)**, which clarify the roles of magistrates and police, reducing the scope for undue influence [1].

2. **Establishing Robust Accountability Mechanisms**
   o **Independent Oversight Body:** Establish a diverse body comprising legal professionals, human rights advocates, academics, and community representatives. Inspired by examples from Northern Ireland and South Africa, this body would investigate misconduct, monitor performance, and recommend disciplinary actions [1] [2] [3].

   o **Internal Oversight:** Strengthen the Police Internal Oversight (PIO) Unit by enhancing its independence, investigative capacity, and transparency. A reward system for ethical conduct should complement these measures [1].

3. **Mandating Community Engagement**
   o Establish Community Police Forums (CPFs) to foster collaboration between police and the public. Police training should include cultural sensitivity, community engagement, and human rights [2] [3].

4. **Equipping the Police for Modern Crime**
   o Introduce legal provisions to address cybercrime, terrorism, and transnational crime. Ensure access to digital forensics, intelligence tools, and international cooperation mechanisms [4].

5. **Establishing Specialized Units**
   o Explicitly authorize the creation of specialized units for cybercrime, counterterrorism, and human trafficking, ensuring they operate with autonomy but remain accountable to independent oversight [5].

6. **Easing Territorial Rigidity**
   o Allow flexibility for inter-agency collaboration and establish joint task forces to address interconnected crimes. Introduce protocols for real-time information sharing [5].

7. **Enshrining Human Rights**
   o Ground the new law in a rights-based approach, explicitly prohibiting torture, illegal detention, and discrimination, ensuring compliance with international standards [1] [3].

By adopting these measures, Bangladesh can replace its colonial-era policing framework with a modern, rights-based, and community-focused system that aligns with contemporary needs and democratic values.

2. Formation of an Independent National Police Commission (NPC)

The Bangladesh Police faces a profound legitimacy crisis due to political interference, corruption, and its colonial-era legal framework. These issues have eroded public trust and transformed the police into a tool for political control rather than a protector of citizens. An independent National Police Commission (NPC) can serve as a vital mechanism to restore professionalism, promote operational autonomy, and ensure accountability. Drawing from global models like Northern Ireland's Policing Board, the NPC can establish performance standards, oversee recruitment, and investigate misconduct, ultimately rebuilding public trust and aligning the police with democratic values [1] [2].

A robust NPC must be built on a strong legal foundation and include the following key elements:

A. Strong Legal Basis
Replacing the outdated 1861 Police Act with legislation establishing the NPC is essential to ensure its legitimacy and public trust. The law must explicitly define the NPC's mandate, powers, and independence from undue political and institutional influence, as outlined in the 2007 Draft Police Ordinance (DPO) [10] [11] [2].

B. Financial Autonomy
The NPC should operate with an independent budget, free from political interference. The 2007 draft ordinance's proposal for a Public Safety Fund offers a viable model, ensuring stability and impartiality through statutory guarantees [11] [14].

C. Meritocratic, Diverse, and Accountable Representation

- **Composition:** As per the DPO 2007, the NPC could include 11 members, such as the Home Minister (Chairperson), opposition and treasury members, independent experts (e.g., a retired judge, former IGP, gender-based violence expert, journalist), and other stakeholders [10] [13].

- **Fixed Terms:** Commissioners should serve fixed terms, similar to the UK's Independent Police Complaints Commission, to foster accountability and fresh perspectives [11].

- **Transparent Selection:** A National Selection Panel—comprising the Chief Justice, Anti-Corruption Commission Chairperson, and Comptroller and Auditor General—can recommend candidates to ensure independence and merit-based appointments [10].

D. Comprehensive Oversight and Powers
1. **Policymaking and Coordination:**

   The NPC should collaborate with the executive and IGP to develop medium-term policies and set clear performance metrics [1].

2. **Recruitment, Promotions, and Transfers:**

   The NPC should develop and oversee merit-based recruitment and promotion procedures while reviewing and approving officer transfers to minimize political interference [12] [14].

3. **Monitoring and Evaluation:**

   Regular assessments of police performance, crime data, and public surveys should inform reforms and ensure responsiveness to societal needs [13].

E. Sustained Public Engagement
A Community Liaison Group, comprising NGOs, civil society organizations, and community leaders, should ensure the NPC remains connected to the public it

serves. Models in West Bengal and India highlight the value of direct public engagement [1] [14].

F. Public Complaints Mechanism

An independent complaints branch under the NPC should handle grievances against the police with investigative authority and safeguards for complainants. This ensures impartiality and strengthens public trust [14].

G. Transparency and Accountability

The NPC should submit regular reports to Parliament, making them publicly accessible. A parliamentary committee, with bipartisan representation, could review these reports. Additionally, external audits by independent bodies (e.g., akin to the Special Investigations Monitor in Victoria, Australia) would enhance accountability [11] [10] [2].

By establishing an independent and well-structured NPC, Bangladesh can create a professional, citizen-centric police force, free from political manipulation and rooted in democratic values [1] [2] [10].

3. Decentralizing the Leadership and Decision-Making Structure

The Police Act of 1861 mandates a highly centralized structure where the entire police force operates under the authority of the Inspector General of Police (IGP) [10]. The IGP is responsible for efficiency and discipline across the force [2]. However, the government has significant influence over the IGP's appointment and removal, often without explanation. This creates a risk of the IGP acting in alignment with political interests rather than maintaining impartiality [6]. The broad powers granted by the Act's definition of "superintendence" have historically enabled such political interference [2].

The Ministry of Home Affairs (MoHA) also exerts considerable control over the police by appointing Class I officers, promoting inspectors, and transferring officers ranked Superintendent and above [6]. Additionally, the police operate under a "dual control" system, where district magistrates—chief civil servants at the district level—can direct police operations despite lacking legal or policing expertise [10]. This dual system has often made the police a tool of civil bureaucracy and political agendas [2].

While reforms such as the establishment of a modern legal framework and the National Police Commission (NPC) could address some of these issues, targeted measures are essential to decentralize decision-making and promote accountability.

A. Enhanced Horizontal and Vertical Autonomy for Decision-Making

To decentralize effectively, police units at various levels must have greater autonomy over operational decisions. The current rigid chain of command, requiring constant approvals from superior officers unfamiliar with local contexts, undermines flexibility and decision-making at district, sub-district, and thana (police station) levels [2].

Centralization also exacerbates abuses of power. During the July Revolution, the centralized police force was deployed en masse to suppress protests violently, committing widespread human rights violations under orders from the Awami League government [15]. Decentralizing operational control could reduce the risks of such misuse by empowering local units to act based on situational needs and local realities.

B. Decentralization of Personnel Management

In countries like Northern Ireland and South Africa, the IGP oversees personnel decisions. However, given the politicized nature of policing in Bangladesh, relying solely on the IGP is problematic. India's **Model Police Act (2006)** offers a viable solution with its introduction of Police Establishment Committees to ensure transparency and checks on personnel decisions [1].

For Bangladesh, decentralizing personnel management to district-level Superintendents of Police (SPs) could enhance efficiency and accountability [10]. SPs could manage recruitment, transfers, and local strategies while the NPC supervises and reviews these processes to prevent political interference [10] [14] [13].

C. Fostering Financial Independence at the Local Level

Granting financial autonomy to local police units is essential for effective decentralization. This could involve allocating a portion of property tax revenues or enabling local authorities to raise funds for policing through specific levies or partnerships. Public-private collaborations could incentivize community contributions to local police funding [16].

D. Enhanced Local-Level Transparency and Accountability

Decentralization requires robust mechanisms to ensure transparency and accountability at all levels. Measures could include:

1. Establishing NPC branches at district and sub-district levels to monitor police conduct and investigate complaints independently.
2. Conducting regular performance evaluations of police units and officers, incorporating feedback from community members.
3. Ensuring transparency in police budgets and expenditures, making them accessible to the public [11] [16].

By decentralizing leadership and decision-making while maintaining oversight, Bangladesh can create a more responsive and accountable policing system that meets the diverse needs of its communities.

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4. Enhancing Internal Accountability Mechanisms

The Police Act of 1861 provides only a narrow range of disciplinary measures, primarily targeting negligence or dereliction of duty. It fails to address more serious issues such as systemic corruption and human rights violations. The reliance on internal investigations conducted solely by the police further undermines public trust, as these investigations are often perceived as biased [1]. This outdated framework, coupled with inadequate resources and training for investigators, limits the effectiveness of internal accountability mechanisms [2] [10] [1].

To strengthen internal accountability within the Bangladesh Police, several measures are needed:

1. **Comprehensive Update to the Police Act of 1861:**

   The Act must clearly define various forms of misconduct and introduce a broader range of disciplinary actions to address systemic issues effectively [2] [10] [1].

2. **Fostering a Culture of Accountability:**
   Leadership must demonstrate a commitment to accountability by consistently enforcing disciplinary measures with meaningful consequences for wrongdoing. Training programs should emphasize ethical conduct, human rights, and professional standards. Conducting thorough and impartial investigations, regardless of rank or political connections, is essential for building public confidence in the integrity of the police force [2] [7] [10].

A. Reforming the Police Internal Oversight Unit (PIO)

The Police Internal Oversight (PIO) Unit, established in 2007 as part of an international donor-funded Police Reform Programme, was designed to address corruption and misconduct. However, its effectiveness has been undermined by a lack of commitment from police leadership, political interference, and a culture of impunity [1] [2]. To realize its potential, the following reforms are recommended:

1. **Legal Recognition and Independence:**

   The PIO should be formalized as a permanent department within the Bangladesh Police with a clear legal mandate. Amendments to the Police Act of 1861 could establish this mandate. Ensuring the PIO's independence requires secure funding, fixed leadership tenures, and a transparent, merit-based selection process for leadership roles [2] [7] [10].

2. **Enhanced Investigative Capacity:**

   Additional resources should be allocated to conduct complex investigations, particularly those involving corruption. Comprehensive training in modern investigative techniques, evidence collection, and legal procedures would further enhance the PIO's effectiveness [2].

3. **Safe Reporting Mechanisms:**

   A safe environment for reporting misconduct must be established. This could include implementing witness protection programs and safeguards for complainants to encourage transparency and accountability [2].

4. **Transparency and Public Engagement:**

    The PIO should enhance transparency by publicly reporting its actions, investigation outcomes, and disciplinary measures. Community outreach and collaborative initiatives can build trust and promote a shared sense of responsibility for safety [2].

B. Complementary Measures

Several additional steps can support internal accountability:

1. **Clear Job Descriptions:**
    Each police branch or unit should have publicly accessible job descriptions detailing specific duties, responsibilities, and authority, promoting transparency and accountability [1].

2. **Guidelines for Use of Force:**
    The revised Police Act should explicitly define which branches are authorized to use force, under what circumstances, and how force is to be applied. Drawing from international best practices in South Africa and Kenya, the Act should mandate the minimum use of force and provide detailed procedural guidelines [1].

3. **Mandatory Bodycams:**
    All branches authorized to use force should be required to wear bodycams. These devices can provide visual evidence of interactions, deter misconduct, and enhance accountability. However, this must be paired with regulations on data storage, access, and privacy concerns [11].

4. **Use of Bodycam Footage in Investigations:**
    Bodycam footage should be made accessible to the PIO and other investigative bodies for use in investigations, particularly in cases involving the use of force. This would ensure thorough and impartial accountability mechanisms [11].

By implementing these reforms, Bangladesh can significantly enhance internal accountability mechanisms, fostering greater public trust and professionalism within the police force.

5. Establishing Formal Complaints Mechanisms

Given the lack of public trust in the police to handle complaints fairly and effectively, coupled with widespread perceptions of corruption and a culture of impunity, an independent external body is essential to ensure complaints are received and investigated transparently and thoroughly [1].

The Public Complaints Commission (PCC)

As outlined in the Draft Police Ordinance of 2007 (DPO 2007), a Public Complaints Commission (PCC) is necessary to investigate police misconduct and address public grievances. The PCC should incorporate the following key elements:

1. **Mandate Focused on Public Accountability:**

    The PCC's primary purpose should be to address complaints against the police from the public. It should provide a platform for citizens to report misconduct and seek redress for abuse of power by police officers.

2. **Leadership by Eminent, Independent Persons:**

    The PCC should be led by a five-member panel of individuals with demonstrated integrity and commitment to human rights. A Selection Panel, comprising the senior-most Judge of the Appellate Division of the Supreme Court, the senior-most member of the Anti-Corruption Commission, and the senior-most member of the Public Service Commission, should appoint these members to ensure impartiality and competence [10].

3. **Independent Investigative Authority:**

    The PCC must have the authority to independently investigate complaints against the police, as well as proactively initiate investigations where necessary [10] [11]. Its powers should include summoning witnesses, accessing police records, and gathering evidence—similar to the powers of South Africa's Independent Police Investigative Directorate or Northern Ireland's Ombudsman [10] [1].

4. **Authority to Refer Cases and Recommend Disciplinary Actions:**

    The PCC should be empowered to refer cases for criminal prosecution and recommend disciplinary actions for officers found guilty of misconduct. This comprehensive oversight must include monitoring the entire police complaints system, including those handled internally by the police, to ensure accountability at all levels [10] [11].

5. **Enforceability of Recommendations:**

    The PCC's findings and recommendations should be binding and enforceable. This would prevent the PCC from becoming a symbolic entity without real impact on police accountability [10].

6. **Independence from Political Interference:**

    To ensure impartiality, the PCC should report to an entity independent of the executive branch. A parliamentary standing committee on home affairs could oversee the PCC's establishment and operations, ensuring its independence and protecting it from political pressure [2].

7. **Coordination with the National Police Commission (NPC):**

    While the NPC would oversee areas such as recruitment, promotions, transfers, and finances, the PCC should focus on ensuring public accountability by investigating and addressing misconduct. This complementary relationship would help create a comprehensive system of checks and balances within the police force.

By establishing a Public Complaints Commission with these features, Bangladesh can create a transparent and accountable mechanism to address public grievances and rebuild trust between the police and the citizens they serve.

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6. Reforming the Police Recruitment Policy

A. The Current Three-Tiered Recruitment System

The Bangladesh Police currently employs a three-tiered recruitment system, with entry points at the Constable, Sub-Inspector (SI), and Assistant Superintendent of Police (ASP) levels. However, this system has faced widespread criticism for its susceptibility to corruption and political interference. Below is an overview of the structure and its associated challenges:

1. **Constable Level:**
    This entry-level position requires only a Secondary School Certificate. Recruitment is handled by the District Superintendent of Police (DSP) through physical tests, oral examinations, and written exams [17] [6]. However, bribery is pervasive, with allegations that DSPs reserve constable positions for Members of Parliament (MPs) to sell, commodifying public service [2].

2. **Sub-Inspector (SI) Level:**
    SIs, responsible for supervising constables and enforcing the law, are recruited centrally by Police Headquarters through competitive examinations, requiring a college degree [18] [6]. Despite this centralized process, bribery and corruption remain widespread. Studies indicate that bribes for SI recruitment range from Tk 60,000 to Tk 100,000 (as of 2019), allowing unqualified candidates to secure positions through illicit means [2].

3. **Assistant Superintendent of Police (ASP) Level:**
    ASPs, the highest entry-level officers, must pass the nationwide Bangladesh Civil Service (BCS) examination administered by the Public Service Commission (PSC) [18] [6]. While this tier is nominally merit-based, political connections often outweigh exam performance. Corruption is rampant, with bribes for ASP recruitment ranging from Tk 150,000 to Tk 400,000 or more, severely undermining the process's credibility [6] [2].

B. Reforming Recruitment: A Two-Tiered and Decentralized System

To enhance efficiency, accountability, and meritocracy, a comprehensive reform of Bangladesh's police recruitment policy is necessary. The following reforms are recommended:

1. **Adopting a Two-Tier System:**

    Replace the current three-tier framework with a two-tier system [14]. This structure would establish separate entry points for:

    - **Frontline officers** with minimum educational requirements.
    - **Mid-level managerial positions** through competitive examinations.

2. Upward mobility from lower tiers should be facilitated through merit-based examinations, allowing constables to rise through the ranks. This would eliminate class-based discrimination, motivate personnel, and reduce the incentives for corruption [14].

3. **Decentralization of Recruitment Processes:**
   Shift recruitment oversight from the PSC to the National Police Commission (NPC). The NPC, as outlined in the Draft Police Ordinance of 2007, should develop recruitment standards, ensure compliance, and oversee the appointment process [14]. Decentralizing recruitment to local police units under NPC supervision would make the process more responsive to regional needs, reducing the scope for corruption and ensuring equitable representation through area-based quotas. This would align the police force's composition with the socio-cultural diversity of the population [14].

4. **Localized Recruitment:**

   Empower local police units to manage recruitment for constables and mid-level officers, ensuring alignment with community dynamics. Recruitment standards set by the NPC would ensure fairness, transparency, and adherence to merit-based principles. This localized approach would foster a police force that is more effective and responsive to community needs [14].

By implementing these reforms, Bangladesh can transition to a recruitment system that prioritizes merit, accountability, and inclusivity. A two-tiered structure, coupled with decentralized processes and NPC oversight, will build public trust, create a modern police force, and equip the institution to address the diverse challenges of a democratic society.

7. Fostering Community Engagement and Trust

Addressing public distrust of the police and implementing effective reforms require a strong focus on community engagement. Building trust and fostering connections between the police and the public in Bangladesh is essential to creating a more transparent and accountable law enforcement system. The following measures are recommended:

1. Establishing Community Police Forums (CPFs)

Community Police Forums (CPFs) can serve as structured platforms for dialogue, information sharing, and collaborative problem-solving between police officers and community members [2]. CPFs, such as town hall-style meetings, provide residents with opportunities to voice their concerns, share their experiences with law enforcement, and hold police officials accountable.

For CPFs to succeed, they must be supported by:
- Strong legal mandates.
- Clear objectives and measurable outcomes.
- Adequate funding and autonomy.
- Representation from diverse community groups [2].

2. Involving Locally Elected Officials and Grassroots Institutions

Incorporating locally elected officials and traditional grassroots institutions into police accountability frameworks can enhance transparency, trust, and engagement.
- Police should regularly report to local councils on crime statistics, complaints, and disciplinary actions, ensuring accountability and keeping communities informed [14] [11].
- Local officials can act as intermediaries between the community and police, channeling public concerns and facilitating dispute resolution [19].

Collaborating with grassroots institutions like village councils or panchayats provides additional benefits. These bodies can:
- Offer valuable local knowledge.
- Bridge cultural gaps.
- Strengthen community ownership of public safety initiatives.

  Law enforcement can tap into these institutions' understanding of local norms, values, and conflict dynamics. Community-based crime prevention initiatives, such as neighborhood watch groups and youth programs, can further promote safety and resilience from the ground up [20].

3. Empowering Police Officers in Mediation and Conflict Resolution

Police officers can play an active role in mediating minor disputes and community conflicts, working alongside local elected officials and community leaders [20]. This approach leverages police authority to facilitate peaceful resolutions and prevent conflict escalation.

However, the success of such initiatives requires:
- Clear guidelines for mediation and adjudication.
- Comprehensive training for officers in conflict resolution, impartiality, and cultural sensitivity [12] [4].

4. Comprehensive Training and Education Programs

Effective community engagement requires simultaneous training and education for both police officers and the public.

- **Police training:** Should emphasize community-oriented policing, effective communication, conflict resolution, cultural sensitivity, human rights, and transparency [4] [2].
- **Community education:** Should inform citizens about their rights, police procedures, complaint mechanisms, and how they can support crime prevention efforts.

Such programs should also promote dialogue and mutual understanding between police and the public. Specific activities such as school visits and youth programs can help establish positive interactions and build rapport [14].

By implementing these measures, Bangladesh can build a more inclusive and collaborative relationship between its police force and the public, enhancing trust, accountability, and effectiveness in law enforcement.

8. Reform Sustainability

The comprehensive recommendations outlined above provide a solid foundation for reforming the Bangladesh Police. However, achieving long-term, meaningful change requires more than a one-time overhaul. Sustainable reform depends on the establishment of mechanisms for continuous review, evaluation, and adaptation of police policies and practices to address evolving societal needs and challenges [1].

Continuous Monitoring and Evaluation

To ensure reform sustainability, mechanisms must be established to:

- Conduct **regular reviews of police policies** to evaluate their effectiveness and relevance.
- Monitor compliance with professional standards and accountability frameworks.
- Incorporate feedback from independent oversight bodies, civil society organizations, and the public.

Such mechanisms should aim to ensure that the police remain adaptable, responsive, and committed to continuous improvement.

Institutional Strengthening and Capacity Building

Sustainable reform requires investments in institutional strengthening and capacity building, which include:

1. **Developing infrastructure and resources** to support modern policing, including advanced training facilities, technology, and tools.

2. **Training programs** that focus on ethical conduct, community engagement, human rights, and problem-solving approaches to policing.

3. Promoting a **service-oriented policing culture** that prioritizes public trust, community engagement, and collaborative problem-solving over control and coercion.

Fostering a Cultural Shift

A sustainable transition from a control-oriented model to a service-oriented model of policing requires a deliberate effort to:

- **Engage communities** as partners in public safety.
- Promote respect for human rights, dignity, and cultural sensitivity within the police force.
- Encourage police officers to view themselves as protectors and servants of the public rather than enforcers of authority.

This shift can be achieved through leadership commitment, comprehensive training, and structural changes that embed these values into day-to-day operations.

Political Will and Stakeholder Engagement

The success of police reform hinges on strong political will and broad consensus. A shared vision among stakeholders—government, police leadership, civil society, and the public—is essential for overcoming resistance and ensuring the reform's legitimacy. Key steps include:

- **National Strategy Development:** A clear strategy outlining long-term goals, objectives, and implementation plans for a modern, accountable police force must be developed [2].

- **Stakeholder Engagement:** Engaging stakeholders at every level ensures inclusivity, promotes ownership of the reform process, and addresses concerns effectively.
- **Legislative Consensus:** Reforming the colonial-era Police Act of 1861 requires political consensus to overcome entrenched resistance and ensure implementation [1] [19].

Sustainable police reform in Bangladesh will not be achieved overnight. It demands consistent effort, long-term commitment, and collaboration among all stakeholders to build a police force that is accountable, effective, and aligned with democratic values.

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Policy White Paper -5

MEDIA AND PRESS FREEDOM REFORMS

Breaking the Silence: Policy Reforms for Media Independence and Democratization in Bangladesh

Breaking the Silence: Policy Reforms for Media Independence and Democratization in Bangladesh

Key Recommendations

To strengthen media independence, ensure transparency, and promote democratic values in Bangladesh, the following recommendations are proposed, focusing on immediate, medium-term, and long-term reforms to address systemic challenges and foster a resilient and credible media landscape.

- **Immediate Reforms**
    - Repealing Draconian Laws Like the Digital Security Act
    - Establishing Independent Media Regulatory Bodies
    - Instituting Mechanisms for Media Revenue Diversification
- **Medium-Term Reforms**
    - Promoting Ethical Journalism Through Training and Certification
    - Introducing Financial Incentives for Independent Media
- **Long-Term Reforms**
    - Fostering Media Ownership Reforms
    - Developing a Culture of Media Literacy and Critical Thinking

Introduction

The media, often hailed as the fourth pillar of democracy, plays a pivotal role in shaping public opinion, holding power to account, and safeguarding the principles of a free and fair society. In Bangladesh, however, the press and media landscape have been systematically undermined under the leadership of Sheikh Hasina's government, creating an environment where independent journalism struggles to survive. Through a combination of restrictive legislation, financial manipulation, and the promotion of patronage networks, the government has effectively hijacked the media, transforming it into a tool for maintaining authoritarian control and suppressing dissent.

One of the most insidious methods used by the government is its control over licensing processes. Licenses for television channels, radio stations, and newspapers are disproportionately granted to individuals and entities with known ties to the ruling Awami League, ensuring a media ecosystem dominated by pro-government voices. Researchers at the Centre for Governance Studies (2022) highlight that over 80% of television licenses granted since 2010 have gone to politically aligned owners, creating a structural bias against independent journalism. Similarly, online portals and news websites, regulated under ambiguous guidelines, are selectively targeted or blocked, leaving little room for dissenting narratives.

Censorship has become a pervasive tool to silence criticism, enforced by draconian laws such as the Digital Security Act (DSA) of 2018. This law, described by Human Rights Watch as "an instrument of repression," criminalizes vague offenses like "spreading propaganda" or "hurting religious sentiment," with penalties ranging from fines to lengthy prison terms. Amnesty International (2023) reported that over 1,500 cases have been filed under the DSA, most targeting journalists and activists critical of government actions.

The government also incentivizes corruption by providing state-sponsored advertising and financial support primarily to loyal media outlets. Independent publications often face financial starvation, while pro-government entities receive lucrative contracts and government advertisements. For example, Transparency International Bangladesh (2021) revealed that nearly 70% of government advertising budgets were funneled to just a handful of politically aligned media houses.

The culture of patronage extends to individual journalists, with loyalists being promoted to influential positions and dissenters marginalized or threatened. This dynamic has fostered a culture of self-censorship, as editors and reporters avoid controversial topics to protect their jobs and safety.

Moreover, the absence of broad-based norms and regulations for independent journalism perpetuates this system. Unlike global standards of press autonomy, Bangladesh lacks institutional frameworks to shield media houses from political interference. The resulting landscape is one where patronage thrives, truth is stifled, and democracy is undermined.

This white paper seeks to analyze the mechanisms of control, identify systemic challenges, and propose actionable reforms to restore the integrity and independence of Bangladesh's media.

1. Economic Dependency and Media Ownership

Economic dependency and the structure of media ownership are key factors that undermine journalistic independence and democratic accountability in Bangladesh. Media houses often prioritize economic survival over editorial integrity, and this dependency

is exacerbated by the monopolization of media ownership, reliance on government advertising, and the precarious financial situation of independent outlets. Drawing on examples from Bangladesh and international best practices, this section delves into the underlying issues and proposes strategies to diversify funding sources and reduce economic dependency.

1.1 Corporate Ownership and Political Affiliations

In Bangladesh, a significant proportion of media outlets are owned by large conglomerates with direct or indirect political affiliations. This corporate ownership often aligns editorial agendas with the interests of the ruling elite, stifling independent journalism.

Ownership Structures and Political Control: Major media outlets in Bangladesh are owned by influential business groups that benefit from their proximity to political power. For example, conglomerates like the Beximco Group and Bashundhara Group not only own media houses but also have extensive business interests in energy, pharmaceuticals, and infrastructure. Their reliance on government contracts and favorable regulatory conditions creates a conflict of interest, where editorial independence is compromised to protect business gains.

Impact on Editorial Independence: Corporate-owned media frequently prioritize business interests over journalistic ethics. Investigative journalism, particularly on corruption or governance failures, is often censored or downplayed if it threatens the owners' political or economic alliances. This dynamic mirrors global patterns, such as in Turkey, where media ownership by pro-government businesses has turned journalism into a tool for political propaganda.

International Best Practices: Countries like Norway and Germany have adopted stricter regulations on media ownership to prevent monopolies. For instance, the Norwegian Media Ownership Act limits cross-ownership between media and other industries, ensuring editorial independence. Bangladesh could benefit from similar measures to restrict media ownership by politically connected conglomerates.

1.2 Dependency on Government Advertising

Government advertising plays a central role in the financial viability of many Bangladeshi media outlets. This dependency, however, makes the media susceptible to manipulation and coercion.

Selective Allocation of Funds: The government often allocates advertising budgets to reward favorable coverage and punish critical reporting. Pro-government outlets receive a disproportionate share of lucrative contracts, while independent and opposition-aligned media struggle to compete. According to the Center for Policy Dialogue (CPD), government advertising accounts for nearly 30% of total media revenue in Bangladesh, creating a significant lever for political influence.

Opaque Practices: The lack of transparency in how advertising contracts are awarded exacerbates this problem. Many contracts are granted without clear criteria, reinforcing a patronage system that prioritizes loyalty over quality journalism. For instance, the Digital Security Act (DSA) has been used to threaten media outlets that challenge government narratives, ensuring compliance through both economic and legal pressures.

International Best Practices: In the United Kingdom, government advertising contracts are awarded through open bidding processes managed by independent bodies. This approach ensures fairness and transparency, providing a model for reform in Bangladesh. Implementing similar mechanisms could reduce favoritism and foster a more balanced media landscape.

1.3 Financial Vulnerabilities of Independent Outlets

Independent media in Bangladesh faces significant financial hurdles, making it difficult for them to

sustain operations or compete with well-funded, government-aligned outlets.

Revenue Challenges: Smaller outlets often lack access to advertising revenue, as businesses and government agencies prefer established players with broader reach and political alignment. Additionally, rising production costs and declining print subscriptions have exacerbated financial difficulties for traditional media.

Lack of Diversified Funding: Independent outlets are heavily reliant on single sources of revenue, such as advertising or grants, leaving them vulnerable to market fluctuations and external pressures. For instance, Prothom Alo, a leading Bangladeshi daily, has faced boycotts and revenue losses due to its critical stance against government policies.

Global Parallels: Similar challenges exist in other countries. In Kenya, independent media have adopted a subscription-based model to reduce reliance on advertising, while outlets like *The Guardian* in the UK leverage philanthropic funding and membership programs to sustain their operations.

1.4 Recommendations for Diversifying Media Funding

To mitigate economic dependency and foster an independent media environment, Bangladesh must adopt a multi-pronged strategy for diversifying funding sources. International best practices provide valuable insights into achieving this goal.

1. Establishing a Public Media Fund:
- Create an independent media fund to support outlets committed to journalistic ethics and public interest reporting. This fund could be financed through a combination of government grants, international aid, and private donations, with strict safeguards to ensure editorial independence.
- Example: Canada's Local Journalism Initiative provides grants to support reporting in underserved areas, ensuring that diverse voices are represented.

2. Encouraging Crowdfunding and Subscriptions:
- Media outlets should develop crowdfunding campaigns and subscription models to engage directly with their audiences. For example, platforms like Patreon have enabled smaller media organizations to secure steady income through reader contributions.
- Case Study: In India, *The Wire* relies on voluntary donations and subscriptions to maintain its editorial independence, demonstrating the viability of audience-driven funding.

3. Tax Incentives for Private Sponsors:
- Introduce tax benefits for companies and individuals that sponsor independent media, provided there is no editorial interference. This approach has been effective in countries like the United States, where tax-deductible donations support nonprofit news organizations.

4. Enhancing Digital Revenue Streams:
- Encourage media outlets to invest in digital platforms, leveraging online advertising, paywalls, and data analytics to generate revenue. South Africa's *Daily Maverick* has successfully transitioned to a digital-first model, attracting advertisers and readers alike.

5. Transparent Government Advertising:
- Implement a fair and transparent system for allocating government advertising budgets. An independent oversight body should manage these funds, ensuring equitable distribution based on objective criteria rather than political loyalty.

6. Promoting Regional and Community Journalism:
- Allocate specific funding for regional and community-focused journalism to ensure that diverse perspectives are represented. These outlets often struggle to compete with national players but play a vital role in grassroots democracy.

7. Strengthening Media Cooperatives:
- Encourage journalists to form cooperatives, pooling resources to reduce operational costs while retaining editorial independence. Cooperative models have gained traction in countries like Denmark and Spain, providing a blueprint for sustainable journalism.

By addressing economic dependency and implementing these reforms, Bangladesh can create a robust media landscape that upholds democratic values and holds power to account. Diversifying funding sources is critical for fostering an independent press that serves the public interest rather than political or corporate agendas.

2. Legal and Institutional Pressures

Legal and institutional pressures in Bangladesh have played a central role in suppressing press freedom and creating an environment of fear and self-censorship within the media. Draconian laws like the Digital Security Act (DSA) are emblematic of this suppression, stifling critical journalism and reinforcing government control over public narratives. The interplay between restrictive legislation, institutional biases, and lack of legal safeguards for journalists exacerbates the challenges faced by the press. This section examines the structural underpinnings of these pressures and draws on international best practices to propose actionable reforms.
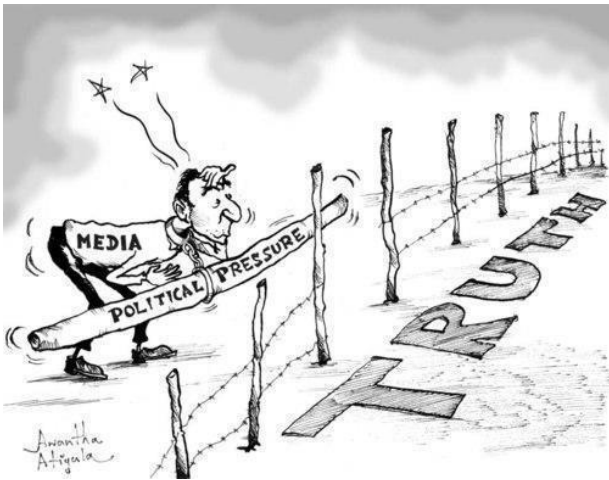
2.1 Analysis of the Digital Security Act and Other Draconian Laws

The Digital Security Act (DSA), enacted in 2018, is one of the most controversial pieces of legislation affecting press freedom in Bangladesh. Designed ostensibly to combat cybercrime, its provisions are frequently used to target journalists, activists, and dissenting voices.

Key Provisions and Misuse:
- **Vague Definitions:** The DSA criminalizes "anti-state propaganda" and "spreading misinformation" but provides no clear definitions. This ambiguity has allowed authorities to interpret and apply the law arbitrarily.
- **Harsh Penalties:** Violations under the DSA carry severe punishments, including long prison terms and hefty fines. For example, a journalist can face up to 14 years in prison for publishing content deemed harmful to state security.
- **Selective Enforcement:** The government has disproportionately used the DSA against opposition-aligned journalists and media outlets. According to Amnesty International, over 200 individuals were arrested under the DSA between 2020 and 2022, including high-profile cases like the detention of

investigative journalist Rozina Islam for reporting on corruption in healthcare procurement.

Broader Legal Landscape: Other restrictive laws, such as the Official Secrets Act (1923) and the Contempt of Court Act (1926), further stifle journalistic freedom. These colonial-era laws impose severe penalties for reporting on government activities, even when done in the public interest.

International Comparisons: Bangladesh's DSA mirrors similar laws in authoritarian regimes. For instance, in Egypt, the 2018 Cybercrime Law penalizes online dissent, while Turkey's 2022 Disinformation Law criminalizes the dissemination of "false information." However, democracies like South Africa have reformed their cybercrime laws to strike a balance between security and freedom of expression, providing a model for Bangladesh to emulate.

2.2 Censorship and Self-Censorship: Root Causes

Censorship and self-censorship are pervasive in Bangladesh's media landscape, driven by legal intimidation, political interference, and financial dependency.

Legal Intimidation:
- The threat of arrest or litigation under laws like the DSA fosters a climate of fear among journalists. Investigative stories on corruption, human rights abuses, or governance failures are often avoided due to potential legal repercussions.

- Media houses also face regulatory scrutiny, including arbitrary suspension of broadcast licenses and targeted tax audits, further deterring critical reporting.

Political Interference:
- Pro-government media owners and editors suppress stories unfavorable to the ruling party, often sidelining journalists who resist editorial control.

- Opposition-aligned outlets face outright censorship, with authorities blocking access to their websites or shutting them down entirely during politically sensitive periods.

Economic Factors:
- Reliance on government advertising and the threat of losing funding incentivize self-censorship. Journalists are pressured to avoid topics that could jeopardize their outlet's financial stability.

International Best Practices: Countries like Sweden and Finland mitigate censorship by guaranteeing legal protections for whistleblowers and investigative

journalists. Additionally, public service broadcasters in these countries are shielded from political influence through independent oversight bodies.

2.3 Judicial and Institutional Reform for Media Freedom

Judicial and institutional reforms are essential to fostering a media environment free from undue influence and legal intimidation.

Judicial Independence:

- Courts in Bangladesh are often perceived as biased in favor of the government, particularly in cases involving the media. Reforms must prioritize judicial independence, including the depoliticization of judicial appointments and improved training for judges on media law.

Independent Regulatory Bodies:

- Media oversight bodies like the Bangladesh Press Council and the Bangladesh Telecommunication Regulatory Commission (BTRC) currently lack autonomy and often function as tools for government control.

- Establishing independent regulatory frameworks, similar to the UK's Ofcom or India's Press Council, can ensure fair treatment of all media outlets and prevent arbitrary censorship.

Transparency and Accountability:

- Transparent mechanisms for investigating media-related legal cases are crucial. Independent review panels comprising legal experts and civil society representatives should evaluate cases involving journalists to ensure fairness.

2.4 Strengthening Legal Protections for Journalists

Journalists in Bangladesh face widespread harassment, physical threats, and legal challenges, necessitating robust legal safeguards to ensure their safety and ability to report freely.

Protection from Harassment and Violence:

- According to the Committee to Protect Journalists (CPJ), at least 15 journalists have been murdered in Bangladesh since 1992, with most cases remaining unresolved. Special tribunals for crimes against journalists should be established to expedite justice and deter future violence.

- Police accountability mechanisms must be strengthened to prevent law enforcement from being complicit in attacks on journalists.

Whistleblower Protections:

- Implementing comprehensive whistleblower protection laws is critical for safeguarding journalists who expose corruption or abuse of power. The US Whistleblower Protection Act, which shields reporters and their sources, offers a viable template.

Right to Information (RTI):

- Bangladesh's RTI Act (2009) is underutilized due to bureaucratic delays and lack of awareness. Enhancing the RTI framework with stricter timelines and penalties for non-compliance can empower journalists to access public information more effectively.

Training and Legal Aid:

- Journalists must be equipped with knowledge of their rights under existing laws. Legal aid programs, supported by civil society organizations, can provide critical assistance in navigating legal challenges.

- International NGOs, such as Reporters Without Borders, have successfully partnered with local organizations in countries like Mexico to offer legal and security training for journalists under threat.

Legal and institutional pressures, including draconian laws, censorship, and self-censorship, are systemic barriers to media freedom in Bangladesh. Addressing these issues requires a comprehensive approach that includes repealing or amending restrictive laws, depoliticizing judicial and regulatory institutions, and enacting stronger legal protections for journalists. By drawing on international best practices and tailoring them to Bangladesh's unique context, it is possible to create an enabling environment for a free and independent press, which is vital for sustaining democracy and accountability.

3. Politicization of Media Outlets

The politicization of media outlets in Bangladesh is a critical issue that undermines press freedom and impartial reporting. Media houses, regulatory bodies, and ownership structures are often aligned with

political interests, creating an environment where public trust in journalism is eroded. This section examines the deep entanglement between media and politics, highlighting evidence from Bangladesh and lessons from international best practices, and offers strategies for depoliticizing media ownership and regulation.

3.1 Alignment of Media Houses with Political Parties

Overview: In Bangladesh, many media outlets are overtly aligned with political parties, turning them into vehicles for propaganda rather than independent platforms for information dissemination. These alignments are driven by ownership patterns, economic dependencies, and editorial policies shaped by political agendas.

Ownership and Political Influence:
- A significant proportion of Bangladesh's media outlets are owned by individuals or conglomerates with direct ties to political parties. For instance, the owners of several prominent newspapers and television stations hold key positions in the ruling Awami League, ensuring favorable coverage for the government. Conversely, media outlets aligned with the opposition Bangladesh Nationalist Party (BNP) face systemic harassment, including suspension of broadcast licenses and restricted access to advertising revenue.
- Ownership concentration amplifies this issue. According to Transparency International Bangladesh (TIB), a few politically connected families dominate the media landscape, perpetuating a cycle of partisanship.

Editorial Bias:
- Politically aligned media outlets often prioritize party interests over journalistic ethics, leading to one-sided reporting. For example, during the 2018 national elections, state-owned and pro-government outlets overwhelmingly favored the ruling party while providing minimal coverage to opposition candidates.

Impact on Journalism:
- Journalists working in politically aligned media houses face editorial pressures to conform to the owner's political affiliations. This stifles critical reporting and investigative journalism, as journalists fear reprisal for dissenting coverage.

International Comparisons: Countries like the United States have seen similar trends, with media outlets like Fox News and MSNBC displaying overt partisan leanings. However, the presence of regulatory frameworks and independent watchdogs helps mitigate the impact of partisanship, a mechanism largely absent in Bangladesh.

3.2 Regulatory Body Capture and Bias

Overview: Regulatory bodies in Bangladesh, such as the Bangladesh Press Council (BPC) and the Bangladesh Telecommunication Regulatory Commission (BTRC), are highly politicized, often serving the interests of the ruling party rather than functioning as neutral arbiters.

Structural Issues:
- **Lack of Independence:** Regulatory appointments are often made based on political loyalty rather than expertise. This compromises the ability of these bodies to enforce fair practices. For example, the BPC has been criticized for failing to act against government-aligned media outlets spreading misinformation during election periods.
- **Selective Enforcement:** Laws governing media operations are selectively enforced to suppress opposition-aligned outlets while granting impunity to pro-government ones. For instance, BTRC's actions to shut down opposition websites under the pretense of combating "fake news" exemplify regulatory bias.

Legal Constraints:
- Laws such as the Digital Security Act (DSA) empower regulatory bodies to monitor and penalize media outlets under broad and ambiguous terms. This fosters an environment where regulatory actions are weaponized against dissenting voices.

Global Comparisons:
- In contrast, countries like the UK and Canada have regulatory bodies like Ofcom and the Canadian Radio-television and Telecommunications Commission (CRTC), which operate independently. These bodies are governed by transparent rules and are accountable to legislative bodies rather than political administrations, ensuring impartiality.

3.3 Strategies for Depoliticizing Media Ownership and Regulation

Overview: Addressing the politicization of media outlets in Bangladesh requires systemic reforms targeting ownership structures and regulatory mechanisms. Drawing on international best practices, the following strategies can help depoliticize media and restore public trust.

1. Diversifying Media Ownership:

- **Encouraging Public Ownership:** Promote community-owned and cooperatively managed media outlets to reduce reliance on corporate and political funding. Examples like community radio networks in Nepal demonstrate how public ownership can ensure independence.

- **Anti-Monopoly Regulations:** Implement antitrust laws to limit media ownership concentration. For instance, Australia's media diversity rules prevent a single entity from controlling multiple platforms in the same region.

- **Transparency in Ownership:** Mandate full disclosure of media ownership structures to expose conflicts of interest and ensure accountability.

2. Strengthening Regulatory Bodies:

- **Independent Appointments:** Establish independent commissions to oversee appointments to regulatory bodies like BPC and BTRC. This can prevent political interference and enhance credibility.

- **Transparent Oversight Mechanisms:** Require regulatory decisions to be subject to public scrutiny and judicial review. For example, the European Broadcasting Union ensures transparency by mandating public disclosure of its regulatory processes.

- **Capacity Building:** Provide training and resources to regulatory bodies to equip them with the tools to address emerging challenges, such as digital media regulation.

3. Reforming Legal Frameworks:

- **Amending Restrictive Laws:** Revise laws like the DSA to remove provisions that enable regulatory overreach. Narrowing the scope of these laws to specific, well-defined offenses can reduce their misuse.

- **Safeguarding Media Freedom:** Enact legislation to protect media outlets from arbitrary shutdowns or penalties. South Africa's Promotion of Access to Information Act is an example of how legal frameworks can ensure media accountability without stifling press freedom.

4. Promoting Ethical Journalism:

- **Codes of Conduct:** Develop enforceable codes of ethics for journalists and media organizations, emphasizing impartiality and factual reporting. Organizations like the Society of Professional Journalists (SPJ) in the US offer templates for such codes.

- **Training and Accreditation:** Establish accredited training programs for journalists to enhance their professionalism and resilience against political pressures.

5. Encouraging Civil Society Involvement:

- **Watchdog Organizations:** Strengthen civil society groups to monitor media practices and advocate for press freedom. For instance, Transparency International Bangladesh could expand its focus to include media transparency.

- **Public Engagement:** Foster public discourse on the role of independent media in democracy, using platforms like town halls and online forums.

The politicization of media outlets in Bangladesh poses a significant threat to democracy and the free flow of information. Ownership patterns aligned with political parties, coupled with biased regulatory bodies, have created an ecosystem where independent journalism struggles to thrive. Implementing strategies such as diversifying media ownership, reforming regulatory frameworks, and promoting ethical journalism can depoliticize the media landscape. Drawing on international best practices, these measures can help build a media environment that prioritizes public interest over partisan agendas, strengthening Bangladesh's democratic fabric.

4. Intimidation and Harassment of Journalists

The intimidation and harassment of journalists in Bangladesh is a pervasive issue that stifles freedom of expression and undermines democratic governance. Journalists face physical violence, legal harassment, and digital threats orchestrated by political actors, state institutions, and party-affiliated groups. These practices, compounded by systematic surveillance and a lack of protective mechanisms, create an environment of fear that hampers independent journalism. This section explores these challenges and offers strategies to ensure journalist safety, supported by evidence from Bangladesh and global best practices.

4.1 Threats: Physical, Legal, and Digital

Physical Threats:

- Journalists in Bangladesh often face physical violence, particularly when reporting on sensitive issues such as corruption, electoral malpractice, or human rights abuses. Party-affiliated thugs frequently target journalists who expose misconduct. For example, in 2022, journalist Rozina Islam was assaulted and detained while investigating corruption in the Ministry of Health. Similar attacks are common, especially in rural areas where local political groups exert significant control.

Legal Harassment:

- The misuse of draconian laws like the Digital Security Act (DSA) has become a primary tool for silencing dissent. Vaguely worded provisions in the DSA allow for arrests on charges of "anti-state activities" or "spreading misinformation," often targeting investigative journalists. Between 2020 and 2022, more than 200 cases were filed under the DSA against journalists, with several subjected to pretrial detention and lengthy legal battles.

Digital Threats:

- Cyber harassment and hacking attempts are increasingly used to intimidate journalists. Online smear campaigns, often orchestrated by pro-government actors, aim to discredit journalists and subject them to public abuse.

Investigative journalist Nadia Sharmeen faced coordinated digital harassment after reporting on women's rights violations.

International Context:

- The situation mirrors global trends, such as the experiences of journalists in the Philippines, where political actors and trolls harass dissenting voices online. However, countries like Norway have implemented strict legal frameworks and public support systems to shield journalists from such attacks, demonstrating a path forward for Bangladesh.

4.2 Role of Surveillance and Monitoring in Undermining Journalism

Government Surveillance:

- State institutions in Bangladesh deploy sophisticated surveillance tools to monitor journalists, often under the pretense of national security. Surveillance includes intercepting phone calls, hacking into social media accounts, and monitoring communications. In 2021, revelations surfaced that Bangladeshi authorities had acquired spyware from international vendors, further fueling concerns about surveillance abuse.

Chilling Effect:

- The constant fear of being watched discourages journalists from pursuing sensitive stories. Investigative journalism on issues like extrajudicial killings, enforced disappearances, or financial irregularities has significantly declined due to the chilling effect of surveillance.

International Comparisons:

- Countries with robust press freedom, such as Germany, enforce strict data protection and surveillance oversight laws, ensuring that state monitoring does not infringe on journalistic work. Transparency mechanisms in surveillance practices could serve as a model for Bangladesh.

4.3 Ensuring Safety and Security for Journalists
Legislative Safeguards:

- Implementing laws that protect journalists from violence and harassment is critical. Bangladesh lacks comprehensive legal protections for journalists, allowing perpetrators to act with impunity. India's Journalist Protection Act (proposed in several states) offers a framework for legislative reform, including swift investigations and penalties for those who threaten journalists.

Emergency Support Systems:

- Establishing hotlines and rapid response teams can provide immediate assistance to journalists facing threats. Such initiatives have been successful in Mexico, where journalist protection units coordinate with law enforcement to address imminent dangers.

Capacity Building:

- Providing journalists with training on digital security, personal safety, and legal rights is essential. International organizations like Reporters Without Borders offer workshops that can be adapted to the Bangladeshi context, empowering journalists to navigate risks effectively.

Police Accountability:

- Law enforcement agencies must be trained to handle cases of journalist harassment impartially. The culture of siding with political actors in power must be addressed through independent oversight mechanisms, as seen in Finland, where police are held accountable for their role in safeguarding press freedom.

4.4 Establishing Independent Press Ombudsmen

Role of an Ombudsman:

- An independent press ombudsman can serve as a mediator between journalists, media houses, and state institutions, addressing complaints related to harassment, censorship, and ethical violations. This body would act as a watchdog to ensure that journalistic freedoms are protected and grievances are resolved transparently.

Structure and Functionality:

- The ombudsman should be autonomous, funded independently of government or corporate interests. It should have the authority to investigate complaints, mediate disputes, and recommend corrective actions. South Africa's Press Council, which includes an ombudsman, provides a successful model for Bangladesh to emulate.

Building Trust:

- Establishing such a body would foster trust among journalists, media owners, and the public, ensuring accountability in cases of harassment. Regular reports on press freedom violations, issued by the ombudsman, can also highlight systemic challenges and drive policy reform.

Global Examples:

- In Sweden, the Press Ombudsman (PO) operates under the Swedish Press Council, addressing public grievances against the media while safeguarding journalistic independence. Adopting a similar framework could help Bangladesh address its press freedom challenges.

The intimidation and harassment of journalists in Bangladesh pose severe threats to press freedom and democracy. Physical violence, legal persecution, digital harassment, and pervasive surveillance have created a culture of fear that stifles critical reporting. Addressing these challenges requires a multipronged approach, including stronger legislative protections, robust emergency support systems, and independent oversight through a press ombudsman. By adopting best practices from countries like Mexico, Sweden, and Germany, Bangladesh can create a safer environment for journalists and foster a media landscape that upholds democratic values. These measures are not just policy imperatives but essential steps toward restoring public trust and accountability in governance.

5. Weak Press Unions and Collective Resistance

Press unions and journalist associations play a vital role in safeguarding press freedom, advocating for journalists' rights, and fostering collective resistance against governmental and institutional suppression. In Bangladesh, however, these organizations often fail to serve their intended purpose due to co-optation by political interests, lack of unity among journalists, and structural inefficiencies. Drawing from international best practices, this section explores the challenges faced by press unions in Bangladesh and offers recommendations for reform.

5.1 Co-opted Journalist Associations

Political Alignment and Partisanship: In Bangladesh, many journalist unions and press associations are deeply politicized. Organizations such as the Bangladesh Federal Union of Journalists (BFUJ) and Dhaka Union of Journalists (DUJ) are often split

into factions aligned with major political parties. This division undermines their ability to represent journalists' collective interests, as leaders prioritize party agendas over the welfare of their members. The politicization of these unions discourages journalists from independent reporting, as those affiliated with opposition factions may face isolation or professional repercussions.

Conflict of Interest: Union leaders frequently have dual roles, working as editors or managers in politically aligned media outlets while serving in union leadership. This conflict of interest compromises their ability to advocate impartially for journalists. For instance, leaders often fail to challenge government policies like the Digital Security Act (DSA), which curtails press freedom, because of their ties to ruling party interests.

Comparative Examples: In contrast, press unions in countries like Germany and Norway are apolitical and prioritize collective bargaining, safety, and professional development for journalists. The German Journalists' Association (DJV) focuses on advocating for better working conditions, free from political interference. Adopting a similar model in Bangladesh could strengthen the independence and efficacy of press unions.

5.2 Challenges in Building Unified Resistance

Lack of Solidarity: The fragmented nature of press unions in Bangladesh prevents unified resistance against policies that threaten press freedom. Journalists affiliated with different factions often view each other as competitors rather than allies. This disunity was evident during protests against the DSA, where some factions remained silent or sided with the government, weakening the overall impact of the movement.

Fear of Retaliation: Journalists who resist co-optation or speak out against union leadership often face retaliation, including job loss, legal harassment, or physical threats. This culture of fear discourages collective action and fosters a climate of compliance rather than resistance.

Structural and Financial Challenges: Unions in Bangladesh often lack the financial resources and organizational capacity to effectively mobilize journalists. Limited funding restricts their ability to organize training programs, legal aid, or public campaigns advocating for press freedom. This contrasts with unions in countries like South Africa, where the South African National Editors' Forum (SANEF) provides robust legal and financial support to journalists.

Global Context: The challenges faced by Bangladeshi journalists are not unique. In the Philippines, journalist organizations struggle with political co-optation and threats from state and non-state actors. However, collective advocacy groups like the National Union of Journalists of the Philippines (NUJP) have demonstrated how strategic alliances with international organizations can amplify their efforts and offer protection to members.

5.3 Recommendations for Strengthening Journalist Unions

1. Depoliticization of Unions:

- **Separate Politics from Advocacy:** Press unions must adopt strict codes of conduct prohibiting leaders from holding dual roles in political parties or politically aligned media outlets. This depoliticization will allow unions to focus solely on journalists' professional interests.

- **Transparent Leadership Elections:** Introducing transparent and democratic election processes within unions can prevent political interference and ensure leadership accountability.

2. Capacity Building and Financial Independence:

- **Securing Independent Funding:** Unions should explore alternative funding sources, such as membership dues, grants from international press freedom organizations, or partnerships with academic institutions. Financial independence will reduce reliance on political patrons and enhance operational efficiency.

- **Training and Development:** Unions should invest in capacity-building programs, including workshops on digital security, investigative journalism, and labor rights. For example, the International Federation of Journalists (IFJ) offers global training programs that could be localized for Bangladeshi journalists.

3. Unified Advocacy:

- **Building Coalitions:** Press unions must form alliances with civil society organizations, legal aid groups, and international media watchdogs to strengthen their advocacy efforts. Collective resistance, supported by broader coalitions, can amplify their voices and increase pressure on policymakers.

- **Joint Action on Common Issues:** Establishing a national umbrella organization representing all press unions can facilitate unified action on issues like press freedom, wage disputes, and workplace safety.

4. Legal and Structural Support:

- **Legal Aid for Journalists:** Press unions should establish legal support cells to assist members facing legal challenges, particularly under laws like the DSA. This initiative could be modeled after Mexico's Article 19 Office, which provides legal aid and advocacy for journalists under threat.

- **Workplace Standards:** Unions should lobby for legislation mandating fair wages, workplace protections, and insurance for journalists. In India, the Press Council of India has successfully advocated for labor protections, serving as an example for Bangladesh.

5. Raising Public Awareness:

- **Media Literacy Campaigns:** Unions should engage the public in campaigns highlighting the importance of press freedom for democracy. Increased public support can create societal pressure on governments to respect journalists' rights.

- **Leveraging Social Media:** Utilizing digital platforms to share stories of harassment, successes in advocacy, and the impact of press freedom restrictions can garner both local and international support.

6. International Engagement:

- **Collaborate with Global Organizations:** Partnerships with entities like Reporters Without Borders (RSF) and the Committee to Protect Journalists (CPJ) can provide

Bangladeshi unions with technical expertise, funding, and a platform to voice their concerns on an international stage.

- **Adopt Best Practices:** Learning from successful unions in countries like South Africa, Germany, and Norway can guide reforms in organizational structure, advocacy strategies, and capacity-building initiatives.

Weak press unions and fragmented collective resistance in Bangladesh undermine the ability of journalists to fight for their rights and uphold press freedom. Politicization, financial constraints, and disunity are significant challenges that need urgent attention. By depoliticizing unions, enhancing organizational capacity, and fostering national and international coalitions, press unions can become effective advocates for journalists. Drawing on global best practices and local innovation, Bangladesh can strengthen its media landscape, ensuring it becomes a cornerstone of democratic accountability and public empowerment.

6. Proliferation of Misinformation and Propaganda

The proliferation of misinformation and propaganda in Bangladesh's media ecosystem poses a significant threat to democracy, public trust, and informed citizenry. This issue is exacerbated by state-run media bias, the strategic manipulation of digital platforms, and the absence of robust frameworks to counter fake news. Drawing lessons from Bangladesh and international best practices, this section examines the role of state-run media, the weaponization of digital platforms, strategies to combat fake news, and the need for regulatory frameworks.

6.1 Role of State-Run Media and Pro-Government Outlets

Biased Coverage and Propaganda: State-run media, such as Bangladesh Television (BTV) and Bangladesh Betar, have long been tools for promoting government narratives. Under the Sheikh Hasina administration, these platforms have been accused of prioritizing pro-government content while marginalizing dissenting

voices. For example, during election cycles, opposition rallies receive minimal or negative coverage, while ruling party activities dominate airtime. This imbalance erodes public trust in state-run outlets and skews democratic discourse.

Pro-Government Private Outlets: Privately owned media outlets with close ties to the ruling party also contribute to the spread of propaganda. Owners of these outlets often have business or political affiliations with the government, incentivizing biased reporting. For instance, newspapers and television channels linked to politically aligned conglomerates, such as the Summit Group, have been criticized for framing government policies uncritically while discrediting opposition figures.

Comparative Examples: In contrast, public broadcasters like the BBC in the UK and ARD in Germany maintain editorial independence through legal mandates and transparent funding models. Such practices ensure balanced coverage and accountability, offering a roadmap for reforming state-run media in Bangladesh.

6.2 Weaponization of Digital Media Platforms

Troll Farms and Misinformation Campaigns: Digital platforms have become tools for spreading misinformation and silencing dissent in Bangladesh. Troll farms, often funded or supported by political entities, target opposition voices and independent journalists with coordinated harassment and false narratives. These campaigns manipulate public opinion, suppress dissent, and amplify government propaganda.

Algorithmic Amplification: Platforms like Facebook and YouTube play a significant role in amplifying misinformation. Algorithms designed to maximize engagement often prioritize sensational or polarizing content, which disproportionately includes fake news. For example, during the 2018 student protests in Dhaka, fabricated videos claiming violence by protesters were widely circulated on social media, diverting attention from their legitimate demands.

Comparative Lessons: Countries like Taiwan have implemented innovative strategies to combat the weaponization of digital platforms. During election periods, Taiwan's government collaborates with social media companies to detect and remove coordinated disinformation campaigns. Bangladesh can adopt similar approaches to counteract digital misinformation.

### 6.3 Combating Fake News and Promoting Media Literacy

Impact of Fake News: The spread of fake news undermines public trust in credible journalism and can incite violence or social unrest. In Bangladesh, false information about communal tensions has frequently led to mob violence. For instance, in 2021, fake social media posts alleging desecration of the Quran incited attacks on Hindu communities, causing widespread harm.

Promoting Media Literacy: Media literacy is crucial for equipping citizens to critically evaluate information. Initiatives should focus on:

- **Education Curricula:** Incorporating media literacy programs into school curricula, as seen in Finland, which has been recognized for its successful anti-misinformation strategy.
- **Public Campaigns:** Launching awareness campaigns to help the public identify fake news and verify sources.
- **Collaborations:** Partnering with civil society organizations and tech companies to develop tools and resources for fact-checking.

Fact-Checking Initiatives: Fact-checking organizations, such as Bangladesh's "Fact Watch," play an essential role in debunking false claims. However, these efforts need greater support and visibility. Lessons can be drawn from India's Alt News, which uses crowdsourced evidence to identify and counter misinformation effectively.

Among 13.862 crore internet users:

📖 9.9%- broadband or ISP users

→ 90.1%- mobile internet user
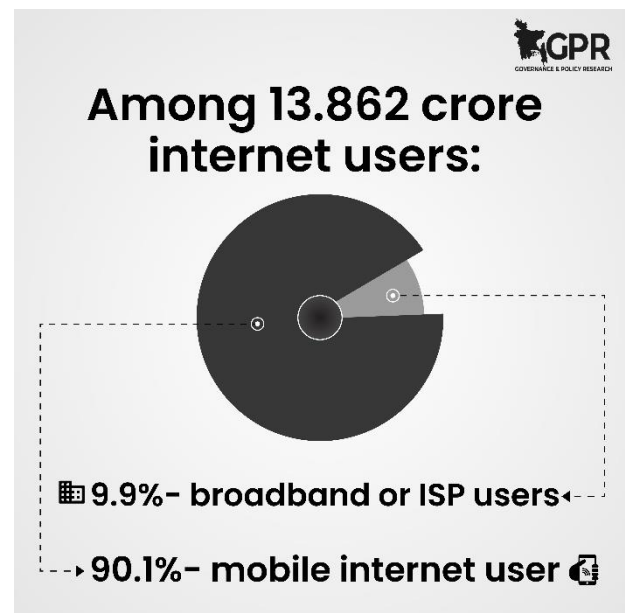
6.4 Regulatory Frameworks for Social Media Platforms

Lack of Accountability: Social media platforms in Bangladesh operate with minimal accountability for the content they host. This regulatory vacuum allows the unchecked spread of hate speech, fake news, and coordinated disinformation campaigns.

Need for Clear Guidelines: A regulatory framework should:

- **Content Moderation Standards:** Require platforms to implement robust content

moderation policies to detect and remove harmful misinformation.

- **Transparency in Algorithms:** Mandate transparency in algorithmic decisions that prioritize or suppress content.
- **Accountability Mechanisms:** Introduce penalties for platforms failing to address misinformation effectively.

International Best Practices: The European Union's Digital Services Act (DSA) offers a comprehensive model for regulating online platforms. The DSA mandates transparency, accountability, and independent audits for large platforms to combat harmful content. Bangladesh could adopt similar legislation tailored to its context.

Balancing Regulation and Free Speech: Regulations must avoid overreach that stifles free expression. Mechanisms for independent oversight, such as multi-stakeholder councils, can ensure that regulation serves the public interest without infringing on democratic freedoms.

Recommendations for Addressing Misinformation and Propaganda

1. **Reform State-Run Media:**
   o Ensure editorial independence for state-run media by establishing independent oversight bodies.
   o Mandate balanced coverage of political and social issues through enforceable codes of conduct.

2. **Combat Digital Misinformation:**
   o Collaborate with social media platforms to identify and remove coordinated disinformation campaigns.
   o Invest in AI tools to monitor and flag fake news in real-time.

3. **Promote Media Literacy:**
   o Launch nationwide media literacy programs targeting students and the general public.
   o Support the expansion of fact-checking organizations with funding and visibility.

4. **Strengthen Regulatory Frameworks:**
   o Develop clear guidelines for social media platforms to ensure accountability for content moderation.
   o Introduce transparency mandates for platform algorithms and their impact on public discourse.

5. **Support Ethical Journalism:**
   o Establish funding mechanisms for independent journalism to counterbalance state and corporate biases.
   o Provide legal protections and resources for investigative journalists working to expose disinformation networks.

The proliferation of misinformation and propaganda in Bangladesh poses a severe threat to democratic governance and informed citizenry. By addressing the root causes—state-run media bias, digital platform manipulation, and inadequate public awareness—Bangladesh can rebuild trust in journalism and promote a healthier information ecosystem. Learning from international best practices and implementing tailored reforms can empower citizens to discern credible information and hold power accountable.

7. Media Ethics and Professionalism

The integrity of journalism hinges on adherence to ethical principles and professional standards. In Bangladesh, the erosion of media ethics—marked by sensationalism, inadequate training, and a lack of standardized guidelines—has contributed to public distrust in the media. Reforming media ethics and professionalism is essential for restoring credibility and ensuring that journalism serves the public interest.

7.1 Sensationalism and Its Impact on Public Trust

Sensationalism and Media Credibility: Sensationalism, characterized by exaggerated headlines and dramatized stories, has become pervasive in Bangladesh's media landscape. The race for higher viewership and advertising revenue often leads to prioritizing clickbait over substantive reporting. For example, during crises such as the COVID-19 pandemic, certain outlets prioritized fear-mongering over evidence-based information, undermining public trust.

Consequences of Sensationalism: The focus on sensational content distracts from critical issues such as corruption, governance, and social inequality.

Public trust erodes as audiences perceive the media as prioritizing profit over their role as watchdogs of democracy. A Reuters Institute study found that excessive sensationalism correlates with declining trust in news media globally, highlighting the need for a more ethical approach to reporting.

Best Practices: Countries like Germany address sensationalism through regulatory frameworks, such as the German Press Code, which mandates accuracy and prohibits misleading headlines. Bangladesh can draw from these practices to establish guidelines against sensationalism.

7.2 Training and Capacity Building for Journalists

Skills Deficit in Journalism: Many journalists in Bangladesh lack training in investigative techniques, fact-checking, and ethical reporting. Resource constraints and limited access to professional development exacerbate these challenges. For instance, reporting on complex topics like climate change or financial corruption often lacks depth and accuracy due to inadequate training.

Capacity Building Initiatives: Investing in training programs can significantly enhance journalistic quality. Organizations like the Thomson Reuters Foundation offer global training models that emphasize investigative journalism, media ethics, and digital literacy. In Bangladesh, institutions like the Press Institute of Bangladesh (PIB) should expand their curricula to include workshops on ethical reporting and contemporary issues.

Collaborative Training Models: Partnerships between international organizations and local media houses can facilitate knowledge transfer and skills enhancement. For instance, India's collaboration with UNESCO to train rural journalists has significantly improved reporting standards in underserved areas.

## 7.3 Establishing Ethical Guidelines and Standards

Lack of Uniform Standards: Bangladesh currently lacks a universally accepted code of ethics for journalism. This vacuum allows inconsistent practices and fosters a culture of irresponsibility. The absence of mechanisms to enforce ethical standards further compounds the problem.

Recommendations for Ethical Standards: A national code of ethics should be established, covering principles such as accuracy, fairness, and accountability. The UK's Independent Press Standards Organisation (IPSO) offers a robust model, ensuring compliance through transparent complaint mechanisms and penalties for violations.

Independent Oversight: An independent regulatory body comprising journalists, academics, and civil society representatives should oversee the implementation of ethical guidelines. This body could enforce standards while protecting press freedom.

Restoring public trust in Bangladesh's media requires prioritizing ethical journalism and professional excellence. Combating sensationalism, investing in training programs, and instituting robust ethical guidelines will create a more credible and responsible media environment. By drawing on international best practices and tailoring them to local needs, Bangladesh can foster a media landscape that upholds democratic values and informs its citizens responsibly.
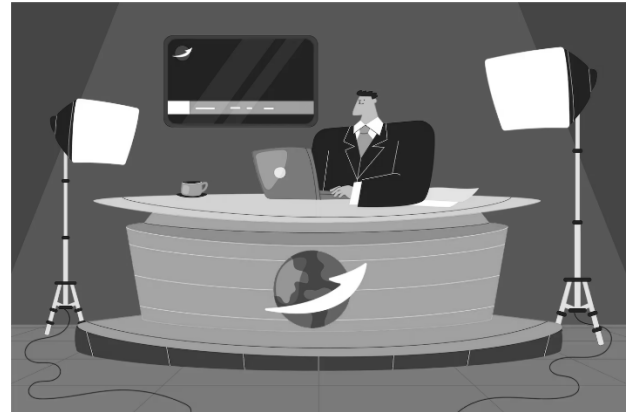
8. Polarized Political Environment and Media Credibility

Bangladesh's media landscape reflects the country's deeply polarized political environment, significantly affecting media narratives and public trust. Addressing this polarization is critical for fostering a credible and independent press that can serve as a pillar of democracy.

8.1 The Impact of Political Polarization on Media Narratives

Partisan Alignment of Media Outlets: Many media houses in Bangladesh are aligned with political parties, leading to biased coverage that amplifies party agendas rather than offering balanced perspectives. Outlets either favor the ruling party or opposition groups, creating a fractured information ecosystem. For example, during electoral cycles, pro-government media often highlight development achievements, while opposition-aligned outlets focus on corruption and governance failures.

Global Comparisons: This phenomenon is not unique to Bangladesh. In the United States, polarized media landscapes have similarly reinforced political divisions, as highlighted in Pew Research Center studies. However, initiatives like "fact-checking hubs" during elections have countered misinformation, offering lessons for Bangladesh.

Consequences: Polarization undermines the media's role as an impartial watchdog. Journalists often face

accusations of bias, reducing the credibility of their reporting and fostering public cynicism. The lack of a unified, neutral voice contributes to public disillusionment with both politics and the press.

8.2 Public Distrust and Rebuilding Media Credibility

Erosion of Trust: The alignment of media outlets with political agendas has fueled public skepticism about the authenticity of news. A 2021 Reuters Institute report revealed that less than 30% of Bangladeshi citizens trust their media, a stark warning of the consequences of unchecked polarization.

Best Practices for Rebuilding Trust: International experiences suggest pathways to rebuild trust. For instance, the BBC's impartial reporting during crises has reinforced its reputation as a credible source. Similarly, Finland's media literacy initiatives, integrated into education systems, empower citizens to discern bias, promoting trust in independent outlets.

Bangladesh's Path Forward: Rebuilding credibility requires transparency in editorial policies, corrections for errors, and a commitment to balanced reporting. Encouraging citizen journalism and interactive platforms can foster public engagement and accountability.

8.3 Creating Spaces for Nonpartisan Journalism

Challenges to Nonpartisan Reporting: The lack of institutional support and financial independence hampers efforts to establish neutral media outlets. Independent journalists face intimidation and limited access to resources, further constraining their ability to produce unbiased content.

Recommendations: Developing public-funded media with robust oversight can ensure independence and impartiality. For instance, Sweden's public broadcasting model operates under a framework that prevents political interference. Additionally, fostering cross-party agreements on media freedom can help create a shared commitment to nonpartisan journalism.

Bangladesh's media must transcend political divisions to regain public trust and credibility. Promoting impartial reporting, rebuilding trust through transparency, and fostering spaces for nonpartisan journalism are essential steps toward this goal. Drawing from global best practices, Bangladesh can cultivate a resilient media ecosystem that supports democratic governance.

9. Social and Cultural Factors

The interplay of social and cultural dynamics in Bangladesh has a profound impact on press freedom and the media's ability to operate independently. Civic awareness, cultural norms, and civil society engagement play key roles in shaping public attitudes toward media and its role in democracy.

9.1 Civic Awareness and Its Role in Supporting Press Freedom

Civic awareness is critical for fostering a society that values and defends press freedom. In Bangladesh, limited understanding of media rights and their importance in a democracy hampers public support for independent journalism. Many citizens view the press as a tool for political propaganda rather than a guardian of accountability.

International Best Practices: Countries like Denmark have integrated media literacy into their education systems, ensuring citizens understand the media's role in democracy. Finland's success in combating misinformation stems from similar educational initiatives, which empower citizens to critically evaluate news sources.

Bangladesh's Path Forward: Incorporating media literacy into school curricula and public campaigns can build awareness of press freedom's role in democratic governance. Partnering with NGOs and educational institutions can amplify these efforts.

9.2 Cultural Deference to Authority as a Barrier to Reform

Bangladesh's cultural norms often emphasize respect for authority, discouraging open criticism of leaders. This deference to authority enables governments to suppress dissent without significant public resistance. Journalists who challenge authority risk ostracism, harassment, or worse.

Global Comparisons: In authoritarian regimes like China, similar cultural norms have been leveraged to justify media control. However, movements advocating free expression, such as in Taiwan, demonstrate that societal attitudes can evolve with sustained advocacy.

9.3 Engaging Civil Society to Advocate for Media Independence

Civil society plays a crucial role in championing media freedom. In Bangladesh, organizations like Transparency International Bangladesh (TIB) have advocated for greater transparency and accountability, setting an example for broader engagement.

Recommendations: Strengthening partnerships between media outlets and civil society groups can amplify calls for media independence. Public forums, advocacy campaigns, and alliances with international

organizations can pressure policymakers to enact reforms.

Addressing social and cultural barriers to press freedom requires long-term investments in civic awareness and active engagement of civil society. By drawing on international successes and tailoring them to local contexts, Bangladesh can foster a more informed and supportive public for media independence.

Newspaper Reader / Year
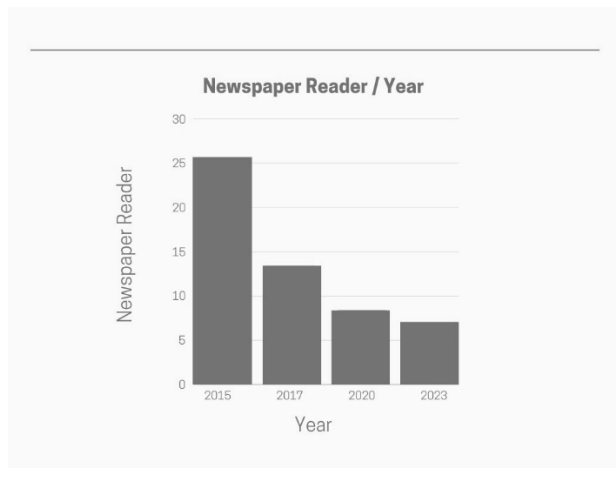
Conclusion

The path to a free, independent, and credible media in Bangladesh is fraught with challenges but remains a critical pillar for the country's democratic aspirations. This paper has highlighted the structural, economic, legal, and cultural barriers that perpetuate media collusion with undemocratic forces, undermine press freedom, and erode public trust. From draconian laws like the Digital Security Act to the pervasive culture of patronage, the media landscape requires urgent reform to serve as a true fourth estate.

Reforms must start with dismantling economic dependencies that tether media outlets to political interests. Legal protections for journalists must be strengthened, while repressive laws that curtail press freedom are repealed. Depoliticizing media ownership and regulatory bodies, coupled with fostering ethical journalism, can create an environment where the press operates with integrity and independence. Additionally, countering misinformation and promoting media literacy will empower citizens to discern truth from propaganda, holding both the media and the government accountable.

The recommendations outlined in this paper draw from international best practices and ground realities in Bangladesh, aiming to build a sustainable framework for media reform. However, achieving these goals requires more than institutional changes; it demands a cultural shift that embraces critical thought, civic engagement, and respect for press freedom as a cornerstone of democracy.

Through collective action by policymakers, civil society, media professionals, and the public, Bangladesh can transform its media sector into a robust, independent, and trustworthy institution. This transformation is not just a goal but a necessity for a more democratic, transparent, and equitable future. The time for reform is now, and the opportunity to reclaim the media's role as a beacon of truth must not be squandered.

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Policy White Paper-6
BANKING AND FINANCIAL SECTOR REFORMS

Transforming Bangladesh's Banking Sector:

Comprehensive Reforms for Accountability, Resilience, and Growth

Transforming Bangladesh's Banking Sector:
Comprehensive Reforms for Accountability, Resilience, and Growth

Key recommendations

1. **NPL Resolution and Prevention**: Implement a robust NPL management framework with stricter loan classification and provisioning guidelines, establish Asset Management Companies (AMCs), and enforce public declarations of loan defaulters to increase accountability. Examples from India and Malaysia illustrate successful implementations.

2. **Interference of Non-Expert Board Members**: Limit board members' involvement in daily operations to ensure strategic decisions are made by experts, as evidenced by the BCCI scandal.

3. **Long Tenure of Directors with Family Legacy**: Enforce director term limits to encourage fresh perspectives and reduce risks associated with entrenched family control, with Wells Fargo as a case study.

4. **Bank Ownership by Businesspersons, Not Professionals**: Promote the professionalization of bank boards and limit ownership to prevent monopolistic control, drawing lessons from the Lehman Brothers collapse.

5. **Non-Uniform Working Processes and Organizational Structures**: Standardize bank operations to streamline processes and promote best practices, exemplified by JPMorgan Chase's global frameworks.

6. **Prevalence of Trade-Based Money Laundering**: Strengthen AML measures, including real-time transaction monitoring, to combat illicit financial activities, as highlighted by the HSBC case.

7. **Fairer Collateral Evaluation**: Establish independent collateral evaluators to ensure accurate asset valuations and prevent excessive lending, with insights from India's banking sector.

8. **Encouraging Capital Market Participation for Large Loans**: Promote capital market funding to reduce reliance on bank loans, illustrated by South Korea's corporate practices.

9. **Fund Diversion in Disguised Portfolios**: Enhance monitoring and auditing systems to detect fund diversion early, with the IL&FS crisis serving as a cautionary example.

10. **Submission of Business Impact Analysis (BIA)**: Mandate regular BIA submissions to assess banks' resilience and improve risk management, following the UK's regulatory practices.

11. **Enhancing Regulatory Oversight**: Strengthen the authority of Bangladesh Bank to enforce compliance and conduct regular stress testing, inspired by the Reserve Bank of India's proactive measures.

12. **Interoperability and Coordination Among Financial Institutions**: Create an integrated financial infrastructure to enhance interoperability and streamline services, as demonstrated by Kenya's M-Pesa system.

13. **Reforming Lending Practices**: Implement interest rate caps, simplify small loan access, and enforce stricter regulations for highly leveraged borrowers and Politically Exposed Persons (PEPs) to ensure fair lending practices.

14. **Bank Mergers and Exit**: Streamline the process for bank mergers to facilitate consolidation of weaker banks with stronger entities, thereby improving financial health and governance. Additionally, allow failing banks to exit the market to maintain financial discipline and prevent misuse of public funds. Examples from India and the 2008 U.S. financial crisis illustrate these points.

15. **Bank Rate Adjustment**: Optimize the bank rate to balance economic activity and inflation, ensuring sustainable economic growth and financial stability.

16. **Reforming Purchase Justifications**: Shift the focus from Return on Investment (ROI) to Total Cost of Ownership (TCO) for bank purchases to account for long-term costs and promote cost-effective operations, as practiced by major banks in Singapore.

17. **Standardized Data Classification**: Implement uniform financial data reporting across all scheduled banks to ensure consistent monitoring and oversight by Bangladesh Bank, similar to the European Central Bank's approach.

18. **Liquidity and Capital Management**: Require banks to maintain minimum liquidity buffers and conduct frequent capital adequacy reviews to ensure stability and resilience, with Canada serving as an example.

19. **Improving Consumer Protection**: Mandate transparent lending practices and enhance digital payment systems to foster consumer trust, as enforced by the U.S. Consumer Financial Protection Bureau.

20. **Stricter Obligations for Rating Agencies**: Increase accountability and transparency of rating agencies to provide reliable financial assessments, learning from the 2008 financial crisis.

21. **Trust and Transparency Restoration**: Introduce mandatory transparency reports on loan approval processes and public reporting on key financial indicators to rebuild public trust. Ensure the full autonomy of Bangladesh Bank and dissolve the Financial Institutions Division to streamline governance, drawing lessons from Japanese banks.

22. **Toxic Organizational Culture**: Foster a positive organizational culture through leadership development, transparency, and employee engagement to prevent unethical behavior, as highlighted by the Enron scandal.

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1. An Analysis of Banking Corruption in Bangladesh: Examining Financial Misconduct Under Sheikh Hasina's Regime

The Bangladesh banking sector is reeling under allegations of extensive corruption, primarily attributed to a web of collusion between business elites connected to the previous Sheikh Hasina administration and the military intelligence agency, the Directorate General of Forces Intelligence (DGFI). According to Bangladesh Bank Governor Ahsan H. Mansur, nearly $17 billion was siphoned from the banking system through various financial manipulations. This report delves into the governor's allegations and presents details of alleged misconduct by four major business groups—S Alam Group, Beximco, Hallmark Group, and UCB—to illustrate the mechanisms used to drain the country's financial resources.

1.1 Governor's Allegations of Systemic Corruption

In a recent interview with the *Financial Times*, Ahsan H. Mansur, who took office as the central bank governor after the departure of Sheikh Hasina in August, accused influential business tycoons linked to her regime of colluding with DGFI to orchestrate forced takeovers of several major banks. Governor Mansur claims that these takeovers, enabled by DGFI's influence, facilitated a massive exodus of capital. Approximately Tk 2 trillion (about $16.7 billion) was purportedly siphoned out of the country through tactics such as inflated import invoices and issuing unsecured loans to new shareholders, severely impacting the economy and banking sector stability (*bdnews24.com*).

1.2 S Alam Group: A Case Study in Financial Exploitation

S Alam Group, led by Saiful Alam and his family, stands accused of amassing over Tk 260 billion across various accounts in six banks. Five of these banks—Islami Bank, Bangladesh Commerce Bank, First Security Islami Bank, National Bank, and Al-Arafah Islami Bank—are allegedly under S Alam's direct control,

allowing the conglomerate to dominate financial decisions and manipulate loan approvals.

Regulatory violations have been glaring, with Janata Bank's loans to S Alam exceeding the permissible single-borrower limit by an extraordinary margin. The bank extended Tk 10,000 crore to S Alam Group, accounting for 420% of its total capital, significantly breaching the 25% exposure limit. Furthermore, the Shariah-compliant Union Bank, heavily influenced by S Alam, extended Tk 17,229 crore in mostly unsecured loans to 247 entities affiliated with the group, representing 64% of the bank's total lending portfolio (*Prothom Alo; TBS News*).

The financial misconduct did not end with loan violations. S Alam reportedly engaged in unorthodox practices, such as appointing a housemaid's husband as a bank officer, raising questions about recruitment irregularities and control over the bank's operations (*Prothom Alo*).

S. ALAM GROUP'S LOAN WITH JANATA BANK

» Loans not paid back, rescheduled annually

» Since 2010, the group secured over Tk10,000cr from 2 Ctg branches

| Agrabad Corporate branch | Sadharan Bima branch |

» 3 kins of Chairman S Alam secured Tk1,020cr on 22 Nov 2022
- Ansarul Alam Chowdhury
- Md Golam Sarwar Chowdhury
- Mostan Billah Adil

» Bank officials say these kins are small traders, and could not get loans without S Alam's help

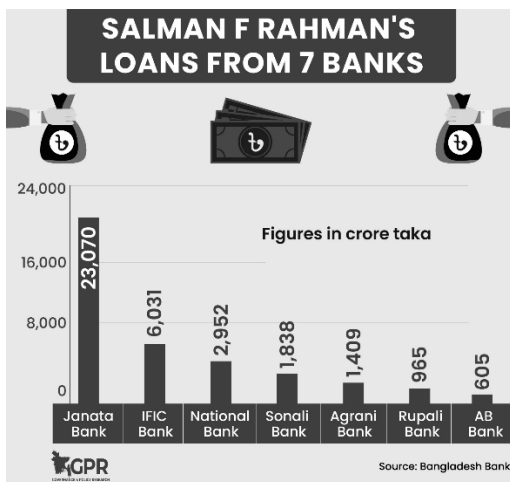| Its capital **Tk2,314cr** as of June 2024 | Regulatory limit for loans: **25%** of bank's capital |
| Janata's loans exceeded **Tk10,000cr** | It's **420%** of Janata Bank's capital |

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1.3 Beximco Group: Leveraging Political Connections for Financial Gains

Salman F. Rahman, former private sector adviser to Prime Minister Sheikh Hasina and vice-chairman of Beximco Group, is another influential business figure implicated in financial malfeasance. Beximco owes around Tk 36,865 crore to seven banks, including both public and private sector institutions. These substantial loans were allegedly obtained through the manipulation of political ties, resulting in favorable treatment for Beximco while bypassing regulatory safeguards.

Additionally, IFIC Bank, a private sector entity, reportedly disbursed approximately Tk 2,375 crore to five companies with limited operational history and unverifiable addresses, raising concerns over the legitimacy of these transactions. Furthermore, Beximco engaged in trade-based money laundering, allegedly siphoning at least $135 million by exporting goods through 18 different companies without repatriating the export revenue. Investigations reveal that companies such as Apollo Apparels, Bextex Garments, and Int'l Knitwear were central to these laundering activities, highlighting how business elites exploited the banking system to transfer wealth abroad (*TBS News*).

SALMAN F RAHMAN'S LOANS FROM 7 BANKS

Figures in crore taka

Bank	Amount
Janata Bank	23,070
IFIC Bank	6,031
National Bank	2,952
Sonali Bank	1,838
Agrani Bank	1,409
Rupali Bank	965
AB Bank	605

Source: Bangladesh Bank

61% of Janata Bank's Loans Linked to Beximco and S Alam Group

Janata Bank is facing a severe financial crisis, with 61% of its defaulted loans linked to two major business conglomerates, Beximco and S Alam Group, which surpassed the single-borrower exposure limit of 25% of a bank's capital. This is a direct violation of the Bank Company Act, and the central bank miserably failed to maintain regulatory oversight. This has forced the state-owned bank to borrow Tk 18,000–20,000 crore daily to maintain operations. For the first time in its history, the bank is projected to incur operational losses of Tk 2,500 crore by December, after already reporting losses of Tk 1,474 crore by the end of September 2024 (*TBS News*, 20 Nov 2024).

1.4 Hallmark Group

The Hallmark Group's scandal with Sonali Bank remains one of the largest banking frauds in Bangladesh's history. Through forged documents, Hallmark obtained BDT 4,000 crore (approximately $480 million) from Sonali Bank, which was later discovered to have been funneled into fake companies or siphoned off for personal use. The scandal revealed massive regulatory gaps, showing how collusion between banks and companies can facilitate large-scale embezzlement and laundering (*The Daily Star*).

1.5 UCB: Wealth Accumulation Through Financial Misconduct

United Commercial Bank (UCB), spearheaded by Saifuzzaman Chowdhury Javed, has similarly come under scrutiny for alleged illicit wealth accumulation. With assets worth £135 million in 260 properties in the UK, Chowdhury's family is believed to have accumulated substantial wealth by misappropriating depositors' funds. Rukhmila Zaman, chairman of UCB, reportedly owns six international properties under companies registered abroad. These companies are alleged to have facilitated money laundering, with significant amounts transferred out of Bangladesh.

Under Zaman's leadership, UCB witnessed Tk 2,721 crore in defaulted loans, with Tk 2,471 crore tied up in the money loan court. Amid these financial irregularities, UCB's market value plummeted by 67.24%, raising calls for a special audit to scrutinize rescheduled bad loans and further investigate financial mismanagement (*Dhaka Tribune*).

In essence, corruption within Bangladesh's banking sector highlights deep-rooted systemic weaknesses often exploited by influential groups with political connections. Identifying the root causes of such corruption is essential to address and mitigate these issues effectively.

2. Reasons for Corruption and Loopholes in the Banking Sector

In recent years, Bangladesh's banking sector has grappled with serious challenges, including pervasive corruption linked to high-profile cases such as those involving the S Alam Group, Beximco, and Hallmark. These cases, detailed in the previous chapter, underscore the sector's vulnerabilities stemming from weak regulatory oversight, a high volume of non-performing loans (NPLs), insufficient risk management, and inadequate governance structures.

This white paper seeks to address these critical issues by identifying the underlying reasons and loopholes that have enabled such malpractices and by proposing a comprehensive suite of solutions aimed at strengthening the sector's efficiency and resilience.

The solutions build on the foundational principles of the *Bangladesh Bank Order, 1972*, and incorporate global best practices in financial management, regulatory reform, and transparency. By targeting these structural weaknesses, the proposed framework aims to create a more accountable and stable banking environment in Bangladesh.

Bangladesh's banking sector faces several challenges and loopholes that affect its stability and effectiveness. Below are the key issues:

Condition of **Bad Loans**

- 2020: Bad loans reached over Tk 1,00,000 crores due to the pandemic's economic effects.
- 2021: Loans in default grew to around Tk1,50,000 crores
- 2022: Defaults continued rising, surpassing Tk 2,00,000 crores amid economic struggles..
- 2023: By December, the bad loan figure stood at Tk 1,46,000 crore (9%), with analysts estimating the true figure to be much higher
- 2024: By September 2024, default loans surged to Tk 2,84,000 crores, comprising 16.93% of total loans
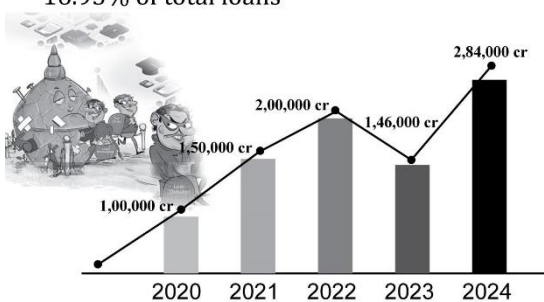
2.1 Non-performing Loans (NPLs)

- **High NPL Ratio**: One of the most significant issues is the high ratio of NPLs. Many borrowers, including large business groups, often default on their loans due to weak loan recovery systems and political connections, resulting in a large portion of loans going unpaid.

- **Loan Rescheduling & Write-offs**: Frequent rescheduling and write-off practices allow defaulters to delay repayments without facing penalties, leading to increased NPLs (*The Financial Express*).

2.2 Weak Regulatory Oversight

- **Bangladesh Bank's Limited Power**: While the central bank, Bangladesh Bank, has oversight functions, political interference often limits its ability to take strong action against influential borrowers and banks with governance issues.

- **Weak Governance in State-Owned Banks**: State-owned commercial banks (SCBs) are heavily influenced by politics, leading to poor lending practices, lax enforcement, and management inefficiencies (*The Daily Star*).

2.3 Insufficient Capital Adequacy

- **Capital Shortfall**: Some banks, especially state-owned and smaller private banks, face challenges in maintaining the required capital adequacy ratio (CAR). This weakens their ability to absorb shocks in case of financial distress or economic downturns.

2.4 Politically-Connected Lending

- **Cronyism and Favoritism**: Politically connected individuals and entities often receive preferential treatment in the form of larger loans with lax terms, which can later turn into NPLs. This undermines the integrity of the financial system and fosters a culture of impunity among defaulters (*The Daily Star*).

2.5 Lack of Proper Risk Management

- **Poor Risk Assessment**: Many banks lack the infrastructure and expertise needed to conduct thorough risk assessments, leading to the mispricing of risks. This results in loans being granted to high-risk entities without appropriate collateral or repayment assurance.

- **Weak Internal Controls**: Banks often lack strong internal control mechanisms to prevent fraud or mismanagement, further increasing vulnerabilities.

2.6 Inefficient Legal System for Loan Recovery

- **Delays in Judicial Processes**: The legal system in Bangladesh is slow and cumbersome, especially for recovering defaulted loans. Defaulters often exploit these delays to prolong the legal process, making it difficult for banks to recover funds.

- **Ineffective Artha Rin Adalat**: Specialized loan courts (Artha Rin Adalat) are often overwhelmed with cases, and enforcement of verdicts is weak, reducing the effectiveness of legal recourse for loan recovery (*The New Age BD*).

2.7 Shadow Banking and Informal Credit

- **Unregulated Credit Providers**: Informal and unregulated financial entities often operate without oversight, providing loans that can destabilize the formal banking system. These shadow banking activities increase risks as they fall outside the purview of regulatory control.

2.8 Fraud and Embezzlement

- **Banking Frauds**: Some banks, especially smaller ones, have been involved in fraudulent activities, such as the misappropriation of funds by directors or top management. These incidents have eroded public trust in the banking sector.

- **Ponzi Schemes and Scams**: The sector has also witnessed several Ponzi schemes or financial scams due to weak monitoring, where depositors' money is siphoned off by unscrupulous individuals or groups.

2.9 Overcrowded Banking Sector

- **Too Many Banks**: Bangladesh has an overcrowded banking sector, with too many banks relative to the size of its economy. This has led to unhealthy competition, undercutting of interest rates, and compromised loan quality, making it harder for many banks to maintain profitability and stability.

2.10 Weak Corporate Governance

- **Board-Level Conflicts**: In some banks, especially family-owned private ones, there is a lack of separation between ownership and management, leading to governance failures. Directors often engage in insider lending or prioritize personal interests over the bank's financial health.

2.11 Low Technology Adoption

- **Lagging Digital Infrastructure**: While digital banking is gaining ground, many banks lag in adopting advanced technology for risk management, fraud detection, and customer service. This limits their ability to stay competitive and prevent cyber-related fraud.

2.12 Inconsistent Interest Rate Policies

- **Artificially Low Lending Rates**: The government sometimes imposes interest rate caps on lending, making it difficult for banks to balance risk and returns. This distorts the financial market and discourages investment in more productive sectors (*The Daily Star*).

The vulnerabilities in the banking sector—including weak governance, lack of regulatory independence, ineffective loan recovery frameworks, and outdated risk management practices—both cause and enable corruption. These gaps create opportunities for financial misconduct and incentivize exploitative behaviors, ultimately compromising the stability and integrity of the financial system. Comprehensive reforms are essential to address these root issues and curb corruption within the sector.

DELVING INTO BIG LOAN SCAMS

S ALAM GROUP — Tk 1 lakh crore looted from various banks, including IBBPLC

BASIC BANK — Tk 4,500cr looted through fake companies, dubious accounts

BEXIMCO — over Tk 25,000 cr misappropriated from Janata Bank

ANON TEX — Tk 3,807cr embezzled from Janata Bank

PK HALDER — Tk 11,000cr embezzled form Global Islami Bank

CRESCENT — Tk 7,774cr taken from Janata Bank in loan scam

HALLMARK GROUP — Tk 4,357cr misappropriated form Sonali Bank via fraud

Bangladesh Bank — Tk 679cr stolen by international cyber hakers

REMARKABLE LOAN SCAMS

3. Proposed Solutions

The corruption and loopholes within Bangladesh's banking sector require urgent and effective reforms. Based on an analysis of the root causes, we propose the following measures to guide meaningful reform. These measures focus on managing Non-Performing Loans (NPLs), reducing undue political influence, and strengthening professional management. Enhanced regulatory oversight, standardized practices, and increased transparency are also critical to restoring public trust. Together, these reforms can build a resilient and efficient banking sector that supports sustainable economic growth in Bangladesh.

3.1 NPL Resolution and Prevention

- **NPL Management Framework**: Introduce stricter loan classification, provisioning guidelines, and create Asset Management Companies (AMCs) to buy and manage distressed assets. A defined NPL resolution timeframe is essential for quicker recovery (*Ingves et al., 2004*).

  - *Example*: In India, the establishment of the National Asset Reconstruction Company Limited (NARCL) helped consolidate NPLs and allowed banks to clean up their balance sheets, enabling fresh lending (*Naman, 2024*).

- **Public Declaration of Loan Defaulters**: Publish the names of defaulters and impose travel bans to increase accountability and deter defaults.

  - *Example*: Malaysia maintains a public defaulter list, exerting societal and legal pressure for repayment (*San & San, 2024*).

- **End the Practice of Repeated Loan Rescheduling**: Strict regulations should prevent chronic defaulters from repeatedly rescheduling their loans, which fosters financial instability.
  - *Example*: India's Reserve Bank introduced stringent rules to prevent habitual defaulters from rescheduling loans, ensuring repayment timelines are adhered to (*The Economic Times*).

3.2 Interference of Non-Expert Board Members

- **Limiting Board Interference**: Implement regulations to restrict board members' involvement in daily operations, ensuring that experts handle strategic decisions.
  - *Example*: The collapse of the Bank of Credit and Commerce International (BCCI) highlighted the dangers of inadequate expertise in decision-making (*Bowers, 2017*).

3.3 Long Tenure of Directors with Family Legacy

- **Director Term Limits**: Enforce term limits for directors to promote fresh perspectives and diverse leadership while reducing risks from entrenched family control.
  - *Example*: Wells Fargo's prolonged leadership contributed to unethical practices. Term limits could have encouraged accountability (*The Harvard Law School Forum on Corporate Governance, 2019*).

3.4 Bank Ownership by Businesspersons, Not Professionals

- **Professionalizing Bank Boards**: Include finance professionals on boards to ensure informed governance and decision-making.
  - *Example*: The lack of risk management expertise at Lehman Brothers exacerbated its collapse. A professionalized board might have mitigated these risks (*Lioudis, 2024*).

- **Limit Ownership**: Prohibit individuals or groups from owning or controlling more than one bank to prevent monopolistic practices and promote competition (*Khatun, 2024*).

3.5 Non-Uniform Working Processes and Organizational Structures

- **Standardized Bank Operations**: Uniform processes and structures across banks can streamline operations and promote regulatory compliance.
  - *Example*: JPMorgan Chase applies standardized global frameworks to ensure consistency (*JPMorgan Chase & Co. & Dimon, 2014*).

3.6 Prevalence of Trade-Based Money Laundering

- **Enhancing AML Measures**: Strengthen Anti-Money Laundering (AML) protocols with real-time transaction monitoring and international collaboration to detect illicit activities like over-invoicing.
  - *Example*: Real-time monitoring might have detected suspicious activities earlier in the HSBC money laundering scandal (*Ross, 2023*).

3.7 Fairer Collateral Evaluation

- **Independent Collateral Evaluators**: Establish an independent body of professional surveyors to ensure accurate asset valuations and prevent over-lending.
  - *Example*: Overvaluation of collateral in India led to bad loans. Independent evaluators could help prevent similar issues in Bangladesh.

3.8 Encouraging Capital Market Participation for Large Loans

- **Capital Market Funding**: Encourage corporations to use capital markets rather than bank loans, reducing systemic risks.
  - *Example*: Companies like Samsung in South Korea rely on bonds to diversify funding (*Kim, 2024*).

3.9 Fund Diversion in Disguised Portfolios

- **Enhanced Monitoring and Auditing**: Robust systems are needed to detect fund diversion early and ensure transparency in reporting.
  - *Example*: In the IL&FS crisis in India, early detection of fund diversion might have mitigated liquidity issues (*The Economic Times, 2018*).

3.10 Submission of Business Impact Analysis (BIA)

- **Mandatory BIA Submission**: Banks should submit standardized Business Impact

Analyses (BIA) every three years to assess operational resilience and improve risk management.

  - *Example*: In the UK, regular BIA submissions are mandatory to ensure operational continuity (*NI Business Info, n.d.*).

3.11 Enhancing Regulatory Oversight

- **Amend the Bangladesh Bank Order, 1972**: Expand the authority of Bangladesh Bank to ensure compliance and take decisive action against failing institutions.

- **Regular Stress Testing**: Mandate stress tests for all banks to evaluate financial resilience.

  - *Example*: The Reserve Bank of India uses proactive oversight to stabilize troubled banks (*Reserve Bank of India, 2002*).

3.12 Interoperability and Coordination Among Financial Institutions

- **Integrated Financial Infrastructure**: Create centralized systems to streamline services and improve coordination among financial institutions.

  - *Example*: M-Pesa's success in Kenya shows the benefits of interoperability between banks and mobile operators (*Stadler, 2024*).

3.13 Reforming Lending Practices

- **Interest Rate Caps**: Limit the spread between deposit and lending rates to ensure affordability.

- **Small Loan Access**: Simplify the loan approval process for SMEs and individuals to enhance financial inclusion.

- **Stricter Scrutiny for PEPs**: Apply higher due diligence for loans involving Politically Exposed Persons (PEPs) to minimize political influence (*The Financial Express, 2023*).

3.14 Bank Mergers and Exit

- **Facilitating Mergers**: Streamline processes to consolidate weaker banks with stable entities.

  - *Example*: India's public sector bank mergers improved capital adequacy and governance (*Legal & Legal, 2024*).

- **Allowing Market Exits**: Permit failing banks to close, avoiding prolonged dependence on government bailouts.

  - *Example*: The 2008 U.S. financial crisis highlighted the need for market-driven resolutions (*Singh, 2024*).

3.15 Bank Rate Adjustment

- **Optimizing Bank Rates**: Adjust interest rates to balance economic growth and inflation, ensuring credit availability without overheating the economy.

3.16 Reforming Purchase Justifications

- **Total Cost of Ownership (TCO)**: Prioritize long-term cost considerations over short-term ROI in procurement decisions.

  - *Example*: Singapore's banks use TCO evaluations to optimize IT investments.

3.17 Standardized Data Classification

- **Uniform Reporting Standards**: Implement consistent formats for financial data reporting to enhance monitoring.

  - *Example*: The European Central Bank enforces uniform data reporting across EU banks (*European Central Bank, 2024*).

3.18 Liquidity and Capital Management

- **Liquidity Buffers**: Require banks to maintain additional liquidity to mitigate risks.

  - *Example*: Canada's banks maintain extra liquidity beyond regulatory requirements (*Bank of Canada, n.d.*).

3.19 Improving Consumer Protection

- **Transparent Lending Practices**: Mandate clear disclosures for loans to foster trust.

  - *Example*: The U.S. Consumer Financial Protection Bureau ensures borrowers are fully informed (*CFPB, 2024*).

3.20 Stricter Obligations for Rating Agencies

- **Enhanced Accountability**: Rating agencies must adhere to stringent standards to ensure reliable financial assessments.

3.21 Trust and Transparency Restoration

- **Public Reporting**: Require banks to disclose financial indicators like NPL levels and liquidity ratios.
  - *Example*: Japanese banks publish quarterly reports to build public trust (*Twin, 2024*).

3.22 Toxic Organizational Culture

- **Positive Organizational Culture**: Promote leadership development, transparency, and employee engagement to prevent unethical behavior.
  - *Example*: The Enron scandal showed the importance of ethical leadership in preventing systemic fraud.

These reforms aim to address systemic weaknesses in Bangladesh's banking sector and establish a stable, transparent, and inclusive financial ecosystem.

Conclusion

The challenges within Bangladesh's banking sector underscore the urgent need for comprehensive reforms to ensure stability, accountability, and sustainable growth. The outlined measures aim to address systemic weaknesses, including high levels of non-performing loans (NPLs), weak regulatory oversight, political interference, and inadequate risk management practices. By implementing these reforms, Bangladesh can create a robust financial system that supports economic development, fosters public trust, and enhances resilience against future crises.

Central to these reforms is the need to empower Bangladesh Bank as an independent regulator with greater authority to enforce compliance and take decisive action against failing institutions. Strengthening anti-money laundering measures, enforcing stricter lending practices, and introducing transparency at every level of banking operations will reduce corruption and restore confidence in the system. These steps, combined with standardized processes and enhanced monitoring mechanisms, will create a more accountable financial environment.

The integration of global best practices—such as encouraging capital market participation, optimizing bank rates, and adopting uniform data reporting standards—will further align Bangladesh's banking sector with international benchmarks. Additionally, fostering a positive organizational culture and promoting ethical leadership will ensure that these reforms are sustainable and ingrained in the industry's ethos.

Ultimately, the success of these reforms depends on strong political will and coordinated efforts among stakeholders, including regulatory bodies, financial institutions, and the government. A reformed banking sector will not only safeguard financial stability but also serve as a catalyst for inclusive economic growth, innovation, and development.

By adopting these measures, Bangladesh has the opportunity to transform its banking sector into a model of resilience, integrity, and efficiency, paving the way for a prosperous and equitable future for all its citizens.

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Policy White Paper- 7

REFORMS TO ADDRESS CARTELS AND BUSINESS MONOPOLIES

Policy Suggestion White Paper: Breaking Economic Cartels and Zaibatsu-Style Business Groups in Bangladesh

Policy Suggestion White Paper: Breaking Economic Cartels and Zaibatsu-Style Business Groups in Bangladesh

Key Recommendations

1. Establish a high-powered task force to oversee dismantling economic cartels and zaibatsu-style conglomerates.
2. Reform the Competition Act of 2012 to align with global standards, ensuring robust anti-cartel and anti-monopoly enforcement.
3. Empowerment of an Independent Commodity Price Control Commission
4. Conduct a thorough investigation to identify business groups pivotal to the financial and political control of the previous regime
5. Nationalize all companies under these groups for one year to stabilize operations and remove corrupt influences.
6. Appoint independent administrators to ensure smooth operations during the transition period & re-privatize the companies after one year of successful, corruption-free operations.
7. Launch public campaigns to expose cartel behavior and create whistleblower protection mechanisms.

Introduction

Bangladesh faces a dual economic crisis rooted in monopolistic practices: cartels controlling the commodity trade and zaibatsu-style business conglomerates exerting unchecked economic and political influence. These systemic issues have stifled competition, manipulated essential goods' prices, and allowed collusion between business elites and the Sheikh Hasina government to erode democratic institutions. Addressing these challenges is critical to restoring economic fairness and dismantling entrenched corruption.

International examples demonstrate the effectiveness of strong competition law enforcement in breaking up cartels. In South Africa, the Competition Commission dismantled a bread cartel through heavy fines and criminal proceedings, resulting in fairer pricing and market competition (South African Competition Commission, 2010). Similarly, India's Competition Commission imposed significant penalties on cartels in the cement industry, deterring anti-competitive behavior (Competition Commission of India, 2021). Such models provide actionable frameworks for Bangladesh to follow.

Bangladesh's economy has also been captured by powerful business conglomerates, akin to the zaibatsu of pre-World War II Japan. These groups have expanded their influence through collusion with the authoritarian Sheikh Hasina government, leveraging state resources for personal gain while siphoning billions overseas. Banks have been looted, public funds have been diverted, and foreign investment deterred as these conglomerates exert control over

sectors ranging from finance to energy (Freedom House, 2023).

The complicity of these business groups has further entrenched authoritarian rule, providing the financial backing that sustains state repression. Internationally, Japan's post-war dissolution of zaibatsu offers a precedent. The United States, as part of its democratization efforts in occupied Japan, implemented policies to break up zaibatsu conglomerates, decentralizing economic power and fostering competition (Beasley, 1987). Similarly, South Korea dismantled chaebol-style monopolies, such as Daewoo and Hyundai, through anti-trust laws and limits on cross-shareholding, resulting in a more equitable economy (OECD, 2020).

The reforms proposed in this white paper are essential not only to restore economic balance but also to safeguard Bangladesh's democratic future. By dismantling commodity cartels and breaking the dominance of zaibatsu-style conglomerates, the country can promote fair competition, reduce corruption, and ensure that economic benefits reach the broader population. Drawing from international successes, Bangladesh must adopt robust anti-trust enforcement, enhance market transparency, and regulate conglomerate influence to rebuild a sustainable and just economy.

These efforts represent a pivotal opportunity to protect the livelihoods of millions while dismantling systems of oppression and economic exploitation that have defined recent governance.

PRICES OF DAILY COMMODITIES: THEN, NOW

Goods	9 May, 21	9 May, 23	9 May, 24
Onion	40-42	55-65	65-75
Potato	20-22	32-35	50-55
Brinjal	40-50	50-70	80-100
Pointed Gourd	40-50	50-70	45-70
Rui	220-350	300-450	300-450
Pangas	120-140	200-250	180-250
Beef	580-600	750-800	750-760
Sonali Chicken	260-280	320-330	380-390
Broiler Chicken	140-150	180-190	210-225
Egg (four)	28-30	45-48	47-48

Price in taka per Kg/litre

- The price of electricity has gone up by 8 per cent in the new year.
- The tax rebate provided on edible oil has been lifted again.
- The government earns about Tk 90 billion (Tk 9,000 crore) in duty tax from 17 commodities.
- The dollar price has jumped up by Tk 7 at once.

1. Formation of a Special Task Force

The deeply rooted control of Bangladesh's economy by commodity cartels and zaibatsu-style business conglomerates necessitates a targeted and independent approach to reform. Establishing a Special Task Force (STF) would provide a powerful mechanism to investigate and dismantle these entrenched networks. This task force must be designed to operate with multidisciplinary expertise, political independence, and unwavering transparency, ensuring its ability to confront the economic and governance challenges that have long plagued the nation.

The STF should be a multidisciplinary body, comprising legal experts, economists, and governance specialists. This combination of expertise is essential for addressing the multifaceted nature of the challenges posed by cartels and conglomerates. For instance, economic analysts can trace illicit financial flows, while legal professionals ensure the proper application of anti-trust and anti-corruption laws. A similar approach has been adopted by the Financial Action Task Force (FATF), which has proven effective in combating global money laundering and terrorist financing through its interdisciplinary structure (FATF, 2023).

Operational independence is critical to the STF's success. Reporting directly to the President or an independent judicial commission would insulate it from political interference. This model mirrors South Korea's Special Investigation Division, which has successfully prosecuted influential chaebol executives, demonstrating the value of autonomy in targeting elite corruption (OECD, 2020).

To enhance its legitimacy, the STF must engage with the judiciary and civil society organizations. Collaboration with judicial institutions ensures that its findings are legally actionable, while public engagement fosters trust and transparency. The Zondo Commission in South Africa, tasked with investigating state capture, exemplifies how such collaboration can expose collusion between government officials and business elites, driving accountability (Zondo Commission Report, 2022).

The STF must possess comprehensive investigative powers, including access to financial records, the authority to freeze assets, and the ability to subpoena individuals. These tools are necessary to dismantle the opaque networks sustaining cartels and zaibatsu-style groups. The Indian Enforcement Directorate (ED) offers a relevant model, having effectively pursued economic crimes and dismantled financial syndicates through similar powers (Ministry of Finance India, 2022).

Asset recovery should be a primary objective of the STF, with recovered funds reinvested into public welfare programs. Nigeria's Economic and Financial Crimes Commission (EFCC) has demonstrated the value of this approach, recovering billions in looted funds and redirecting them to development initiatives (EFCC Nigeria, 2021).

Beyond enforcement, the STF should recommend structural reforms to prevent the reemergence of cartels and monopolistic practices. Brazil's Operation Car Wash, which exposed corruption in the oil and gas sector, led to lasting reforms in procurement and transparency standards, setting an example for such systemic interventions (Car Wash Task Force Report, 2020).

Transparency is essential to maintaining public trust and preventing allegations of political bias. Regular reports detailing the task force's progress and outcomes should be publicly accessible. Furthermore, whistleblower protections must be in place to encourage the safe provision of critical information. The Public Protector South Africa set a benchmark for transparency in its investigation of state capture, providing frequent public updates to ensure accountability (Public Protector South Africa, 2021).

Proposed Composition and Qualifications of the Task Force

1. **Legal Experts**

   o Qualifications: Senior judges, former prosecutors, or eminent lawyers with specialization in corporate law, anti-trust law, and criminal law; Proven experience in prosecuting complex financial crimes and corruption cases.

   o Role: Provide legal guidance during investigations; Ensure all actions comply with national and international laws; Draft legal frameworks for prosecution and policy reform.

2. **Economists and Financial Analysts**

   o Qualifications: Economists specializing in industrial organization, competition economics, and market regulation; Financial analysts with expertise in forensic accounting and financial fraud detection.

   o Role: Analyze economic data to identify anti-competitive practices; Trace illicit financial flows and asset siphoning; Assess the economic impact of cartels and recommend policy interventions.

3. **Governance and Public Policy Experts**

   o Qualifications: Academics or practitioners with expertise in governance, public administration, and anti-corruption strategies; Experience in institutional reform and policy development.

   o Role: Recommend structural reforms to prevent the resurgence of cartels; Design transparent regulatory frameworks; Liaise with governmental bodies for policy implementation.

4. **Law Enforcement Officials**

   o Qualifications: Senior officers from anti-corruption units, economic crime divisions, or intelligence agencies; Experience in high-profile investigations and enforcement actions.

   o Role: Lead investigative operations; Coordinate with domestic and international law enforcement agencies; Ensure the security and integrity of the task force's activities.

5. **Civil Society Representatives**

   o Qualifications: Leaders from reputable NGOs focusing on transparency, consumer rights, or anti-corruption; Strong track record in advocacy and public engagement.

   o Role: Provide oversight to ensure transparency and accountability; Facilitate communication with the public and media; Incorporate societal perspectives into reform strategies.

6. **Additional Support Staff:**

   o *Forensic Accountants*

      ▪ Role: Examine financial records, trace money laundering schemes, and assess discrepancies in corporate filings.

   o *Data Analysts and IT Experts*

      ▪ Role: Analyze digital evidence, monitor cartel activities online, and trace cross-border digital transactions.

   o *Investigators*

      ▪ Role: Conduct field investigations, gather evidence, and liaise with international agencies for cross-border cases.

2. Strengthening Competition Laws & Ensuring Robust Enforcement

Reform the Competition Act of 2012 to:

- Introduce higher penalties for anti-competitive practices.

- Criminalize severe cartel behavior, including price-fixing and bid-rigging.

- Empower the BCC with investigative and prosecutorial authority.

Bangladesh's economy suffers from the monopolistic practices of cartels in the commodity trade, leading to artificially inflated prices and economic vulnerability for the populace. Addressing this issue requires robust reforms focused on market regulation, enforcement, transparency, and competition promotion. Below are detailed recommendations with examples of successful international practices:

To effectively combat the monopolistic practices of cartels, strengthening competition laws in Bangladesh is paramount. The Bangladesh Competition

Commission (BCC) must be granted greater autonomy and expanded powers to investigate and penalize anti-competitive practices. Drawing inspiration from South Africa, where the Competition Commission successfully dismantled a bread pricing cartel, Bangladesh can adopt stringent enforcement measures. In South Africa, significant fines and criminal investigations led to fairer pricing and improved market competition (South African Competition Commission, 2010).

In addition, the introduction of leniency programs can encourage cartel members to come forward with information, offering reduced penalties or immunity in exchange for cooperation. The European Union's Leniency Program has proven highly effective in exposing cartels, leading to significant anti-competitive penalties and enhancing market fairness (European Commission, 2022).

Enhancing Market Transparency

Transparency in commodity markets is essential to prevent manipulation and protect consumers. Establishing public price monitoring platforms can ensure real-time data availability, fostering accountability among market participants. In India, the Price Monitoring Cell tracks and publishes prices of essential commodities, significantly reducing opportunities for collusion and price gouging (Ministry of Consumer Affairs India, 2021).

Furthermore, implementing mandatory disclosure requirements can compel firms to reveal supply chains, pricing structures, and profit margins. The United States' Dodd-Frank Act increased transparency in commodity markets, particularly in the energy and agricultural sectors, reducing exploitative practices (U.S. Securities and Exchange Commission, 2010).

Diversifying Supply Chains

Breaking the dominance of a few large players requires diversification of supply chains. Supporting small and medium enterprises (SMEs) with financial and technical resources can encourage competition. Kenya's Agricultural Policy successfully integrated SMEs into the grain trade, reducing reliance on dominant firms and fostering a more competitive market (Kenya National Bureau of Statistics, 2019).

Encouraging cooperatives is another effective strategy. In Brazil, agricultural cooperatives allowed farmers and consumers to bypass middlemen, reducing dependency on cartels and enhancing competition in food supply chains (International Cooperative Alliance, 2021).

Regulating Cross-Sectoral Alliances

Vertical integration, where firms control multiple stages of the supply chain, often leads to monopolistic practices. Bangladesh must implement strict regulations to prevent such dominance. The Competition and Markets Authority (CMA) in the UK provides a model, as it has successfully investigated supermarket chains for anti-competitive practices, ensuring fair market access (CMA UK, 2023).

Reforming Government Procurement Practices

Cartels often dominate government procurement processes, leading to inflated costs and reduced competition. Introducing transparent and competitive bidding mechanisms can mitigate this issue. South Korea's e-Procurement System significantly reduced cartel influence and corruption in public procurement (KONEPS, 2020).

Additionally, breaking single-source contracts by distributing government contracts among multiple suppliers can further diminish cartel dominance. This ensures fair competition and minimizes risks associated with monopolistic control.

Enforcing Criminal Liability

Cartel behavior must be met with stringent penalties to deter anti-competitive practices. Criminalizing such activities, including imposing imprisonment for executives involved, is essential. Australia's Competition and Consumer Commission (ACCC) has successfully prosecuted executives for price-fixing cartels, sending a strong message about the consequences of such practices (ACCC, 2023).

Encouraging Imports to Increase Competition

Relaxing import restrictions can break the control of local cartels by introducing external competition. Indonesia effectively reduced import tariffs on rice during shortages, mitigating cartel influence and ensuring food security (World Bank Indonesia Report, 2020). Moreover, fostering international trade agreements with neighboring countries can further diversify commodity sources, enhancing market competitiveness.

Empowering Consumer Advocacy

Strengthening consumer advocacy is vital to holding cartels accountable. Establishing consumer protection councils can amplify public awareness and empower citizens to challenge unfair pricing. Japan's Consumer Affairs Agency actively monitors market practices, ensuring consumer rights are upheld and cartels are held accountable (Japan Consumer Affairs Agency, 2023).

3. Independent Commodity Price Control Commission

To address persistent challenges in regulating commodity prices and curbing market manipulation, we propose the establishment of a robust Independent Commodity Price Control Commission. This Commission would be built upon the existing Bangladesh Competition Commission (BCC), restructured with expanded powers through amendments to relevant laws and regulations. It would coordinate with the Department of Imports and Domestic Trade (IIT) under the Ministry of Commerce, leveraging key provisions from the Essential Commodities Marketing and Distributorship Order-2011 and the Consumer Rights Protection Act, 2009.

The Commission's primary role would be to regulate commodity prices, enforce compliance with market regulations, and take independent disciplinary action against violations. It would also oversee policy implementation in collaboration with the Trade and Tariff Commission, while assuming responsibility for the Trading Corporation of Bangladesh (TCB), including the issuance of ration cards for low-income groups.

Scope of the Commission

1. Market Monitoring and Transparency:
   o Calculate average market prices via Bangladesh Bureau of Statistics (BBS) to assess inflation's impact on different income groups.
   o Regularly monitor market dynamics through the Directorate of Consumer Rights and deploy magistrates for enforcement where necessary.

2. Ensuring Fair Prices and Food Security:
   o Provide fair prices to farmers by analyzing production, storage, and marketing costs at the marginal level.
   o Ensure sufficient government food grain stock to meet annual demand, mandating mills supply through legitimate dealers.
   o Provide subsidies for fertilizers and seeds while revising Annual Development Program (ADP) priorities to reduce unnecessary expenditure.

3. Combating Market Abuse:
   o Enforce legal actions against syndicates and profiteers.
   o Oversee transportation, storage, and leasing costs to prevent unreasonable price escalations.
   o Monitor construction materials, educational supplies, and capital machinery markets for unfair price hikes.

4. Consumer and Farmer Welfare:
   o Facilitate affordable food supplies to low-income groups via ration cards and year-round TCB distribution.
   o Implement incentive packages for farmers and reduce interest rates on agricultural loans.

5. Import Oversight and Regulation:
   o Establish annual limits on luxury goods imports to reduce costs.
   o Regularly monitor global raw material prices, issuing directives for duty exemptions on essential imports.

6. Public Engagement and Accountability:
   o Conduct public hearings and investigations based on consumer complaints to ensure accountability and responsiveness.

Policy Implementation Priorities

The Commission will direct relevant government ministries to:

1. Increase Financial Capacity: Raise the tax-to-GDP ratio from the current 8% to 15-20% by broadening the income tax base while maintaining tolerable tariffs.

2. Ensure Transparency: Formulate and enforce policies for transparent and accountable public expenditure.

3. Supervise Foreign Exchange Reserves: Develop and oversee policies for prudent reserve utilization.

Proposed Organizational Structure

- Director General: Appointed by the judiciary for overall leadership.

- Commissioners (4): Selected from retired secretaries, university professors, and military officers (minimum rank: Major General, retired).

- Advisory Council (11): Comprised of representatives from political parties and civil society.

- Secretary (1): Responsible for administrative functions.

Field-level officers would be posted in each district, with additional support from Upazila administrators. Dedicated cells for enforcement, research, media, and investigations would provide operational support.

4. Identification of Key Players

In the past two decades, Bangladesh has witnessed rapid economic growth; however, the distribution of this growth has been uneven, with immense benefits accruing to a few conglomerates closely allied with the government. Among these are the S. Alam Group, Beximco, and Summit Group, who have allegedly leveraged their proximity to Prime Minister Sheikh Hasina's administration to secure contracts, subsidies, and market monopolies. This thesis explores how this collusion between corporate titans and the Hasina government has allowed these entities to extract billions from the economy, with detrimental impacts on market competition, state revenue, and public welfare. The mutually reinforcing nature of economic and political power has further enabled the Hasina regime to stifle dissent and suppress opposition, solidifying an authoritarian grip that imperils Bangladesh's democratic future

The task force will:
- Analyze financial records and industry practices to identify conglomerates central to the previous regime's hold on power.

- Map networks of collusion between business groups and state actors.

Analyzing Financial Records and Industry Practices
The first and foremost task of a cartel-busting task force is to thoroughly examine financial records and industry practices to uncover patterns of anti-competitive behavior, market manipulation, and undue economic concentration. This requires a multidisciplinary approach that combines forensic accounting, data analytics, and legal expertise to identify conglomerates that served as financial and operational pillars of the previous regime's hold on power.

In nations plagued by economic monopolization, financial investigations have been instrumental in exposing how conglomerates sustain their dominance. For example, Brazil's Operation Car Wash (Lava Jato) uncovered extensive corruption through the detailed analysis of financial transactions, including inflated contracts and kickbacks between construction firms and the state-owned oil company Petrobras. The task force uncovered billions of dollars in bribes and siphoned funds, directly implicating both corporate executives and political figures (Car Wash Task Force Report, 2020).

Similarly, India's Enforcement Directorate (ED) has used financial audits to investigate economic offenses such as money laundering and tax evasion. The ED's scrutiny of financial records in high-profile cases exposed how certain conglomerates manipulated their accounts to conceal illegal transactions, directly undermining the Indian economy (Ministry of Finance India, 2022). By leveraging advanced forensic accounting techniques, Bangladesh's task force could unearth similar collusion between conglomerates and state actors.

Furthermore, the task force should employ data-driven technologies such as artificial intelligence (AI) and big data analytics to detect irregularities in commodity pricing, financial flows, and inter-corporate transactions. Singapore's Corrupt Practices Investigation Bureau (CPIB) utilizes advanced data analytics to identify financial anomalies that signal corrupt practices (CPIB Singapore, 2023). Such tools can significantly enhance the efficiency and accuracy of Bangladesh's investigations.

Mapping Networks of Collusion
Mapping the collusion between business groups and state actors requires an integrated analysis of both financial and non-financial networks. This involves tracing relationships through supply chains, ownership structures, and transactional histories to expose how conglomerates leveraged political connections to gain market control and regulatory immunity.

The Zondo Commission in South Africa, established to investigate state capture, provides a powerful model. It revealed how business entities such as the Gupta family used their influence to control critical state institutions, secure lucrative contracts, and undermine regulatory frameworks. Through subpoenaed communications, public testimonies, and forensic investigations, the commission meticulously documented these collusive networks, resulting in widespread accountability (Zondo Commission Report, 2022).

Another relevant example is Italy's Anti-Mafia Investigative Directorate (DIA), which tracks organized crime's penetration into legitimate businesses. The DIA uses sophisticated tools to map relationships between corporate entities and state officials, unraveling how public contracts and financial subsidies were manipulated to favor a few dominant players. This approach has been effective in

dismantling entrenched networks of economic power (DIA Annual Report, 2023).

To adapt these practices, Bangladesh's task force must collect and analyze:

- *Corporate structures*: Identifying cross-ownership and holding company networks that enable conglomerates to control multiple industries.
- *Political connections*: Tracing donations, lobbying activities, and appointments that reveal undue influence over policymaking.
- *State contracts and subsidies*: Auditing procurement records to expose preferential treatment and financial irregularities.

Moreover, engaging whistleblowers and civil society organizations can bolster investigations. For instance, South Korea's Anti-Corruption and Civil Rights Commission (ACRC) actively collaborates with whistleblowers and watchdog groups to expose collusion between chaebols (large family-owned conglomerates) and government officials. This partnership has resulted in landmark legal actions against prominent business leaders and policymakers (OECD Anti-Corruption Network, 2020).

Bangladesh's Trading Corporation of Bangladesh (TCB) routinely identifies unexplained price hikes in commodities, yet meaningful enforcement or penalties against those responsible have been absent. The TCB's inability to curb these cartels is compounded by the lack of independence and authority of regulatory bodies like the Bangladesh Competition Commission (BCC), whose limited scope has prevented it from taking action against powerful conglomerates. The repeated spikes in prices during major holidays, such as Ramadan, further illustrate how these cartels exploit consumer demand with impunity (Transparency International Bangladesh, 2022).

It is no secret that conglomerates such as Beximco Group, S. Alam Group, Summit Group, and Bashundhara Group have played a significant role in not only controlling key economic sectors but also enabling the regime's authoritarian practices. These entities dominate industries ranging from energy and banking to real estate and manufacturing, giving them undue influence over policy decisions. Their symbiotic relationship with the government allows them to stifle competition, inflate prices, and accumulate unprecedented wealth, often at the expense of the population.

5 . Temporary Nationalization of Key Companies

Inspired by post-WWII Japan's approach to dismantling zaibatsu:

- Temporarily nationalize identified companies for one year.
- Prevent disruption by ensuring smooth operations through professional management.
- Remove corrupt actors and establish transparency in financial operations.

To dismantle entrenched monopolies and restore economic equilibrium, the temporary nationalization of key companies can serve as a transformative measure. Drawing lessons from post-WWII Japan, where Allied forces implemented radical economic restructuring to dismantle zaibatsu conglomerates, this approach seeks to reestablish market fairness while safeguarding the economy from disruption. For Bangladesh, such an intervention would address the undue influence of monopolistic entities, ensure professional management, and pave the way for long-term reforms.

Following Japan's defeat in World War II, the Allied powers initiated sweeping reforms to dismantle zaibatsu—massive family-controlled conglomerates such as Mitsui, Mitsubishi, and Sumitomo. These corporations wielded disproportionate economic and political power, enabling market manipulation and exacerbating economic inequality. To break their hold, the U.S.-led Allied occupation implemented a combination of forced nationalization and decentralization. Assets were temporarily seized, operations were managed by professional bureaucrats, and corrupt actors within the zaibatsu structure were removed. Over time, these entities were broken into smaller, independent companies, fostering competition and transparency in Japan's post-war economy (Beasley, 1987).

Bangladesh's current economic structure bears alarming parallels to pre-reform Japan, with conglomerates like Beximco, S. Alam, Summit, and Bashundhara dominating key sectors and leveraging their influence to stifle competition. Inspired by

Japan's example, temporary nationalization could address these imbalances while maintaining operational continuity.

<u>Key Components of Temporary Nationalization:</u>

1. The government would assume control of identified companies for a period of one year. This temporary measure ensures market stability while investigations are conducted to identify corrupt practices, inflated pricing schemes, and unfair labor practices.

   o Example: Following the 2008 financial crisis, the United States temporarily nationalized institutions like AIG to stabilize the financial sector. Government-appointed managers ensured operational continuity, and the companies were returned to private ownership once stability was restored (U.S. Department of Treasury, 2010).

2. To prevent economic disruption, professional managers and industry experts would oversee operations during the nationalization period. This approach ensures that day-to-day functions remain unaffected while minimizing resistance from employees and stakeholders.

   o Example: The United Kingdom's nationalization of Northern Rock during the 2007–2008 financial crisis provides a model. Professional administrators ensured that customer services remained uninterrupted, avoiding panic in the banking sector (House of Commons Treasury Committee, 2008).

3. Temporary nationalization provides an opportunity to audit financial operations and remove individuals engaged in corrupt practices. By establishing transparent mechanisms for procurement, pricing, and financial reporting, these companies can serve as models of ethical governance upon their return to private hands.

   o Example: In South Korea, following the Asian financial crisis, companies like Daewoo were placed under state-led restructuring programs, with management replaced and financial operations audited. This process exposed widespread corruption, enabling the eventual recovery of the conglomerates under ethical guidelines (OECD, 2020).

<u>Implementation</u>

Bangladesh's task force could identify conglomerates in industries such as energy, real estate, and commodities where monopolistic control has stifled competition and inflated prices. For instance, companies implicated in corrupt practices, such as Beximco or S. Alam, could be temporarily nationalized to stabilize markets and establish accountability. Professional management would oversee operations, supported by financial audits and investigations into ownership structures and political connections.

The transition period would include clear milestones for returning companies to private ownership, potentially after restructuring them to encourage competition. For example, splitting conglomerates into smaller entities or diversifying their ownership could ensure sustainable market dynamics.

6. Appointment of Special Administrators & Re-privatization after One Year

<u>Appoint special administrators to:</u>

- Oversee day-to-day operations during the transition.
- Audit company practices and identify systemic corruption.
- Implement efficiency measures to prepare for re-privatization.

<u>After one year of stable operations, companies will be privatized under strict conditions to ensure fair competition.</u>

- Restrict previous owners and their affiliates from reacquiring these companies.

Appointing Special Administrators to Oversee Day-to-Day Operations

Special administrators play a critical role in ensuring stability and continuity during the transition period of temporary nationalization. By managing day-to-day operations, they prevent disruptions that could destabilize the economy or erode public confidence. These administrators must be seasoned professionals with expertise in corporate governance, financial management, and sector-specific knowledge to

maintain operational efficiency while implementing reforms.

Internationally, this model has been effective. For example, during the 2008 financial crisis, the U.S. Treasury appointed professional managers to oversee institutions like AIG, ensuring operational stability while restructuring the company for future privatization. The appointment of experts insulated operations from political interference and reassured stakeholders (U.S. Department of Treasury, 2010). Similarly, the United Kingdom nationalized Northern Rock and appointed professional administrators who managed its daily operations, ensuring continuity and preventing panic in the financial sector (House of Commons Treasury Committee, 2008).

In Bangladesh, special administrators for conglomerates like S. Alam Group or Beximco could ensure that these companies operate smoothly during the transition, maintaining supply chains and protecting employee livelihoods. By appointing professionals free from political ties, Bangladesh could safeguard economic stability while pursuing necessary reforms.
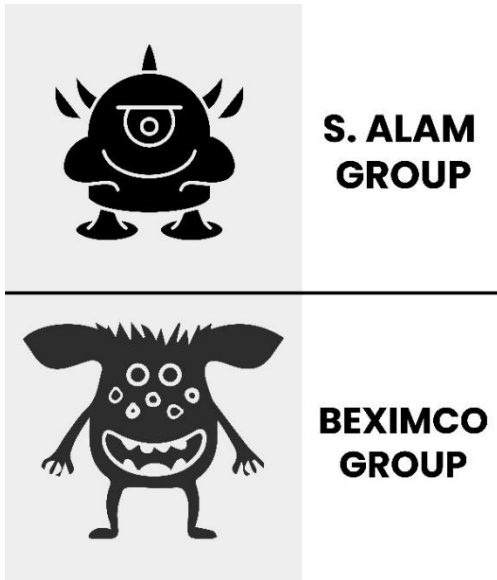
Auditing Company Practices to Identify Systemic Corruption

Auditing is a cornerstone of temporary nationalization, providing the transparency needed to uncover systemic corruption and financial malpractices. Special administrators must conduct comprehensive audits, tracing irregularities in procurement, pricing, and financial reporting. These audits not only expose fraudulent practices but also serve as a foundation for implementing reforms and legal actions against responsible individuals.

South Korea's Anti-Corruption and Civil Rights Commission (ACRC) exemplifies this approach. Following the Asian financial crisis, the ACRC conducted in-depth audits of chaebols like Daewoo, exposing widespread corruption and setting the stage for economic restructuring (OECD Anti-Corruption Network, 2020). Similarly, Brazil's Operation Car Wash used forensic auditing to uncover bribery schemes involving Petrobras and major construction firms, leading to criminal charges and structural reforms (Car Wash Task Force Report, 2020).

For Bangladesh, auditing conglomerates like Bashundhara Group or Summit Group could reveal how these entities exploited monopolistic control to manipulate markets and siphon public funds. Transparent audits would also rebuild public trust and serve as a deterrent against future corruption.

Implementing Efficiency Measures for Re-Privatization
During the transition period, administrators must implement efficiency measures to prepare companies for re-privatization under competitive conditions. This involves streamlining operations, cutting unnecessary expenses, and adopting modern management practices to enhance productivity and profitability.

Singapore's state-owned investment company, Temasek Holdings, demonstrates how professional management can turn underperforming assets into competitive enterprises. Temasek applies strict corporate governance and efficiency metrics, ensuring that assets are market-ready before privatization (Temasek Annual Report, 2023). Similarly, in South Korea, government-led restructuring of failing chaebols improved operational efficiency and paved the way for successful market re-entry (OECD, 2020).

In Bangladesh, administrators managing companies like Beximco should focus on enhancing efficiency by digitizing supply chains, reducing costs, and adopting transparent procurement practices. Such measures would ensure that these companies are competitive upon re-privatization, preventing market distortions.

Privatization Under Strict Conditions to Ensure Fair Competition

Privatization following a period of stabilization must prioritize market fairness. This requires strict conditions, such as ensuring diverse ownership, preventing monopolistic dominance, and establishing regulatory oversight. Public auctions, transparent bidding processes, and anti-trust safeguards should guide privatization efforts.

The German Treuhandanstalt, responsible for privatizing East German enterprises after reunification, employed competitive bidding and regulatory frameworks to prevent market concentration. Despite challenges, this approach successfully diversified ownership and fostered competition (German Federal Archives, 2005). Similarly, Chile's privatization efforts in the 1980s emphasized transparency and competition, creating a more equitable economic environment (World Bank, 2005).

Bangladesh must adopt similar practices to privatize conglomerates like S. Alam Group, ensuring that ownership does not reconsolidate among politically connected elites. Clear rules and strong oversight mechanisms would prevent the resurgence of monopolistic practices.

Restricting Previous Owners and Affiliates from Reacquiring Companies

To ensure the long-term success of reforms, it is essential to prevent previous owners and their affiliates from regaining control of nationalized companies. This step addresses the root cause of monopolistic practices and removes opportunities for entrenched actors to reestablish dominance. Restrictions can include legal disqualifications, limits on equity ownership, and enhanced scrutiny of corporate governance structures.

Post-WWII Japan exemplifies the success of this approach. Allied reforms prohibited zaibatsu family members from reacquiring their companies, breaking cycles of monopolistic control. Mitsubishi, Sumitomo, and Mitsui were restructured into smaller, independent entities, fostering competition and reducing political interference (Beasley, 1987). Similarly, South Korea's chaebol reforms placed caps on cross-shareholding and barred executive families from retaining disproportionate control, effectively decentralizing economic power (OECD, 2020).

For Bangladesh, restricting previous owners of entities like Bashundhara or Summit from reacquiring their assets would prevent the reemergence of monopolies. Laws modeled after the UK Company Directors Disqualification Act, which prohibits individuals involved in fraud or malpractice from serving as directors, could ensure compliance (UK Insolvency Service, 2023). Additionally, oversight mechanisms should prevent shell companies or proxies from reacquiring these businesses.

By instituting these restrictions, Bangladesh can ensure that re-privatized companies operate in a competitive, transparent market environment. This would mark a critical step toward dismantling systemic economic inequities and fostering inclusive growth.

7. Promoting Public Awareness and Accountability

- Educate the public on the impact of monopolies and cartels through media campaigns.
- Encourage whistleblowers by offering incentives and legal protections.

Educating the Public on the Impact of Monopolies and Cartels
Public awareness is a cornerstone of dismantling monopolies and cartels, as it mobilizes societal support for reforms and empowers citizens to demand accountability. Media campaigns can illuminate how cartels manipulate markets, inflate prices, and stifle competition, ultimately harming consumers and economic fairness. Transparent communication fosters a culture of vigilance, making it harder for monopolistic practices to thrive in secrecy.

Internationally, public awareness campaigns have proven effective in promoting accountability. For instance, South Africa's Competition Commission launched the "Stop Cartels" campaign, leveraging media platforms to educate citizens about cartel behavior and encourage reporting (South African Competition Commission, 2018). The campaign not only increased public awareness but also resulted in a rise in whistleblower reports, aiding enforcement actions.

In India, the Competition Commission of India (CCI) has conducted extensive public outreach programs, including seminars, advertisements, and social media campaigns, to inform citizens about their rights and the dangers of anti-competitive practices. These efforts have enhanced public participation in monitoring and reporting market irregularities (CCI Annual Report, 2022).

For Bangladesh, similar campaigns could highlight the real-life impact of monopolies, such as inflated commodity prices and limited consumer choices. Engaging traditional and digital media to share case studies and success stories of cartel busting could demystify the process and garner public support. Partnering with civil society organizations and educational institutions could further extend the reach of these campaigns.

Encouraging Whistleblowers through Incentives and Legal Protections

Whistleblowers are vital in exposing monopolistic practices, as they provide insider knowledge that is often inaccessible through conventional investigations. To encourage whistleblowing, robust legal protections and financial incentives are essential. These measures not only ensure the safety of

whistleblowers but also compensate them for the personal and professional risks they undertake.

The United States Department of Justice (DOJ) provides a compelling model. Under the Antitrust Criminal Penalty Enhancement and Reform Act, whistleblowers are granted immunity from prosecution and are incentivized with leniency in exchange for cooperation (DOJ Antitrust Division, 2021). This approach has been instrumental in dismantling cartels, such as the international auto parts cartel, resulting in billions of dollars in fines.

Similarly, the European Union's Leniency Program offers immunity or reduced penalties to whistleblowers who expose cartels. The program has been credited with breaking several high-profile cartels in industries such as construction and technology (European Commission, 2022).

Bangladesh can adopt a dual approach: enacting laws that shield whistleblowers from retaliation and establishing an independent body to assess and reward credible disclosures. Drawing inspiration from India's Whistle Blowers Protection Act (2014) and South Africa's Protected Disclosures Act, Bangladesh could ensure that individuals exposing cartel behavior receive legal safeguards and financial rewards (Ministry of Law and Justice India, 2014; South African Labour Guide, 2021).

By integrating these measures, Bangladesh could create an environment where whistleblowing is not only safe but also actively encouraged, empowering individuals to play a key role in dismantling cartels and restoring market integrity.

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Policy White Paper -8

EDUCATION SECTOR OVERHAUL AND REFORMS

Building Futures:

A Strategic Vision for Education Reform in Bangladesh

Building Futures:

A Strategic Vision for Education Reform in Bangladesh

Key Recommendations

1. **Develop a Market-Oriented Curriculum:**
    o   Introduce a dynamic, employable-skills-oriented curriculum developed through public-private partnerships.
    o   Draw inspiration from successful models in India and China to integrate industry-relevant training with formal education.

2. **Revamp Textbooks and Learning Approaches:**
    o   Create age-appropriate, plagiarism-free, and politically neutral textbooks designed to enhance understanding and engagement.
    o   Transition from rote memorization to skill-based education with project-based learning, critical thinking, and problem-solving as core methodologies.
    o   Ensure safe and transparent examinations using randomized question banks and encrypted digital systems.

3. **Bridge the Urban-Rural Education Divide:**
    o   Allocate targeted funding to rural schools to upgrade infrastructure, provide teacher training, and ensure access to electricity, the internet, and digital tools.
    o   Encourage mobile and satellite learning platforms to extend quality education to remote areas.

4. **Promote Gender-Inclusive Education:**
    o   Implement mentorship programs, residential training for women, and gender-focused scholarships.
    o   Encourage women to participate in diverse sectors by introducing incentives and support structures.

5. **Increase Education Budget:**
    o   Boost budget allocation to at least 4% of GDP, aligning with UNESCO recommendations and regional standards, to address deficits in infrastructure, teacher training, and access to digital resources.

6. **Modernize Teacher Certification and Development:**
    o   Enhance the National Teacher Certification Program with modules on e-learning, inclusive pedagogy, and global best practices.
    o   Require periodic recertification to ensure teachers remain responsive to evolving educational trends.

7. **Reward Excellence in Teaching:**
    o   Incentivize professional development through awards, scholarships, and career advancement opportunities.
    o   Introduce mentorship programs where experienced educators support newly qualified teachers in adopting student-centered practices.

8. **Integrate Real-World Skills in Curriculum:**
    o   Introduce courses on personal finance, entrepreneurship, taxation, and digital literacy to better prepare students for life and work.
    o   Focus on practical applications of academic subjects to align education with market demands.

9. **Expand Early Childhood Education (ECE):**
    o   Establish more ECE institutions in rural areas and provide specialized training for ECE teachers.
    o   Instill ethical values such as empathy, justice, and integrity from an early age to reduce unethical behaviors like cheating and corruption.

<ol start="10">
Replace High-Stakes Exams with Continuous Assessment:

  Implement a competency-based evaluation system that measures students' skills and learning outcomes through regular assessments.

Align Education with Workforce Demands:

  Establish stronger linkages between education and regional/global job markets to address youth unemployment.
  Develop programs that integrate vocational skills into secondary and higher education.

Ensure Transparent and Inclusive Policy Reform:

  Foster dialogue with parents, educators, and specialists to ensure reforms address the diverse needs of stakeholders.
  Adopt international best practices, such as Finland's student-centered teaching methods, China's public-private vocational training models, and India's recognition of prior learning initiatives.

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1. Introduction

Bangladesh's educational system is at a pivotal point in its history, grappling with the demands of inclusion and modernization in an increasingly interconnected world. With a sizable youth population, the nation urgently needs to modernize its education system to meet the demands of the modern economy. Currently, the system places disproportionate emphasis on theory-based education, with minimal focus on hands-on learning and the development of skills relevant to contemporary labour markets. Although recent curriculum reforms aim to address these gaps, the Dhaka Tribune (2023) notes that professionalism, market-fit requirements, and scientifically grounded teaching approaches are still inadequately integrated.

The growing dissatisfaction with the nation's biased job reservation system served as the catalyst for the July 2024 quota reform movement. This movement became a turning point for youth activism, exposing deeper structural issues afflicting the country's institutions. It highlighted the significant disconnect between Bangladesh's education system and the demands of the modern workforce, ultimately contributing to the overthrow of the previous government's long-standing rule.

Bangladesh's education system has undergone a series of misguided reforms. Instead of prioritizing the development of a modern, market-oriented education system, the government has increasingly used education as a tool for political propaganda. Policies aimed at weakening the quality of school education have led to the introduction of substandard textbooks, flawed class evaluations, ineffective teaching strategies, and absurd examination formats such as the so-called "creative questions." These issues, combined with frequent leaks of public examination papers, have severely compromised the quality and credibility of the education system.

While a startling 40% of young people (ages 15 to 24) are classified as NEETs (not in education, employment, or training), the youth unemployment rate remains stubbornly high at 12–14% (The Wire, 2024). These figures underscore the increasing economic marginalization and lack of opportunities faced by Bangladesh's youth, sparking widespread uprisings. For instance, a 2018 report by the World Economic Forum ranked Bangladesh poorly on its Global Competitiveness Index, citing significant weaknesses in higher education and technological readiness. This underscores the urgent need for reforms emphasizing hands-on learning, digital literacy, and innovative teaching methods to prepare students for future workforce demands.

As The Business Standard (2022) highlights, the current system continues to struggle in fostering practical learning environments. Moreover, Bangladesh's schools and universities often lack the resources and infrastructure to support technology-driven and skill-based educational approaches (Press Xpress).
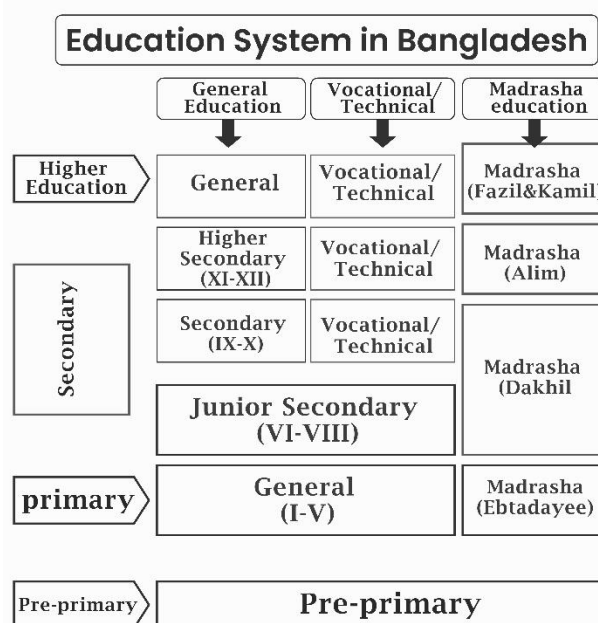
2. Current Issues Regarding Comprehensive Education Reform in Bangladesh

Bangladesh's education system is entrenched in a cycle of rote learning, where students memorize facts instead of engaging in critical thinking or hands-on problem-solving. This approach has led to a generation of students who are ill-prepared for modern job markets, as noted by The Dhaka Tribune (2023). The system urgently needs to transition from this outdated model, which has persisted for years, to one that emphasizes creativity, technology, and real-world skills.

Bangladesh's learning poverty mirrors a global trend, with The Business Standard (2023) reporting that over 70% of 10-year-olds in low- and middle-income countries cannot comprehend simple written English. In Bangladesh, this issue has been exacerbated by extended school closures during the COVID-19 pandemic and a chronic lack of resources, including technology and qualified teachers. The problem is especially acute in rural areas, where inadequate infrastructure and restricted access to digital learning resources create further disparities. Rural children, who already contend with a shortage of competent teachers and adequate school facilities, are disproportionately affected, deepening the gap between urban and rural students.

A recent study by the World Bank, UNESCO, UNICEF, the UK's Foreign Commonwealth and Development Office (FCDO), USAID, and the Bill & Melinda Gates Foundation highlights the worsening of learning poverty since the pandemic. South Asia has experienced the largest increase, with 78% of children now expected to have low reading proficiency, compared to 60% pre-pandemic. This alarming trend is particularly concerning in Bangladesh, where many students endure subpar learning conditions.
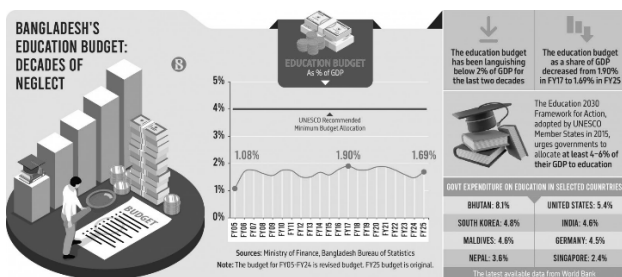
2.1 Infrastructure Challenges
- Inadequate infrastructure severely affects Bangladesh's education system, particularly in rural areas, where 48% of schools face challenges compared to 22% in urban areas (UNESCO, 2020).
- Immediate investment is required, allocating 10% of the national budget for the reconstruction and modernization of rural schools, focusing on classrooms, clean water, sanitation, electricity, and digital tools.

- Equal access to textbooks, technology, and teacher training is critical to reducing disparities.
- Training 100,000 public school teachers nationwide in modern instructional methods, such as student-centered learning, critical thinking, and technological integration, is vital (Rahman & Hossain, 2020).
- Establishing a National Teacher Certification Program with ongoing professional development could ensure accountability and international standards, aiming to retrain 85% of teachers by 2035 (Billah, TVista, 2024).

The World Bank (2023) highlights that poor infrastructure and inadequate teacher training significantly contribute to unequal educational outcomes, leaving students unprepared for the demands of modern education and job markets. Bridging the gap between skills taught and employer demands is critical (Billah, TVista, 2024).

2.2 Vocational and Technical Skills
Research shows that technical and vocational skills, essential for modern industries, are underrepresented in Bangladesh's educational programs. Academic knowledge continues to dominate curricula, failing to equip students with practical, job-ready skills.

2.3 Examination Credibility and Corruption
The credibility of Bangladesh's examination process has been undermined by frequent question leaks, as reported by Jaijaidin (2023). Between 2012 and 2018, there were eight significant leaks in a single year (2018). This culture of reliance on unethical practices discourages meaningful study and learning, leaving students less prepared for college or the workforce. This, in turn, affects their future success and the overall quality of the nation's workforce.

Critics argue that ongoing assessments and assignments, as alternatives to traditional tests, might not benefit all areas equally, particularly resource-deprived rural regions. Firstpost (2023) points out that such changes have raised broader concerns about the coherence and quality of education, especially in light of curriculum crises that have exacerbated disparities in literacy and numeracy post-pandemic.

2.4 Issues with the New Curriculum
The 2023 curriculum reforms by the National Curriculum and Textbook Board (NCTB) have been widely criticized. Instances of plagiarism, particularly in science textbooks for seventh graders, have raised questions about the integrity of educational materials (The Business Standard, 2023). Notable educators, including Professors Hasina Khan and Muhammad Zafar Iqbal, admitted to using unattributed content

from the National Geographic Education website, further eroding trust in the system.

Other issues with the new curriculum include:
- Textbook distribution delays and inadequate piloting of curriculum changes.
- Poor alignment with international standards, exacerbating existing inefficiencies.

2.5 Employment Challenges

According to the Bangladesh Bureau of Statistics (BBS), unemployment trends reveal systemic issues in addressing rural job scarcity and underemployment. While the unemployment rate initially dropped from 3.51% in Q1 2023 to 3.20% in Q4 2023, it rose again to 3.51% in Q1 2024, reflecting challenges in sustaining employment growth. These fluctuations underscore the critical need for linking education reforms to job market demands.

3. The Use of Educational Policies for Political Propaganda

Since 2008, the Awami League government has implemented contentious modifications to the educational system to further its political objectives. Both parents and education experts have strongly criticized these changes, particularly the alterations to textbooks, which have been tailored to align with government opinions. Political information has been discreetly incorporated into various areas of the curriculum (Dowerah, Firstpost, 2024).

3.1 Effects of Political Indoctrination
- Undermining Academic Integrity:

  Academic integrity has been subordinated to political advancement. For example, the National Curriculum and Textbook Board (NCTB) has rewritten history textbooks to serve as political propaganda. These changes have been criticized for downplaying or omitting the contributions of other significant historical figures and parties while overemphasizing the Awami League and its leaders, particularly Sheikh Mujibur Rahman (Mitra, The Wire, 2024).

  This limited and skewed presentation of history raises concerns about the government's use of education to propagate its narrative, potentially influencing young minds to support its political agenda.
- Conspiracy Theories and Educational Decline:

  Some conspiracy theories suggest that the intentional degradation of educational

standards may benefit foreign entities with vested interests in Bangladesh. According to this narrative, a poorly educated populace could make Bangladesh less competitive, potentially increasing India's regional or international influence. While Bangladesh ranked as India's fourth-largest source of remittances in 2020, contributing approximately $10 billion, the inverse remittance flow from India to Bangladesh was $13.53 billion in the same year (Daily Industry, 2022). These claims, however, remain speculative without concrete evidence.

3.2 Overreliance on Memorization and Foreign Influence

The education system's heavy reliance on rote memorization discourages the development of critical thinking and problem-solving skills. This approach leaves students unprepared for the demands of the modern workforce. The curriculum, influenced by political and foreign interests, often fails to reflect the needs of the country, contributing to widespread skill gaps.

Only 18% of secondary school graduates possess employable skills, a statistic that highlights the inadequacy of vocational and technical training (Billah, TVista, 2024). These shortcomings not only hinder students' preparedness for the global labor market but also perpetuate societal stratification, further dividing opportunities based on access to quality education.

By prioritizing political agendas over educational advancement, the system continues to fail in addressing the critical need for practical, skill-based, and inclusive learning models.

4. A Critical Examination of the Recently Introduced Curriculum

The new curriculum in Bangladesh has been widely criticized for being overly ambitious and lacking practical application. It raises concerns about the feasibility of implementing a competency-based education strategy, particularly given its ambiguous assessment methods. Despite its stated objectives of

reducing rote learning, fostering creativity, and integrating digital technologies, the curriculum's unclear evaluation framework undermines these goals.

While moving away from traditional exams is a positive step, the absence of a clear implementation plan creates significant challenges. Prothom Alo highlights further issues, including inadequate teacher preparation for the transition to competency-based and creative learning approaches. Teachers and students often resort to rote memorization because the curriculum's emphasis on creative inquiries does not align with current classroom realities. Addressing these challenges requires a structured professional development program for teachers and a phased, realistic assessment system to ensure successful implementation.

4.1 Key Issues with the New Curriculum:

- **Inequality Across Education Streams**: The curriculum has varied impacts on madrasa, English, and Bengali-medium streams, exacerbating educational inequality (TVista, 2024).
- **Inadequate Teacher Training**: Teachers lack the necessary preparation to implement the competency-based and innovative question-focused curriculum (Prothom Alo, 2023).
- **Funding Gaps in Rural Schools**: Rural schools continue to face inadequate funding, leading to unequal access to high-quality education.
- **Unrealistic Application of Creative Questions**: Many classrooms find the creative question approach impractical, leading to confusion and a return to rote learning methods.
- **Unclear Assessment Framework**: The curriculum's lack of clarity in evaluating student competencies makes it difficult to gauge learning outcomes accurately (Prothom Alo, 2023).
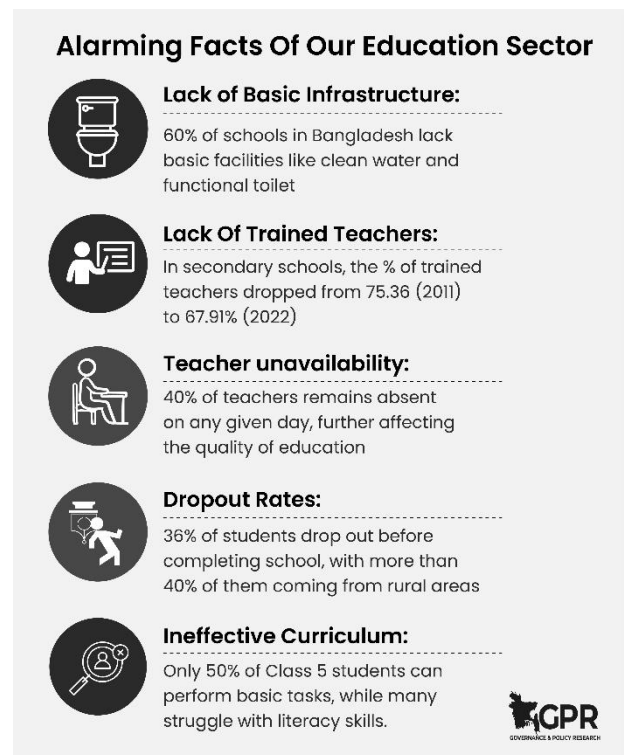
4.2 Challenges in Science Education

The curriculum changes have raised concerns about the future of science education in grades 9 and 10. Combining physics, chemistry, and biology into a single curriculum until grade 10 could weaken students' core knowledge and interest in science (The Daily Star, 2024). Experts warn that this may leave students unprepared for specialized fields and higher education. By delaying the start of focused science education to grade 11, Bangladesh risks falling behind countries where students begin studying these subjects earlier, building stronger foundations for advanced study (Dhaka Tribune, 2024).

4.3 Grading System Concerns

The new grading system, which allows teachers to directly evaluate students, raises concerns about bias and impartiality. In particular, the practice of private tutoring by some teachers creates conflicts of interest, as it can lead to intentional lowering of in-class instruction quality to drive demand for private lessons (Rahman.S, 2024; Alam & Zhu, 2022). This trend increases educational inequality and financial strain on families.

4.4 Moral Education and Its Benefits

Research shows that integrating moral education early on promotes emotional health, social responsibility, and ethical decision-making. Embedding principles like empathy, justice, and respect into the curriculum can enhance classroom environments, reduce unethical behaviors (e.g., exam leaks and fraud), and help develop responsible citizens (Johnstone et al., 2022; Afrianingsih et al., 2023).

Alarming Facts Of Our Education Sector

Lack of Basic Infrastructure:
60% of schools in Bangladesh lack basic facilities like clean water and functional toilet

Lack Of Trained Teachers:
In secondary schools, the % of trained teachers dropped from 75.36 (2011) to 67.91% (2022)

Teacher unavailability:
40% of teachers remains absent on any given day, further affecting the quality of education

Dropout Rates:
36% of students drop out before completing school, with more than 40% of them coming from rural areas

Ineffective Curriculum:
Only 50% of Class 5 students can perform basic tasks, while many struggle with literacy skills.

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4.5 Intergenerational Quality Decline

When low educational quality persists, graduates with inadequate training enter teaching roles, perpetuating the same deficiencies for the next generation. Over time, this intergenerational cycle weakens academic standards and stifles creativity and intellectual progress (Farhan, 2024).

4.6 Suggestions for Reform

1. **Curriculum Review and Reform**:

   Establish a committee of educational experts to review and approve textbooks and

curricula. This ensures that academic content is balanced, accurate, and free from political manipulation. A neutral curriculum helps students gain a broader, more accurate understanding of history and critical issues.

2. **Shift to Critical Thinking and Problem-Solving**:

   Move education away from rote memorization by focusing on critical thinking, creativity, and problem-solving skills. Incorporate project-based learning and interactive teaching methods to better prepare students for real-world challenges and the global workforce.

3. **Strengthen Vocational and Technical Education**:

   Invest in vocational and technical training to provide students with marketable, job-ready skills.

4. **Promote Transparency and Public Debate**:

   Foster open dialogue among parents, teachers, and education experts to create a balanced and effective education system. Prioritize long-term societal benefits over short-term political gains.

5. **Develop Age-Appropriate and Engaging Content**:
   Redesign textbooks to include developmental stage-appropriate material that engages students meaningfully. Streamline exercises to focus on achieving meaningful learning outcomes and reduce redundancy (Prothom Alo, 2023).

6. **Prioritize Practical Skills and Critical Thinking**:

   Align textbooks and curricula with academic standards and future employment needs by fostering practical skills, digital literacy, and critical thinking.

By addressing these issues through targeted reforms, Bangladesh can build an education system that is inclusive, equitable, and aligned with modern needs.

5. Primary Education Reforms

5.1 Textbooks

Despite established guidelines from the National Curriculum and Textbook Board (NCTB), many textbooks in circulation fail to meet acceptable standards, affecting student engagement and comprehension. Key recommendations include:

- **Improve Physical Standards**:
  Increase the physical quality of textbooks for primary education by ensuring adequate budget allocation.

- **Incorporate Visual and Contextual Tools**:
  Integrate visual aids, mnemonics, and context-driven examples to connect classroom learning with practical experiences.

- **Enhance Critical Thinking Exercises**:
  Include exercises in all subjects to promote critical thinking, real-world application, and inclusivity for diverse learning styles.

- **Engage Students with Interactive Tools**:
  Incorporate short quizzes, reflection questions, teacher rubrics, self-assessment tools, and group projects for upper primary levels.

- **Promote Ethical and Social Values**:
  Add lessons on fairness, justice, and respect for diversity to encourage well-rounded development.

- **Support Mental Health**:
  Provide age-appropriate guidance on managing stress and failure, including exercises in breathing, relaxation, and reflection.

- **Utilize Digital Resources**:
  Offer digital resources such as drawing apps and interactive platforms alongside physical textbooks.

- **Foster Logical Thinking**:
  Introduce puzzle-based learning, such as Sudoku and patterns, particularly in language and mathematics textbooks.

- **Integrate Cross-Disciplinary Themes**:
  Link subjects like mathematics with scientific or social contexts to enhance interdisciplinary understanding.

5.2 Teacher Training

To ensure effective implementation of reforms, teacher training programs need significant restructuring. Recommendations include:

- **Integrate Inclusive Pedagogy**:

  Embed inclusive teaching methods throughout the curriculum instead of treating it as an isolated topic. This ensures inclusivity becomes an essential aspect of teaching across all subjects.

- **Develop Subject-Specific Training Modules**:

  Create modules that incorporate inclusive teaching, learning, and assessment strategies tailored to each subject. *Example*: In mathematics, use manipulatives or visual aids to support students with learning disabilities.

- **Enhance Local Training Capacities**:

  Collaborate with local government bodies to develop localized training programs that meet the specific needs of teachers.

- **Conduct Longitudinal Research**:

  Partner with education-focused research institutes to evaluate the outcomes and effectiveness of various inclusive education initiatives.

5.3 Civil Works

Infrastructure improvements are critical for equitable access and participation in primary education. Key priorities include:

- **Focus on Five Core Components**:

  Infrastructure development, furniture provision, maintenance and repair, WASH (Water, Sanitation, and Hygiene), and education during emergencies should be prioritized.

- **Establish Clear Guidelines**:

  Implement robust guidelines to reduce disparities in civil works and ensure consistency across regions.

- **Optimize Student-Teacher Ratios**:

  Maintain a student-classroom ratio of 40:1, with flexibility to accommodate up to 56 students per classroom where necessary.

By addressing these key areas, Bangladesh can significantly improve the quality and accessibility of primary education, laying a solid foundation for lifelong learning and equitable opportunities.

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6. National-Level Infrastructure Development

Bangladesh's education system heavily relies on public schools, which often face challenges such as overcrowding and insufficient resources, unlike many private institutions. To improve educational outcomes, policies and strategies must focus on enhancing the quality of public education. The government should prioritize shifting attitudes toward education, raising aspirations for its improvement, and committing to better educational provisions.

Below are recommendations to develop an education infrastructure that meets global standards and equips students with the skills and competencies necessary for success in the modern job market.

6.1 Modernizing Physical Infrastructure

- **Smart Classrooms**:

  Equip classrooms with modern teaching tools such as interactive whiteboards, projectors, and reliable internet connectivity to create engaging learning environments.

- **STEM Laboratories**:

  Establish state-of-the-art labs for Science, Technology, Engineering, and Mathematics to foster hands-on learning and innovation.

- **Libraries and Learning Resources**:

  Transition to hybrid libraries that offer both physical books and extensive digital collections to meet diverse learning needs.

- **Inclusive Facilities**:

  Ensure all campuses are accessible to students with disabilities by providing ramps, elevators, and assistive devices.

- **Learning Management Systems (LMS)**:

  Implement digital platforms for personalized learning, remote education, and efficient tracking of student progress.

- **Technology Integration**:

  Incorporate advanced technologies like Artificial Intelligence (AI), Virtual Reality (VR), and Augmented Reality (AR) to enhance immersive learning experiences.

6.2 Industry-Aligned Facilities

- **Vocational Training Centers**:

  Develop centers equipped with industry-standard tools and technology to support hands-on skill development in key job sectors.

- **Industry Partnerships**:

  Collaborate with local and international industries to design job-relevant training modules and provide infrastructure for internships and apprenticeships.

- **Entrepreneurial Labs**:

  Establish innovation hubs and maker spaces to encourage entrepreneurship and develop problem-solving skills.

6.3 Sustainable and Resilient Design

- **Green Infrastructure**:

  Use eco-friendly materials, renewable energy sources, and energy-efficient designs in the construction of educational buildings.

- **Disaster Resilience**:

  Build structures capable of withstanding natural disasters, ensuring safe learning environments.

- **Sustainability Education Spaces**:

  Incorporate gardens, recycling centers, and similar facilities to teach and practice sustainability within schools.

6.4 Additional Recommendations

- **Coordination Mechanism**:

  Establish a robust coordination framework involving teacher education institutes, local government bodies, and practicum schools to ensure the practical application of knowledge.

  - The Ministry of Primary and Mass Education and the Ministry of Education should actively participate in this process.

By implementing these infrastructure improvements, Bangladesh can address existing gaps in public education and lay a foundation for globally competitive learning environments.

# 7. Strategy to Reintegrate Dropout Students into the Mainstream Economy and Job Market

During a discussion titled *"Challenges for Education of Out-of-School Children: Where Is the Solution"* organized by the Campaign for Popular Education (CAMPE), it was revealed that approximately 14% of students enrolled in primary school drop out before completing their education. This rate increases to 36% at the secondary school level, with an even higher dropout rate at the college and university levels. Nearly 50% of students are unable to complete their primary and secondary education, highlighting a critical gap in educational retention.

7.1 Identification and Outreach

- **Data Collection**:

  Develop a comprehensive database to track dropout rates and identify at-risk students using school records and support from local government bodies.

- **Community Engagement**:

  Partner with local government entities, NGOs, and community leaders to reach out to dropout students and their families, offering tailored solutions.

- **Awareness Campaigns**:

  Launch targeted campaigns to highlight the value of education and skill development, addressing cultural and economic barriers to re-enrollment.

7.2 Flexible Learning Opportunities
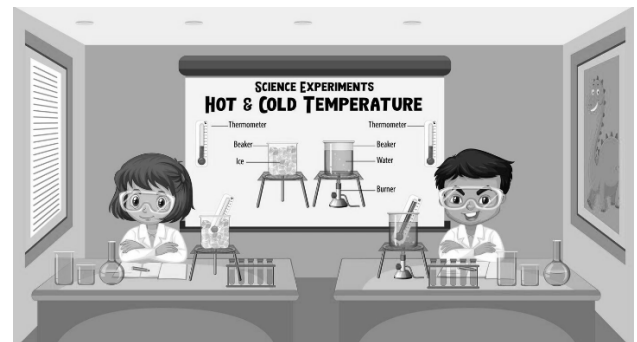
- **Bridge Programs**:

  Provide flexible, accelerated learning modules to help students recover missed education and rejoin the system at appropriate levels.

- **Alternative Education**:

  Establish open schools and distance learning platforms to accommodate students who cannot attend traditional schools.

- **Recognition of Prior Learning (RPL)**:

  Implement certification systems to formally recognize knowledge and skills acquired informally, allowing dropouts to transition into mainstream education or vocational training.

7.3 Vocational and Skill Development

- **Industry-Aligned Training**:

  Design vocational training programs in collaboration with industries to ensure students gain skills that align with job market demands.

- **Entrepreneurship Development**:

  Offer training in entrepreneurial skills such as business planning, marketing, and financial management to promote self-employment opportunities.

- **Apprenticeships and Internships**:

  Establish pathways for on-the-job training opportunities and incentivize businesses to hire and train dropouts.

7.4 Financial and Social Support

- **Scholarships and Stipends**:

  Provide financial assistance to reduce the economic barriers that prevent students from re-entering education or training programs.

- **Childcare Support**:

  Offer childcare services for young parents who wish to continue their education or vocational training.

- **Counseling Services**:

  Develop robust support systems to address psychological, social, and financial challenges faced by dropout students.

By implementing these strategies, Bangladesh can effectively reintegrate dropouts into the education system and the job market, contributing to a more skilled and productive workforce.

8. Higher Education: Ensuring Success as a Knowledge Economy
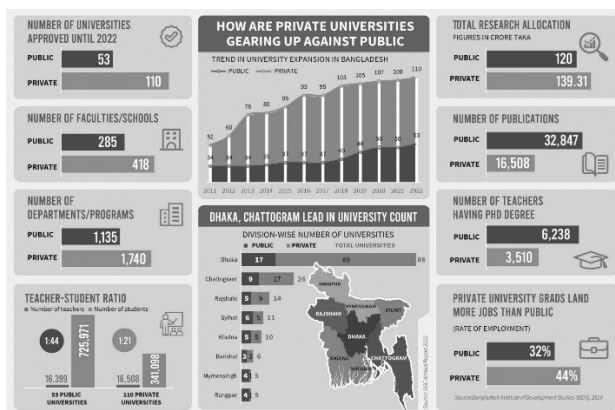
Higher education enrollment in Bangladesh is expected to grow significantly over the next decade. To accommodate this increase, the government must rationalize student intake in public universities, avoiding overcrowding in disciplines that do not align with the skills required in a rapidly evolving economy. Greater emphasis should be placed on **Technical and Vocational Education and Training (TVET)** to provide HSC graduates with viable, skill-based vocational pathways, thereby reducing pressure on university enrollments.

8.1 Addressing Critical Gaps in Higher Education

Many elements essential to globally ranked universities are currently absent in Bangladesh's higher education system. These include:

- Establishing **clear guidelines for strategic planning and development**.
- Setting **rigorous standards for curriculum and research**.
- Defining **measurable learning outcomes**.
- Ensuring **excellence in governance and management** through transparent and accountable mechanisms.

Addressing these gaps is crucial to aligning universities with global standards and meeting the demands of the modern economy. Innovation is required, not only to introduce new initiatives but also to ensure their effectiveness. Periodic monitoring of outputs and assessments of student learning outcomes should be key focus areas for reform in the coming years.

8.2 Establishing a World-Class Flagship University

To strengthen Bangladesh's intellectual capital, a **world-class flagship university** should be established. Considering the country's resource limitations, it is recommended that a single flagship university be created initially as a pilot project, which can later be replicated to meet national research needs.

- **Challenges with Upgrading Existing Universities**:

  Converting an existing university into a flagship institution is not feasible due to the logistical and legal complications of relocating undergraduate students, junior faculty, and staff.

- **Design of the New Institution**:

  The flagship university should be a completely new endeavor, designed with **state-of-the-art infrastructure**, **advanced research facilities**, and **resources comparable to leading regional and international universities**.

- **Recruitment and Retention of Talent**:

  To attract and retain top-tier academics and researchers, the university must implement **special recruitment policies** and

competitive pay structures for both local and international talent.

By ensuring this institution operates at global standards, it can serve as a model for the future development of higher education in Bangladesh.

8.3 Enhancing Institutional Autonomy

Greater institutional autonomy is widely recognized as a driver of flexibility, relevance, and quality in higher education. Autonomy, whether academic or financial, can improve productivity and responsiveness to emerging challenges.

- Public universities should be allowed **financial autonomy** to manage self-generated funds, regardless of who is financing the institution.

8.4 Reforming Legal Frameworks

The legal frameworks governing universities in Bangladesh currently lack cohesion and uniformity, often leading to inefficiencies. For example:

- The **University of Dhaka** operates under the President's Order of 1973.
- Rajshahi, Chittagong, and Jahangirnagar universities are governed by three separate Acts.
- Each new university is established under a different legislative arrangement.

These inconsistencies necessitate the development of a single **"umbrella legislation"** to provide a standardized framework for governance across all universities.

A holistic approach to reforming higher education infrastructure, governance, and curricula is critical for Bangladesh to succeed as a knowledge economy. Establishing a flagship university, aligning public universities with global standards, and fostering institutional autonomy are key steps toward creating a modern, competitive, and inclusive higher education system.

9. International Inspiration: Finland, China, and India

- **Finland**: Prioritize student-centered teaching methods and reduce reliance on standardized exams to foster critical thinking and hands-on learning.
- **China**: Strengthen ties between educational institutions and industries through robust public-private partnerships to make vocational training market-relevant.

- **India**: Promote gender-inclusive education and skill development through initiatives such as the National Skill Development Corporation (NSDC) and Recognition of Prior Learning (RPL).

9.1 Finland's Education Model vs. Bangladesh: What Can We Learn?

Finland's educational system is globally recognized for its adaptability, student-centered learning, and emphasis on practical skills (Education Review, 2023). Several factors contribute to its success:

- **Absence of Standardized Testing**:
  Finland avoids over-reliance on standardized exams, enabling students to focus on deeper comprehension rather than rote memorization or unhealthy competition.
- **High-Quality Teacher Training**:
  Finnish teachers receive exceptional training, ensuring they are well-prepared to deliver engaging, student-focused lessons.
- **Equal Access**:
  Finland ensures all students, irrespective of socioeconomic background, have equal access to education.
- **Focus on Well-being**:
  The system prioritizes both the social and emotional well-being of students, creating a supportive learning environment.
- **Practical Skills Development**:

  Hands-on learning is emphasized, equipping students with practical skills alongside academic knowledge.

Key Lessons for Bangladesh from Finland's Education Model

- **Improved Teacher Training**: Invest in continuous professional development for teachers to improve teaching quality.
- **Focus on Equity**: Reduce the urban-rural education divide by ensuring access to quality education for all.
- **Well-being and Collaboration**: Prioritize mental health, social-emotional learning, and teamwork over competitive practices.

- **Reduce Standardized Testing**: Diversify assessment methods to foster critical thinking.
- **Hands-on Learning**: Integrate vocational and practical learning at all levels to better prepare students for the workforce.

9.2 China's Skill-Based Education: A Model for Bangladesh?

China's commitment to skill development and vocational training has created a workforce that thrives in international markets. Its **Technical and Vocational Education and Training (TVET)** system integrates theoretical and practical training, ensuring graduates meet labor market demands.

- **Industry Relevance**:
  Over 90% of Chinese TVET graduates secure jobs within six months of graduation, demonstrating the effectiveness of aligning education with industry needs (World Bank, 2018).
- **Public-Private Partnerships**:
  Close collaboration between the government and the business sector keeps curricula updated and market-relevant.
- **Digital Access**:
  The integration of digital technologies in education, especially in rural areas, has improved accessibility and skill development.

Key Lessons for Bangladesh from China's Skill-Based Education

- **Industry-Academia Partnerships**: Strengthen collaboration between educational institutions and businesses to align curricula with market demands.
- **Expand Vocational Education**: Introduce more vocational training in schools to prepare students for skilled labor.
- **Digital Education**: Invest in digital tools and infrastructure to increase access in rural areas.

- **Flexible Education Paths**: Provide academic and vocational tracks to cater to diverse learning needs.
- **Workforce-Ready Curriculum**: Combine practical training with theoretical knowledge to enhance employability.

9.3 Leveraging India's Education Model: Vocational Training and Industry Partnerships for Bangladesh's Progress

India's educational initiatives, especially in skill development and vocational training, offer valuable insights for Bangladesh. The **National Skill Development Corporation (NSDC)** exemplifies how public-private partnerships can address labor market demands.

- **Recognition of Prior Learning (RPL)**:
  India's RPL program formalizes skills acquired informally, improving workers' employability and increasing their income by an average of 19–25% (World Bank, 2020).
- **Gender-Inclusive Skill Development**:
  Initiatives to include women in vocational training programs have led to 50% participation rates in India, significantly higher than Bangladesh's female labor force participation rate of 36% (World Economic Forum, 2019).

Key Lessons for Bangladesh from India's Education Model

- **Public-Private Partnerships for Vocational Training**:
  Establish a National Skill Authority modeled after India's NSDC to develop demand-driven vocational training programs in collaboration with industries.
- **Recognition of Prior Learning (RPL)**:
  Introduce formal certification systems to validate informally acquired skills, enabling workers to transition into the formal economy and improve income potential.
- **Gender-Inclusive Vocational Programs**:
  Develop residential training centers and mentorship initiatives targeting women, particularly in non-traditional sectors like technology and engineering, to empower female participation in the workforce.

Drawing inspiration from Finland, China, and India, Bangladesh can adopt tailored strategies to enhance its education system, focusing on equity, skill development, and industry alignment. These international models provide actionable pathways to strengthen vocational education, promote inclusivity, and prepare students for a competitive global economy.

10. The Creative Question System: A Failed Experiment

The introduction of the **Creative Question System** in schools was intended to foster critical thinking and move away from rote memorization. However, its implementation has been deeply flawed. According to *The Business Standard* (2023), the system has created confusion among both students and teachers, ultimately leading to more reliance on rote learning rather than fostering genuine creative thinking. Additionally, the system fails to align with the social and cultural context of Bangladesh, rendering it ineffective in achieving its intended goals.

10.1 Curriculum Reforms: What Went Wrong and Suggestions

Challenges Identified:

1. Lack of structured implementation.
2. Insufficient teacher training.
3. Disparities in resource allocation, especially in rural areas.
4. Overemphasis on creativity without considering practical application.

Suggestions for Improvement:

- **Mixed and Experiment-Based Approach**:

  Introduce a hybrid system that combines structured, subject-specific learning with creative questioning. This approach would balance the rigor required for exams with the flexibility needed to foster critical thinking. Models from China and India can serve as useful benchmarks (*The Business Standard, 2023*).

- **Teacher Training and Resources**:

  Provide extensive teacher training, focusing on effectively integrating creative questioning techniques into classroom teaching. Additionally, prioritize resource allocation for rural areas to ensure equitable implementation (*The Daily Star, 2023*).

- **Practical Subjects in Curriculum**:

  Enrich the curriculum with life skills and real-world applications, such as personal finance, entrepreneurship, business fundamentals, money management, and taxation. This would better prepare students for challenges outside the classroom while encouraging meaningful economic contributions (*Farhan, 2024*).
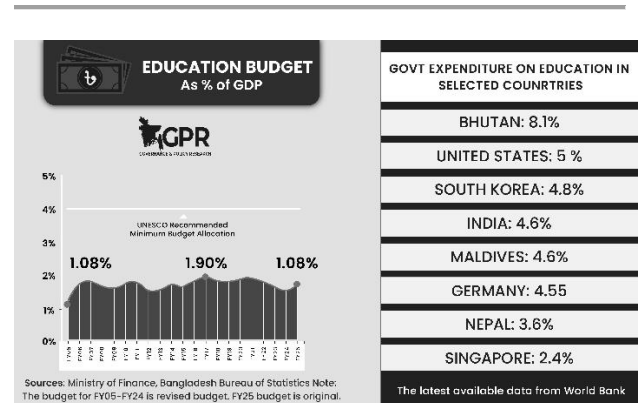
- **Problem-Solving Techniques**:

  Focus on teaching students "why" and "how" behind concepts, promoting deeper understanding and meaningful learning. This shift would help reduce the reliance on rote memorization while fostering analytical thinking skills (*Farhan, 2024*).

- **Balanced Educational Framework**:

  Design a framework that emphasizes both critical thinking and practical applications. While maintaining rigorous standards for exams, incorporate activities that encourage creativity and innovation. This balance is essential to prepare students for competitive employment markets and real-world challenges (*The Business Standard, 2023*).

The Creative Question System, while well-intentioned, has struggled to deliver its promised outcomes due to poor implementation and a lack of alignment with Bangladesh's educational context. By adopting a mixed approach, enhancing teacher training, and incorporating practical subjects into the curriculum, the system can be reformed to genuinely encourage critical thinking and equip students with skills for the future.

Sources: Ministry of Finance, Bangladesh Bureau of Statistics Note: The budget for FY05–FY24 is revised budget. FY25 budget is original.

11. Budget Allocation for Education

11.1 Current Allocation and Challenges

Bangladesh allocates only **1.08% of its GDP to education**, which is significantly below the UNESCO-recommended minimum of **4%**. In comparison, neighboring countries allocate higher percentages:

- **India**: 4.6%
- **Nepal**: 3.6%
- **Bhutan**: 8.1% (leading the region).

This low allocation has hindered efforts to address critical gaps in infrastructure, teacher training, and access to quality education, particularly in rural areas.

11.2 Recommendations for Increased Budget Allocation

A larger budget is essential to:

- **Address Infrastructure Gaps**:
  Focus on improving educational facilities, especially in rural and underserved areas, by building classrooms, providing clean water, and ensuring access to electricity and internet connectivity.

- **Ensure Equitable Access**:
  Reduce the urban-rural divide by funding initiatives that bring high-quality education to marginalized communities.

- **Invest in Teacher Training**:
  Enhance professional development programs to modernize teaching methods and integrate global best practices.

- **Support Early Childhood Education (ECE)**:
  Expand access to ECE by building new institutions, particularly in rural areas, and ensuring specialized teacher training for young learners.

- **Fund Vocational and Skill Development**:
  Provide resources for vocational training and skill development to better prepare students for the job market.

- **Integrate Digital Learning**:
  Allocate resources to introduce and sustain digital learning platforms, equipping schools with technology and ensuring students have access to modern educational tools.

To meet international standards and ensure holistic educational reform, it is imperative for Bangladesh to increase its budget allocation for education. Prioritizing investment in infrastructure, training, and technology will pave the way for a more equitable and effective education system, ensuring long-term national progress.

Source: Ministry of Finance, Bangladesh Bureau of Statistics

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12. Early Childhood Education on Morale and Integrity (ECE): Reforms

Early Childhood Education (ECE) is a critical stage for laying the foundation for lifelong learning, yet it has been largely neglected by previous administrations. Many rural areas lack access to quality ECE programs, leaving children disadvantaged from the start. *TBS News* (2023) underscores the urgent need for reform in this sector.

12.1 Recommendations for Reform:

1. **Expand Access to ECE**:
   - Build more ECE facilities, particularly in rural areas, to ensure equitable access for all children.

2. **Improve Teacher Training**:
   - Provide specialized training for ECE teachers, equipping them with skills to foster early development in children.

Teacher's Training and Learning

3. **Foster Career and Skill Exploration**:
   - Schools must play a key role in guiding children to discover their interests and potential career paths at an early age. This can save students from pursuing years on conventional educational tracks that may not align with their skills or market demands (*Farhan, 2024*).
   - Helping children identify their strengths early can better prepare them for success and enable more deliberate career planning.

4. **Focus on Early Interventions**:
   - Reforming ECE early can set students on a path to long-term success. This includes incorporating **STEM education** and life skills from the beginning to ensure that students are prepared for both academic and economic challenges.

TBS News (2023) emphasizes that such early interventions can deliver long-term benefits, particularly in a highly competitive and constrained job market like Bangladesh.

Early childhood education reforms should focus on equitable access, specialized teacher training, and fostering exploration of students' interests from an early stage. By addressing these foundational issues, Bangladesh can ensure that its youngest learners are equipped with the skills and mindset to thrive in the future.

13. Eradicating Corruption, Exam Leaks, and Fraud in Education

The widespread problem of exam question leaks in Bangladesh's education system has severely undermined public trust, particularly in key examinations like the **SSC**, **HSC**, and **BCS**. *Jaijaidin* (2023) reports that repeated leaks have allowed underqualified students to advance, compromising the legitimacy of the education system and reducing confidence in the impartiality of academic assessments. This crisis also negatively impacts meritocracy, as students who work hard are overshadowed by those who exploit leaked information, further demoralizing the student body.

13.1 Recommendations to Address Corruption and Exam Leaks:

1. **Secure Exam Management**:
   o Implement encrypted and digitally secured systems for exam paper management.
   o Restrict access to exam materials to authorized personnel only.
2. **Continuous Assessment**:
   o Shift reliance away from high-stakes exams by incorporating regular, low-stakes assessments throughout the academic year.
   o Ensure these assessments provide a more comprehensive evaluation of student learning and competencies.
3. **Randomized Computerized Question Banks**:
   o Use automated systems to generate random exam questions, reducing predictability and minimizing opportunities for leaks.
4. **Strict Penalties for Malpractice**:
   o Enforce severe consequences for those involved in exam leaks or cheating, including legal action and professional disqualification, to deter such activities.
5. **Transparent Administration**:
   o Establish independent oversight committees to ensure fair exam administration.
   o Promote transparency to rebuild public trust in the integrity of the education system.

To restore the credibility of Bangladesh's education system, immediate and robust measures must be taken to eradicate exam corruption. By enhancing exam security, diversifying assessment methods, and enforcing accountability, the country can foster a system that values meritocracy and instills confidence in its academic processes.

Conclusion

Bangladesh stands at a critical juncture, where the state of its education system will determine its trajectory toward prosperity or stagnation. To unlock the nation's potential, bold, transformative reforms are not just necessary but urgent. The education system must shift from its outdated reliance on rote learning and politicized agendas to one that fosters critical thinking, innovation, and inclusivity.

By investing in infrastructure, teacher training, and curriculum modernization, Bangladesh can bridge the gap between urban and rural education and equip students with market-relevant skills. Adopting global best practices from Finland, China, and India while tailoring them to local needs can inspire a future-ready system. Efforts must also focus on eradicating corruption, ensuring transparency, and creating a culture of accountability to restore public trust.

The foundation of a thriving Bangladesh lies in its human capital. Reforming the education system is not merely about improving rankings or statistics; it is about empowering a generation to think critically, innovate boldly, and contribute meaningfully to the nation's growth. Through collective commitment and strategic action, Bangladesh can build an education system that aligns with the demands of a globalized world, ensuring sustainable development and socio-economic progress for generations to come.

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Policy White Paper -9

ENERGY SECTOR MODERNIZATION AND REFORMS

Powering Progress: A Comprehensive Framework for Reforming Bangladesh's Power and Energy Sector

Powering Progress: A Comprehensive Framework for Reforming Bangladesh's Power and Energy Sector

Key Recommendations

These recommendations aim to create a sustainable, transparent, and efficient energy sector while addressing financial burdens and meeting growing energy demands.

1. Reforming Capacity Payment Structures
- Implement a **"No Electricity, No Payment" policy** to eliminate guaranteed payments for idle power plants.
- Renegotiate Power Purchase Agreements (PPAs) to align payments with actual electricity generation and performance.

2. Enhancing Regulatory Oversight
- Strengthen the independence and authority of the **Bangladesh Energy Regulatory Commission (BERC)** to oversee fair pricing and enforce transparency.
- Reinstitute **public hearings** for all tariff adjustments to ensure stakeholder engagement.

3. Promoting Competitive and Transparent Procurement
- Mandate **competitive bidding** for all new power projects to ensure cost-efficiency and fairness.
- Repeal the **Speedy Supply Act (2010)** provisions allowing non-competitive contracts and ensure all energy deals follow transparent procurement rules.

4. Accelerating Renewable Energy Investments
- Set a target of achieving **30% renewable energy by 2030** and **40% by 2041.**
- Provide fiscal incentives like tax exemptions and VAT waivers to attract private investments in solar, wind, and biomass projects.

5. Addressing Collusion and Corruption
- Conduct independent **audits of existing IPP contracts** to uncover and address collusive practices.
- Introduce strict penalties and guidelines to deter favoritism and ensure fair competition.

6. Rationalizing Subsidies and Financial Management
- Phase out blanket subsidies and provide **targeted financial assistance** to vulnerable households.
- Develop a comprehensive **financial recovery plan** for BPDB to address operational inefficiencies and debt management.

7. Modernizing Energy Infrastructure
- Reduce transmission and distribution losses by investing in **smart grids** and modernizing outdated infrastructure.
- Expand domestic **gas exploration** in fields like Jokiganj and Bhola to reduce reliance on expensive imports.

8. Immediate and Practical Solutions
- Form a **National Committee on Fuel Imports** to ensure transparency in procurement and investigate irregularities.
- Introduce **flexible working hours** and promote remote work to reduce energy demand during peak hours.
- Phase out **rental and quick rental power plants**, saving Tk 54,000 crore over three years.
- Implement **renewable energy pilot projects** on fallow lands, coastal areas, and rooftops.

9. Long-Term Solutions for Sustainability
- Publish a **White Paper on Corruption** detailing inefficiencies and misuse of funds in the energy sector.
- Develop a **self-reliant energy policy** to prioritize domestic exploration of gas and coal resources.
- Explore **solar highways** and innovative renewable solutions to overcome land scarcity for solar energy projects.

10. Regional and International Cooperation
- Strengthen energy trade with neighboring countries like India, Nepal, and Bhutan for affordable and clean electricity imports.
- Engage international legal experts to renegotiate contracts and ensure compliance with national laws.

Introduction

Bangladesh's power and energy sector faces pressing challenges that demand urgent and transformative reforms. Despite achieving milestones such as 100% electricity access and an installed generation capacity of **28,098 MW** (as of July 2024), systemic inefficiencies, financial mismanagement, and governance failures continue to hinder its progress. High financial losses, dependence on fossil fuels, and lack of transparency have created an unsustainable burden on the economy. The Nationalist Democratic Movement (NDM) is committed to addressing these challenges and leading the effort to create a competitive, inclusive, and sustainable power and energy sector for Bangladesh.

The power sector is a cornerstone of Bangladesh's economic development, driving industrial growth, urbanization, and improved living standards. With electricity demand expected to reach **34,000 MW by 2030**, the need for sustainable and efficient infrastructure has become urgent. However, significant inefficiencies remain. Although the country has achieved universal electricity access, the highest recorded generation is only **16,477 MW**, leaving a **41% reserve margin**. This overcapacity, largely caused by poor demand forecasting and reliance on Independent Power Producers (IPPs), adds financial strain to the Bangladesh Power Development Board (BPDB), which reported cumulative losses of **Tk 148.69 billion ($1.27 billion)** between FY 2020-21 and FY 2022-23.

Key Challenges Include:

1. **Financial Inefficiencies**:
   o Capacity payments to IPPs, regardless of electricity production, have totaled **Tk 90,000 crore** over the last 14 years, straining public finances.
   o BPDB's average electricity purchase cost is **Tk 11.03/kWh**, while the retail price is **Tk 8.95/kWh**, creating a subsidy-driven structural deficit.

2. **Dependence on Fossil Fuels**:
   o Over **95%** of electricity generation comes from fossil fuels, with renewable energy contributing only **4.38%**.
   o Heavy reliance on imported LNG (meeting around **10%** of energy demand) exposes the sector to price volatility and foreign exchange risks.
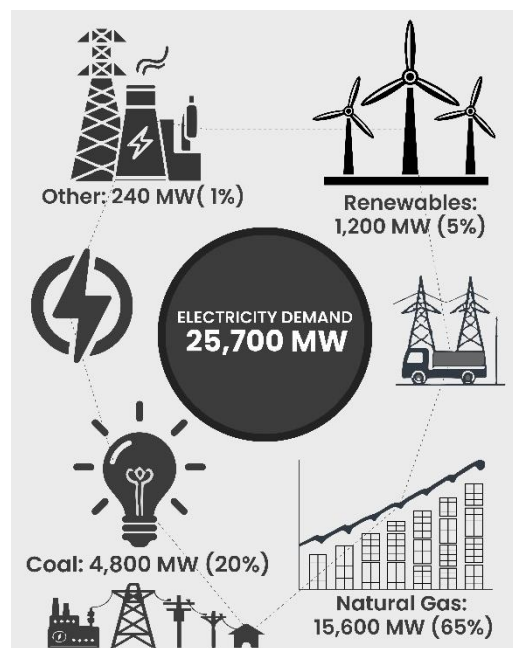
3. **Governance and Transparency**:
   o Politically connected conglomerates like Summit and Adani dominate the sector, leading to inflated costs and collusive contracting.
   o Regulatory institutions, such as the Bangladesh Energy Regulatory Commission (BERC), have been weakened, with tariff adjustments bypassing public scrutiny.

4. **Environmental Concerns**:
   o Thermal power projects like Rampal and Matarbari pose significant environmental threats, including biodiversity loss.
   o A lack of clear targets and policies hampers the transition to renewable energy.

NDM's Vision for reforms aim to create a financially sustainable, environmentally responsible, and socially equitable energy sector. It includes addressing financial inefficiencies, promoting renewable energy, strengthening governance, modernizing infrastructure, instituting legal and institutional reforms, and fostering energy independence.

NDM envisions transforming Bangladesh's power sector into a model of sustainability and equity. By focusing on financial discipline, renewable energy, and robust governance, these reforms will address systemic inefficiencies while ensuring long-term energy security and economic growth. These changes represent NDM's unwavering commitment to building a sustainable and resilient energy future for all Bangladeshis.

Other: 240 MW (1%)
Renewables: 1,200 MW (5%)
ELECTRICITY DEMAND 25,700 MW
Coal: 4,800 MW (20%)
Natural Gas: 15,600 MW (65%)

1. Current State and Challenges in the Sector

Over the past decade, Bangladesh's electricity sector has seen remarkable growth. Managed by the Power Grid Company of Bangladesh, installed generation capacity increased from just over 5,000 MW in 2009 to approximately 25,700 MW by mid-2022, supported by public and private investments. Private financing accounted for around 44% of total investments in the sector as of 2022. By achieving 100% electricity access in 2022, Bangladesh reached a significant milestone. However, this progress has been undermined by systemic inefficiencies, financial mismanagement, and governance issues.

From FY2020-21 to FY2022-23, the Bangladesh Power Development Board (BPDB) reported cumulative losses exceeding Tk 148.69 billion (approximately $1.27 billion), despite significant government subsidies. High system losses, outdated infrastructure, and reliance on Independent Power Producers (IPPs) for capacity payments have exacerbated these financial challenges.

The Power Sector Master Plan 2016 (PSMP-2016) identified renewable energy as an area of opportunity, estimating a generation potential of 3.6 GW from renewable sources. However, regulatory barriers and inadequate investment in clean energy technologies continue to stymie progress.

1.1 Sectoral Issues and Challenges

1. **Generation Overcapacity**
   - Installed capacity reached 28,098 MW by July 2024, but the highest recorded generation was 16,477 MW, resulting in a 41% reserve margin.
   - This inefficiency stems from poor demand forecasting, low utilization rates, and constraints in transmission and distribution infrastructure.
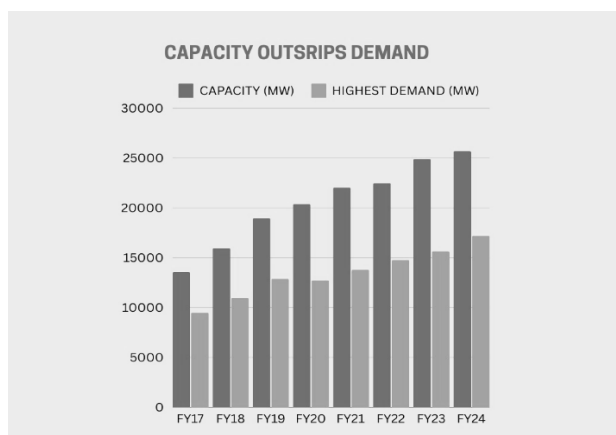
2. **Transmission and Distribution (T&D)**
   - The sector comprises 15,624 km of transmission lines and 643,000 km of distribution lines, achieving universal access to electricity.
   - However, T&D losses remain high, at 8.9%, due to outdated infrastructure and inefficiencies.

3. **Electricity Consumption and Pricing**
   - Per capita electricity consumption is 602 kWh, far below global averages, reflecting untapped growth potential in domestic and industrial demand.
   - The generation cost averages Tk 11.03/kWh, while consumer tariffs are Tk 8.95/kWh, resulting in a deficit covered by subsidies and adding fiscal pressure.

4. **Financial Sustainability**
   - Capacity payments to IPPs drain public funds; these payments have totaled Tk 90,000 crore over 14 years, even when plants remain idle.
   - BPDB's subsidy-driven operations are unsustainable, with projected losses escalating.

5. **Role of Private and Foreign Entities**
   - Summit Group leads domestic private power production with a capacity of 2,196 MW, while foreign entities like Adani Power contribute 1,496 MW.
   - Reliance on foreign operators increases exposure to geopolitical risks, currency volatility, and unfavorable contract terms.

6. **Environmental and Social Concerns**
   - Large projects like the Rampal Thermal Power Station threaten biodiversity in the Sundarbans.
   - Coal-based projects, such as Matarbari, face criticism for air pollution risks, including nitrogen oxide, sulfur dioxide, and particulate matter.

7. **Overdependence on Imports**
   - Imported LNG meets 10% of total energy demand but exposes the sector to high spot-market prices.
   - Limited capacity at existing LNG terminals has intensified reliance on costly imports.

8. **Governance and Transparency**
   - The government's lack of accountability has allowed capacity payments and collusive contracting, especially involving politically connected entities, to inflate costs.
   - Regulatory bodies like the Bangladesh Energy Regulatory Commission (BERC) are weakened, with tariff-setting decisions often bypassing public scrutiny.

9. **Economic Impact**
   - Excessive cost of rental and quick-rental power plants, such as capacity charges to the Adani Group's 1,496 MW coal-based power plant, equals the cost of three Padma Bridges.
   - Since FY2010-11, BPDB has paid $8.54 billion in capacity charges, further exacerbating financial instability.
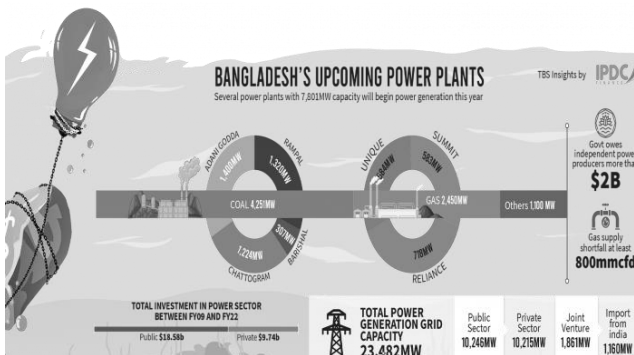
1.2 Key Structural and Policy Problems

1. **Accountability and Governance Failures**
   - Political favoritism has allowed stakeholders to benefit disproportionately, with minimal checks on operational inefficiencies.

2. **Load Shedding and Energy Shortages**
   - Despite government claims, rural areas experience daily 7–8 hours of load shedding, highlighting gaps in service reliability.

3. **Dependence on Spot Markets for LNG**
   - LNG imports, accounting for 5–6% of energy demand, have risen to 10%, driven by insufficient capacity at existing terminals and lack of long-term procurement agreements.

4. **Costly Power Projects and Contracts**
   - Adani Power's electricity imports are projected to cost Rs 9.09/kWh, 56% more than other forms of imported electricity.
   - Contracts with high capacity charges remain a significant burden, with $14.1 million paid between July and December 2024 alone for idle transmission infrastructure.
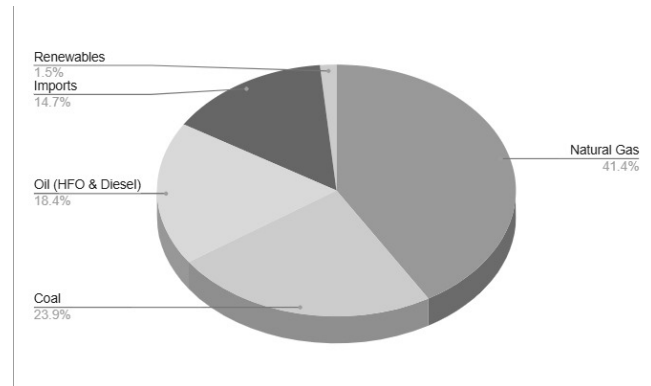
5. **Inadequate Investment in Renewables**
   - Renewable energy contributes just 4.38% of total generation, far below the country's potential.
   - Regulatory hurdles and lack of incentives limit private investment in solar, wind, and biomass projects.

6. **Macroeconomic Constraints**
   - Low foreign reserves constrain the ability to secure energy deals with OPEC countries or other major suppliers, leaving Bangladesh vulnerable to global price shocks.

The challenges facing Bangladesh's power sector are multifaceted, spanning financial, infrastructural, environmental, and governance dimensions. Addressing these systemic issues requires coordinated reforms aimed at improving efficiency, promoting renewable energy, and ensuring greater transparency and accountability. The Nationalist Democratic Movement (NDM) is committed to transforming the sector into a sustainable and equitable system that meets the growing needs of the nation.

2. Legal Frameworks Governing the Sector

A robust legal framework is essential for ensuring a structured, transparent, and efficient energy market in Bangladesh. The country's energy legislation governs stakeholder roles, establishes regulatory bodies, and sets guidelines for electricity generation,

distribution, and pricing. With growing demand and increased foreign investments, especially with entities like Adani Power, a critical review of the sector's legal structure is imperative to identify areas that support or hinder development.

2.1 The Electricity Act (2010)

The **Electricity Act of 2010** serves as a cornerstone of Bangladesh's power sector regulation. Its key provisions include:

- **Licensing Requirements:** All entities generating or supplying electricity must obtain a government license, ensuring market standards for safety and reliability.

- **Government Oversight:** The act empowers the government to regulate prices, licensing terms, and service conditions to safeguard consumer interests.

- **Consumer Protection:** Mechanisms for dispute resolution between suppliers and consumers are embedded within the act.

Despite its intent, gaps remain in its implementation, particularly in addressing emerging challenges like renewable energy integration.

2.2 The Bangladesh Energy Regulatory Commission (BERC) Act (2003)

The **BERC Act of 2003** established an independent body to oversee the energy market. It aimed to ensure competitiveness, transparency, and affordability.

- **Tariff Setting:** BERC determines tariffs through cost-of-service studies, balancing operational costs and consumer affordability.

- **Licensing and Regulation:** The commission regulates electricity providers and enforces compliance to promote efficiency and fairness.

- **Public Hearings:** BERC mandates stakeholder consultations for tariff adjustments and major policy changes.
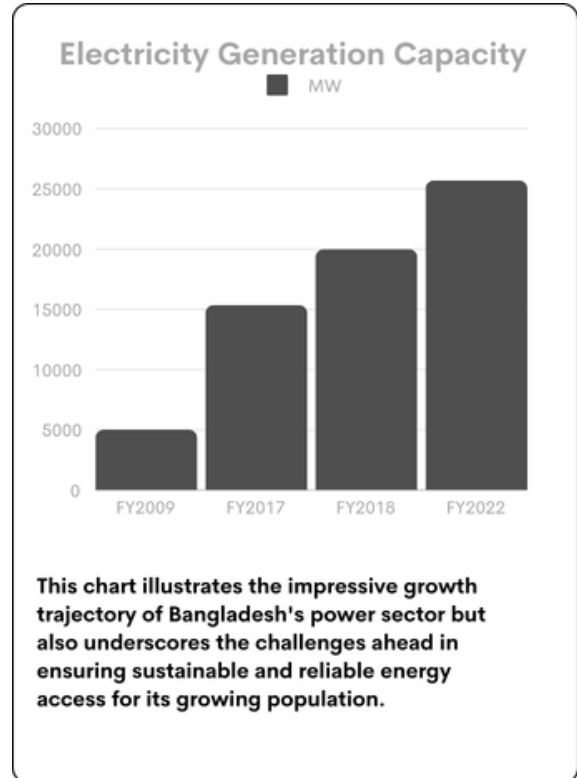
Amendments and Challenges

Recent amendments, particularly in **2020 and 2023**, undermined BERC's authority:

- The **2023 amendment** allows the government to adjust tariffs without public hearings, bypassing the regulatory framework and reducing transparency.

- Arbitrary pricing changes have discouraged local and foreign investors.

Recommendations:

- Repeal the 2023 amendment to restore BERC's oversight and public hearing mechanisms.

- Strengthen BERC's role to ensure tariff-setting transparency and boost investor confidence.

Electricity Generation Capacity
■ MW

This chart illustrates the impressive growth trajectory of Bangladesh's power sector but also underscores the challenges ahead in ensuring sustainable and reliable energy access for its growing population.

2.3 The Public Procurement Act (2006)

This act governs procurement processes, ensuring transparency and accountability in awarding public contracts, including energy-related projects.

- **Competitive Bidding:** Mandates open bidding to minimize corruption and promote cost-efficiency.

- **Transparency Requirements:** Requires public disclosure of procurement plans and outcomes.

- **Dispute Resolution:** Provides frameworks for addressing grievances related to procurement.

However, amendments to energy laws have frequently bypassed the act's provisions, enabling non-transparent contracting practices.

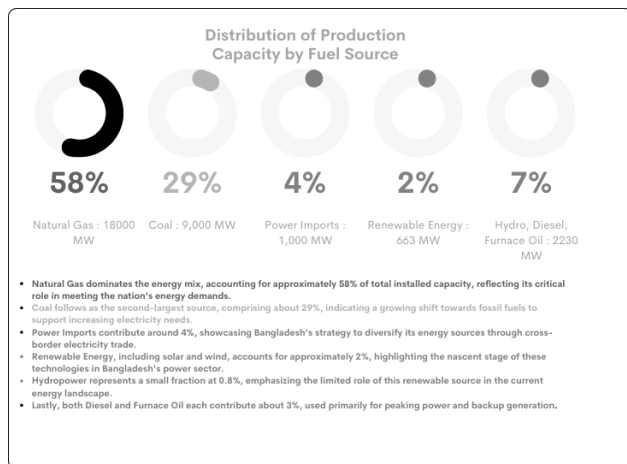### 2.4 Quick Enhancement of Electricity and Energy Supply (Special Provisions) Act, 2010

Originally intended as a temporary measure to address energy shortages, this act has been repeatedly

extended, enabling inefficiencies and lack of accountability.

- **Indemnity for Power Producers:** Shields IPPs from legal challenges, reducing accountability for underperformance.
- **Absence of Competitive Bidding:** Allows direct negotiations, leading to inflated contracts and inefficiency.
- **Financial Burden:** High capacity payments under the act have resulted in unsustainable subsidies, costing taxpayers **$8.54 billion since FY2010-11**.

Recommendations:

- Immediate repeal of the act and reinstatement of competitive bidding under the Public Procurement Act.
- Introduce accountability mechanisms to prevent misuse of public funds.

Distribution of Production Capacity by Fuel Source

58% — Natural Gas : 18000 MW
29% — Coal : 9,000 MW
4% — Power Imports : 1,000 MW
2% — Renewable Energy : 663 MW
7% — Hydro, Diesel, Furnace Oil : 2230 MW

- Natural Gas dominates the energy mix, accounting for approximately 58% of total installed capacity, reflecting its critical role in meeting the nation's energy demands.
- Coal follows as the second-largest source, comprising about 29%, indicating a growing shift towards fossil fuels to support increasing electricity needs.
- Power Imports contribute around 4%, showcasing Bangladesh's strategy to diversify its energy sources through cross-border electricity trade.
- Renewable Energy, including solar and wind, accounts for approximately 2%, highlighting the nascent stage of these technologies in Bangladesh's power sector.
- Hydropower represents a small fraction at 0.8%, emphasizing the limited role of this renewable source in the current energy landscape.
- Lastly, both Diesel and Furnace Oil each contribute about 3%, used primarily for peaking power and backup generation.

2.5 Integrated Energy and Power Master Plan (IEPMP)

Approved in November 2023, the IEPMP has faced criticism for promoting fossil fuels and lacking a clear renewable energy roadmap.

- **Faulty Demand Forecasting:** Uses outdated models, resulting in overestimated demand.
- **Promotion of Fossil Fuels:** Prioritizes coal and LNG over renewable energy, with no clear phase-out plan for fossil fuel-based plants.
- **Ambiguity in Renewable Definitions:** Includes technologies like carbon capture, criticized as "false solutions."
- **No Renewable Energy Targets:** Fails to outline milestones for achieving 40% renewable energy by 2041.

Recommendations:

- Adopt advanced forecasting models like the **Vector Error Correction Model (VECM)**.

- Prioritize renewable energy investments and set clear milestones for phasing out fossil fuels.

2.6 Mujib Climate Prosperity Plan (MCPP)

Introduced in 2022, the MCPP is a forward-looking strategy aligning with the Paris Agreement.

- **Renewable Energy Targets:** Aims for **30% by 2030** and **40% by 2041** renewable energy in the energy mix.
- **Key Projects:** Proposes the **Bay of Bengal Independence Giga Wind Array** to generate 4 GW of wind energy.
- **Grid Modernization:** Focuses on energy storage and integrating renewable energy into the grid.

Challenges:

- Overestimated economic growth projections (GDP at 9% by 2030) undermine realistic planning.
- Limited concrete actions and investments to achieve renewable energy goals.

Recommendations:

- Revise GDP projections to reflect realistic figures.
- Increase funding and private sector incentives for renewable energy projects.

2.7 Bangladesh's Nationally Determined Contributions (NDCs)

As part of its Paris Agreement commitments, Bangladesh has outlined emission reduction strategies.

- **Strengths:**
  - Sets ambitious targets for energy and transport sectors.
  - Aligns with national development goals like the MCPP.
  - Includes accountability mechanisms for progress tracking.
- **Gaps:**
  - Lacks long-term net-zero emission strategies.
  - No comprehensive **Just Transition** plan to support affected workers and communities.
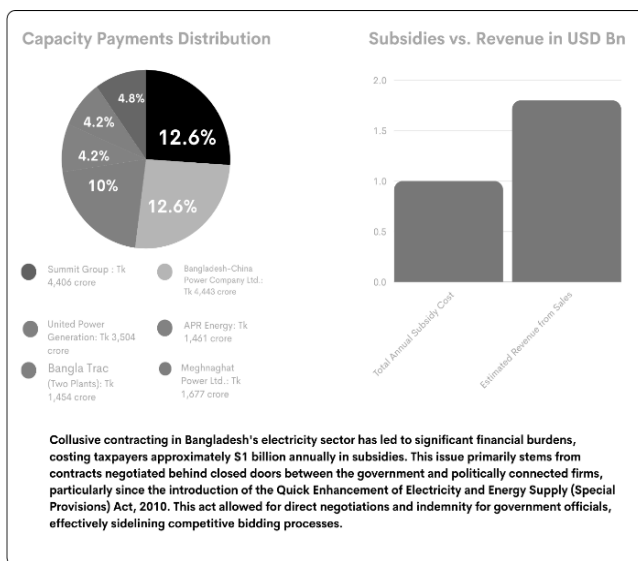
Recommendations:

- Develop a sector-specific roadmap for net-zero emissions by 2050.
- Establish a Just Transition Network to ensure social equity.

2.8 Perspective Plan of Bangladesh (2021–2041)

This plan outlines the country's long-term development vision but overestimates demand and fails to prioritize renewables.

- **Objectives:**
    - Targets **56,734 MW grid-based capacity by 2041**, far exceeding realistic demand projections.
    - Promotes private sector participation to **60% by 2041**.
- **Challenges:**
    - Current losses at BPDB exceed **Tk 11,765 crore (FY2022-23)**.
    - T&D losses remain high despite targeted reductions.

Collusive contracting in Bangladesh's electricity sector has led to significant financial burdens, costing taxpayers approximately $1 billion annually in subsidies. This issue primarily stems from contracts negotiated behind closed doors between the government and politically connected firms, particularly since the introduction of the Quick Enhancement of Electricity and Energy Supply (Special Provisions) Act, 2010. This act allowed for direct negotiations and indemnity for government officials, effectively sidelining competitive bidding processes.

Recommendations:

- Revise demand forecasts using accurate models.
- Focus investments on renewables and efficiency improvements.

2.9 Renewable Energy Policy (Draft) 2022

The draft aims to modernize Bangladesh's energy policy with a sustainability focus.

- **Vision Shift:** Targets **40% renewable energy by 2041**.
- **Incentives:** Introduces VAT waivers and Renewable Energy Certificates (REC).
- **Regulatory Mechanisms:** Implements Feed-in Tariff (FiT) systems and auction guidelines for energy diversification.

Recommendations:

- Finalize and implement the draft policy with clear accountability and monitoring mechanisms.
- Expand fiscal incentives for renewable energy adoption.

Bangladesh's power sector legislation is at a crossroads. While existing laws provide a foundation, critical amendments and focused reforms are needed to ensure transparency, sustainability, and efficiency. By addressing regulatory gaps and promoting renewable energy, the sector can meet growing demands while safeguarding the environment and public finances.

3. Administrative Authorities
3.1 The Sustainable and Renewable Energy Development Authority (SREDA)

SREDA plays a pivotal role in Bangladesh's renewable energy transition. However, institutional and operational constraints hinder its full potential. Below are key aspects of SREDA's functions and recommended reforms:

1. **Institutional Capacity**
    - SREDA lacks sufficient authority and manpower to effectively lead the renewable energy transition.
    - Currently, the Bangladesh Power Development Board (BPDB) wields more influence over renewable energy project decisions.
    - **Proposed Reform:** Grant SREDA greater autonomy and adequate funding to independently manage renewable energy initiatives.

2. **Licensing Authority**
    - SREDA is limited to licensing small-scale renewable power plants (under 10 MW), with licensing for larger projects managed by the Prime Minister's Office (PMO).
    - **Proposed Reform:** Transfer licensing responsibilities for all renewable energy plants to SREDA to centralize authority and streamline processes.

3. **Lack of Specialization**
    - The absence of dedicated wings for specific renewable energy types (e.g., solar, wind, hydro) hampers efficient execution of projects.
    - **Proposed Reform:** Establish specialized departments within SREDA for various renewable energy sectors, modeled on successful international practices.

4. **Skilled Personnel**
    - SREDA faces a shortage of personnel with expertise in renewable energy technologies.
    - **Proposed Reform:** Recruit designated experts and implement regular training programs to strengthen institutional capacity for the energy transition.

5. **Transparency and Public Awareness**
    - SREDA has not consistently disclosed renewable energy resource assessments, a critical element for attracting investment.
    - Public awareness campaigns promoting renewable energy remain insufficient.
    - **Proposed Reform:** Enhance transparency by publishing resource assessments and conducting targeted campaigns to build public and investor confidence.

SREDA requires institutional restructuring, expanded autonomy, increased funding, and a skilled workforce to effectively lead Bangladesh's renewable energy transition.

3.2 The Bangladesh Energy Regulatory Commission (BERC)

BERC, established to regulate the energy sector, has faced significant institutional erosion due to recent amendments. Key issues and reforms are outlined below:
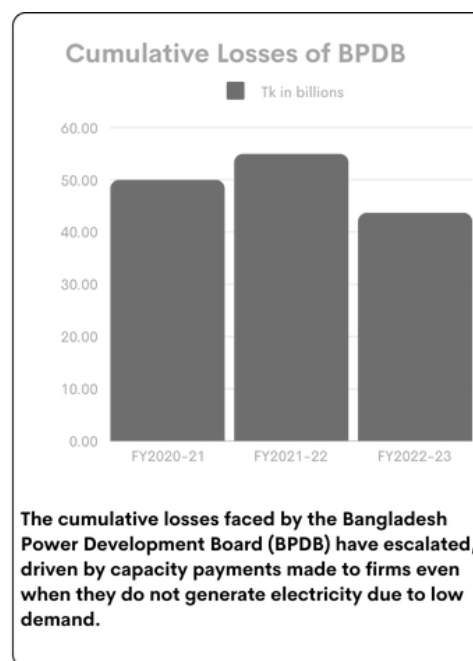
1. **Loss of Institutional Power**
    - The 2023 amendment to the BERC Act stripped the commission of essential functions, including energy audits, equipment standardization, and oversight of competitive bidding.

    - **Proposed Reform:** Reinstate these powers to strengthen BERC's influence and regulatory effectiveness.

2. **Tariff and Pricing**
    - Tariff-setting authority has shifted to the government, bypassing public hearings previously mandated by BERC.
    - Frequent, non-transparent price changes have deterred foreign investors and drawn public criticism.
    - **Proposed Reform:** Restore BERC's authority to oversee pricing mechanisms and reintroduce public hearings to ensure transparency.

Cumulative Losses of BPDB

The cumulative losses faced by the Bangladesh Power Development Board (BPDB) have escalated, driven by capacity payments made to firms even when they do not generate electricity due to low demand.

3. **Licensing Authority**
    - BERC's licensing role in power generation, transmission, and distribution has been diminished, reducing competition in the energy market.
    - **Proposed Reform:** Re-establish BERC's licensing authority to promote fair market practices and competition.

4. **Establishment of a Complaint Cell**
    - **Proposed Reform:** Create a dedicated complaint cell within BERC to address consumer grievances and improve accountability.

Restoring BERC's authority and transparency mechanisms is essential for fair regulation and market confidence in Bangladesh's energy sector.

3.3 The Bangladesh Petroleum Corporation (BPC)

The BPC is critical for managing petroleum resources but faces operational inefficiencies and transparency issues. Key challenges and reforms include:

1. **Manpower Deficiency at the Dhaka Office**
   - The Dhaka liaison office lacks adequate staffing, leading to communication and data accessibility issues.
   - **Proposed Reform:** Increase manpower to improve operational efficiency and communication.

2. **Chairman's Presence in Both Offices**
   - The chairman primarily operates from the Chattogram office, limiting interactions with the Dhaka office.
   - **Proposed Reform:** Implement a fixed schedule to ensure equal presence at both offices throughout the year.

3. **Transparency in Pricing Mechanism**
   - BPC's pricing structure includes hidden charges, such as a 3–5% margin on imported fuels and a buffer price of BDT 10 per liter.
   - **Proposed Reform:** Disclose the pricing methodology and ensure all charges are justified and transparent.

4. **Analytical Wing Transparency**
   - The analytical wing does not make fuel pricing data publicly accessible, reducing trust in BPC's operations.
   - **Proposed Reform:** Publish comprehensive data on fuel pricing and calculations to enhance accountability.

Reforming BPC's operations should focus on transparency, enhanced staffing, and the public availability of critical data to rebuild trust and efficiency.

By addressing these reforms, SREDA, BERC, and BPC can play transformative roles in creating a transparent, sustainable, and competitive energy sector in Bangladesh.

4. Reformation in Administration and Operations

Operational reforms in the power and energy sector, as outlined in the attached document, aim to address inefficiencies, enhance transparency, and promote a transition to renewable energy. Key recommendations include:

1. **Public Procurement**

   The **Quick Enhancement of Electricity and Energy Supply (Special Provision) Act, 2010** should be replaced with the **Public Procurement Act, 2006**, and the **Public Procurement Rules, 2008**. This change will ensure competitive bidding, transparency, and efficiency in contract awards within the power sector.
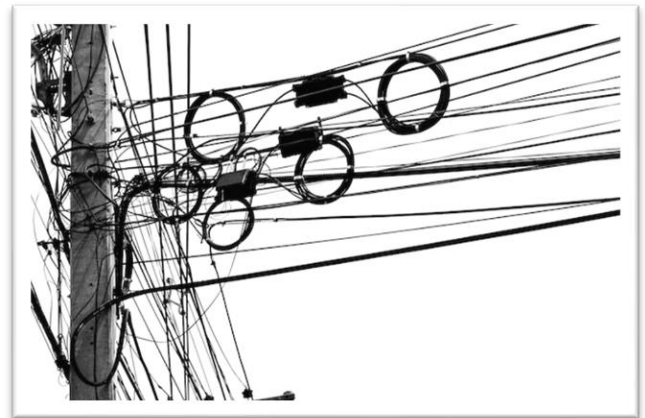
2. **Capacity Rationalization**

   Phasing out inefficient and expensive power plants, including those under **Quick Rental Power Plants (QRPP)** and **Independent Power Producers (IPPs)** with low efficiency and high costs, is essential. This measure will help reduce overcapacity and improve operational efficiency.

3. **Reinstating BERC's Institutional Power**

   The authority of the **Bangladesh Energy Regulatory Commission (BERC)**, weakened by amendments to the BERC Act, must be reinstated. Strengthening BERC is critical for ensuring transparency and accountability in tariff setting and energy pricing.

4. **Withdrawal of Subsidy and Capacity Payments**

   The government should stop making capacity payments to power plants that are not operational. Replacing these payments with a **"no electricity, no pay"** policy would significantly reduce the financial burden on the national budget.

5. **Market-Based Pricing**

   Revisiting the **IMF's conditions on market-based pricing formulas** is necessary to develop a more transparent and fair pricing mechanism, particularly for petroleum products.

6. **Renewable Energy Promotion**

   Greater emphasis should be placed on scaling up renewable energy projects. The government should enhance fiscal incentives and implement policies that favor renewable energy-based power generation, including solar and wind projects.

7. **Addressing Faulty Prepaid Meters**

   Ongoing issues with prepaid electricity meters, such as overbilling and customer dissatisfaction, should be investigated and resolved to ensure accurate and reliable billing practices.

These operational reforms are designed to modernize Bangladesh's power and energy sector, promote efficiency, reduce financial burdens, and facilitate the transition to renewable energy. Implementing these measures will ensure a more sustainable, transparent, and economically viable energy infrastructure for the future.

5. Collusive Contracts and Contractual Obligations

Collusive contracting has become a critical issue in Bangladesh's electricity sector, resulting in inflated power prices and significant financial burdens on the government. These practices often involve agreements between politically connected firms and government entities, bypassing competitive bidding processes to favor a select few at the expense of broader public interest.

A study conducted by researchers from **SOAS University of London** and the **BRAC Institute of Governance and Development (BIGD)** highlights the severity of the issue. Collusive contracts with private power plants cost Bangladeshi taxpayers up to $1 billion annually in subsidies. The study, titled *"De-risking Private Power in Bangladesh,"* emphasizes that politically connected investors dominate bidding processes, inflating electricity generation costs.

The government's approach to attracting private investment has relied on a "targeted risk absorption strategy," guaranteeing quick returns for investors through lucrative electricity prices and subsidies. The **Quick Enhancement of Electricity and Energy Supply (Special Provisions) Act, 2010**, legitimized these practices by allowing direct negotiations with investors, sidelining competitive bidding. Originally intended as a temporary measure, the act has been renewed multiple times, facilitating collusion and favoritism within the sector (Orphal, 2022; Khan et al., 2020).

5.1 Impact of Politically Connected Firms

The dominance of politically connected firms exacerbates transparency and fairness issues. Such firms often secure contracts through unsolicited bids and closed-door negotiations, excluding competitors without political influence. This lack of competition discourages other potential investors, skewing the market in favor of politically tied firms.

For instance, **Summit Group**, owned by Aziz Khan—a senior member of the ruling **Awami League**—has disproportionately benefited from capacity charges. Between July 2019 and March 2022, Summit Group received 12.57% of total capacity charges paid to approximately 50 power plants in Bangladesh. Such preferential treatment perpetuates inefficiencies, where higher-cost plants are prioritized for fuel supply and dispatch orders (Shatil, 2022).
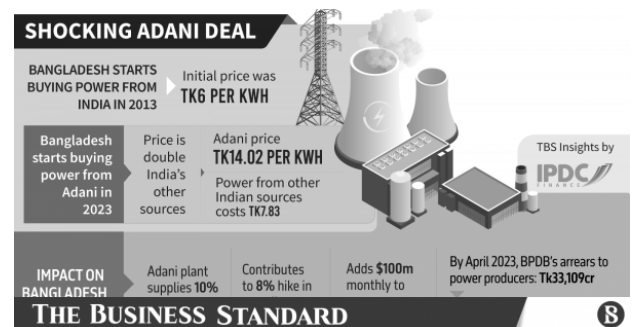
5.2 Financial Consequences

The financial impact of collusive contracting is profound. The **Bangladesh Power Development Board (BPDB)** purchases electricity from private producers at rates significantly higher than consumer prices. For example, BPDB's average purchase price from private producers is **BDT 9.30/kWh**, while retail prices range between **BDT 3.75 and BDT 11.46/kWh**. This pricing disparity has created deficits requiring heavy taxpayer-funded subsidies.

BPDB's cumulative losses have increased dramatically over the years, with projections estimating losses could reach **Tk 18,000 crore** (approximately $1.6 billion) by FY2024-25 due to flawed government policies and rising energy costs. The reliance on high-cost plants and collusive contracts undermines the financial sustainability of the entire power sector (Shatil, 2022).

5.3 Contractual Obligations

A review of existing contracts with local and foreign entities reveals critical concerns regarding terms, compliance, and dispute resolution mechanisms.

Terms and Conditions

Contracts with **Independent Power Producers (IPPs)**, including foreign players like **Adani Power**, often include clauses that exacerbate financial strain:

- **Capacity Payments:** Many agreements guarantee payments to IPPs regardless of whether electricity is generated. These payments strain state-owned enterprises like BPDB.

- **Tariff Structures:** Contractual provisions define tariffs and allow adjustments over time. Tariffs for foreign producers are often significantly higher than those for domestic producers (Tetra Tech ES, Inc., 2021).
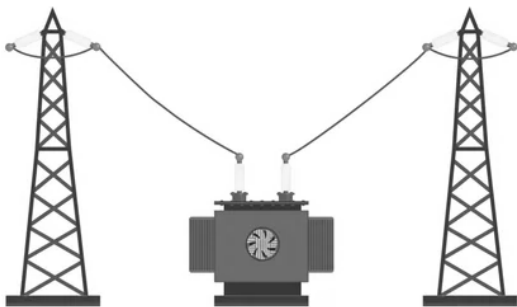
Compliance with National Laws

All contracts must adhere to Bangladesh's national energy laws, ensuring compliance with:

- **Environmental Regulations:** Projects must meet the environmental standards set by national legislation.

- **Regulatory Approvals:** Regulatory bodies such as **BERC** must approve contracts before implementation.

Non-compliance with these requirements can lead to legal disputes or penalties (Bangladesh Electricity Authority, 1910; Tamim, 2024).

Addressing collusive contracting and enhancing compliance with national laws are crucial to restoring transparency and financial sustainability in Bangladesh's power sector. Reforms must prioritize competitive bidding, rigorous enforcement of environmental and regulatory standards, and the elimination of preferential treatment for politically connected firms.

6. Financial Assessment

6.1 Operational Costs vs. Revenue Generation

The financial structure of Bangladesh's power sector reveals a significant disparity between operational costs and revenue generation. This imbalance is primarily due to the reliance on capacity payments and inefficiencies within many power plants.

Operational Costs:

Operational costs in Bangladesh's power plants are influenced by factors such as fuel prices, maintenance expenses, and the plants' efficiency levels. Many **Independent Power Producers (IPPs)** operate under contracts that guarantee capacity payments irrespective of actual electricity generation, leading to inefficiencies and financial wastage.

- For example, the **APR Energy diesel-fired power plant** received **Tk 1,461 crore** in capacity payments between 2019 and 2022, despite operating at a mere **3% load factor** during FY2020-21. This indicates significant financial allocation to plants with minimal output.

- Similarly, **Summit Group** and **Bangladesh-China Power Company Ltd** received substantial payments of **Tk 4,406 crore** and **Tk 4,443 crore**, respectively, despite varying utilization rates (Moazzem & Preoty, 2023).

Revenue Generation:

The revenue generated from electricity sales often fails to cover operational costs, primarily due to the high-capacity payments. The **Bangladesh Power Development Board (BPDB)** purchases electricity from IPPs at an average cost of **BDT 9.30 per kWh**, whereas retail consumer prices range between **BDT 3.75 and BDT 11.46 per kWh**. This pricing disparity has led to significant financial deficits for BPDB (Prothom Alo English Desk, 2023).

- Over the past 12 years, BPDB reported cumulative losses exceeding **Tk 105,419 crore**, with further losses projected in subsequent fiscal years.

- The reliance on costly IPPs continues to exacerbate the issue, as many plants receive payments even when they do not produce electricity (Moazzem & Preoty, 2023).
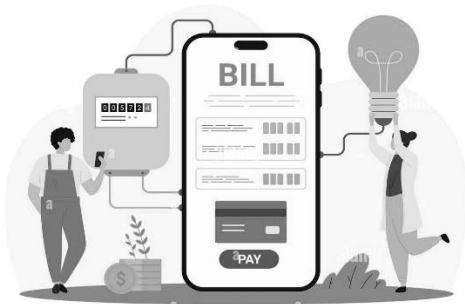
6.2 Capacity Payments and Subsidies

Capacity payments, a central feature of Bangladesh's power sector, have come under heavy criticism for their financial impact and inefficiency.

Capacity Payments:

These payments are made by BPDB to ensure power producers maintain their generation capacity, regardless of actual electricity production. Over the past 14 years, BPDB has paid approximately **Tk 90,000 crore** in capacity charges to private power plants, a practice many describe as a "model for looting" (Moazzem & Preoty, 2023; TBS, 2024).

- Capacity payments accounted for about **81% of total subsidies** in the power sector as of FY2023-24.

- Subsidies for the sector have surged from **Tk 5,600 crore** in FY2017-18 to an estimated **Tk 32,000 crore** in the current fiscal year (Islam, 2022).

Subsidy Burden:

The burden of capacity payments translates into significant subsidies funded by taxpayers. The commitment to pay capacity charges irrespective of electricity generation leads to:

1. Operational inefficiencies.
2. Drainage of public resources that could otherwise support critical sectors like education and healthcare.

Further complicating the financial situation, some IPPs have contracts that mandate payments in **foreign currency**, exposing BPDB to currency fluctuations and exacerbating losses. The **Speedy Supply of Power and Energy (Special Provisions) Act, 2010**, which indemnifies power producers from legal challenges related to their contracts, has further entrenched inefficiency and lack of accountability in the sector (Moazzem & Preoty, 2023).

6.3 Recommendations

To address these financial challenges, reforms are essential:

1. **Phasing out capacity payments** for non-operational plants by transitioning to a "no electricity, no payment" model.

2. **Enhancing financial transparency** by regularly publishing subsidy breakdowns and capacity payment reports.

3. **Renegotiating contracts** with IPPs to align payments with actual power generation.

4. **Strengthening BPDB's financial oversight** to ensure sustainable pricing mechanisms and resource allocation.

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7. Unscrupulous Role of 'Big Players'
7.1 Summit Group's Role

Summit Group, one of the largest private power producers in Bangladesh, has been a substantial beneficiary of capacity payments. The group's operations and financial dealings exemplify the systemic issues in the power sector, particularly concerning capacity payments, operational inefficiencies, and political influence.

Financial Impact

Between **July 2019 and March 2022**, Summit received approximately **Tk 4,406 crore** in capacity charges, accounting for **12.57%** of the total capacity payments made to private producers during this period. This highlights the disproportionate share directed toward politically connected firms.

- In **FY22**, Summit Power Limited (SPL) reported total revenue of **Tk 53 billion**, with only **3%** coming from three specific plants operating under the "No Electricity, No Payment" policy. The remaining revenue came largely from guaranteed payments rather than electricity sales, raising sustainability concerns (Sumon, 2022).

Operational Inefficiencies

Summit's plants frequently operate at low load factors due to fuel shortages and operational constraints.

- One plant reported an average load factor of **0.8%** but continued to receive substantial monthly payments. Such inefficiencies inflate energy costs without delivering proportional benefits to the grid.

Political Connections

Summit's ownership by **Aziz Khan**, whose family has strong ties to the ruling **Awami League**, has fueled allegations of preferential treatment in contract negotiations. These favorable terms have perpetuated a system of collusion and public fund misuse (Sumon, 2022; Fardaus, 2024).

Capacity Payments and Financial Sustainability

The reliance on capacity payments rather than actual electricity sales impacts both Summit and the
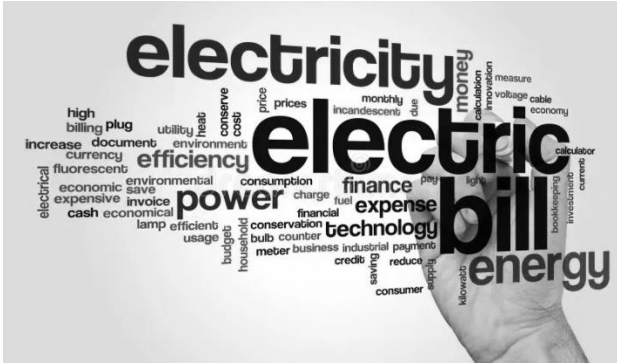
Bangladesh Power Development Board (BPDB):

- **BPDB's cumulative losses in FY22** exceeded **Tk 299 billion**, driven in part by high capacity payments made to IPPs like Summit.
- Summit's net profit in FY22 declined by **20.1%**, to **Tk 673 crore**, due to rising operational costs, reduced plant utilization, and higher provisions for bad debts (Prothom Alo English Desk, 2023; Sumon, 2022).

Future Outlook

Summit has expressed intentions to diversify its portfolio by investing in **renewable energy projects**, aiming to reduce dependence on costly fossil fuels and enhance long-term sustainability (Summit Power Limited, 2024).

7.2 Adani Group's Role

The **Adani Group** has become a major player in Bangladesh's power sector through its **Godda coal power plant** in India. Operational since April 2023, the plant supplies electricity under a **long-term power purchase agreement (PPA)** signed in 2017. However, the deal has drawn significant criticism for its pricing and contract terms.

Electricity Supply and Pricing

Adani's Godda plant supplies approximately **10%** of Bangladesh's total electricity demand but at a high cost:

- Electricity from the plant costs **Tk 14.02 per kWh**, which is **27% higher** than rates from other Indian private producers and much higher than state-owned plants.

- Over the past five years, the average electricity cost in Bangladesh has risen from **Tk 5.91** to **Tk 11.03** per unit, partly due to the Adani deal (Gupta & Khan, 2024).

Unfair Contract Terms

The Adani PPA includes terms that disproportionately favor the Indian conglomerate:

- **Capacity Charges:** Bangladesh pays for maintaining generation capacity regardless of whether electricity is produced.
- **Coal Price Adjustments:** Adani can adjust electricity prices based on fluctuations in coal prices, exposing Bangladesh to unpredictable cost increases.
- **High Penalty Rates:** Delayed payments incur **15% annual interest**, significantly higher than similar contracts with other producers (Mohiuddin, 2024).

Debt Accumulation and Payment Issues

As of late 2024, Bangladesh owes Adani approximately **$800 million**. Adani has warned that continued payment delays could disrupt power supply reliability. This debt underscores the financial strain imposed by the deal (Taiyeb, 2024).

Political and Economic Context

The deal has faced increased scrutiny amid political instability in Bangladesh. The interim government, led by **Nobel laureate Muhammad Yunus**, is reviewing contracts signed by the previous administration, including Adani's PPA. Critics call for renegotiating such agreements to align with national interests and ensure equitable terms (Moazzem et al., 2024).

Impact on Energy Strategy

The reliance on costly imports from Adani contrasts with Bangladesh's goals of transitioning to renewable energy.

- High costs associated with the Adani deal could hinder efforts to diversify energy sources and achieve a **40% renewable energy target by 2041** (Gupta & Khan, 2024).

Both **Summit Group** and **Adani Group** exemplify the challenges in Bangladesh's power sector, including dependency on capacity payments, inefficient contracts, and political influence. Addressing these issues requires:

1. Phasing out guaranteed payments for underutilized plants.
2. Renegotiating unfavorable contracts with foreign and domestic producers.
3. Accelerating investment in renewable energy projects to reduce dependence on fossil fuels and costly imports.

These measures are essential for ensuring financial sustainability, fair market practices, and a transition toward a more efficient and environmentally responsible energy sector.

8. Solutions for Reform
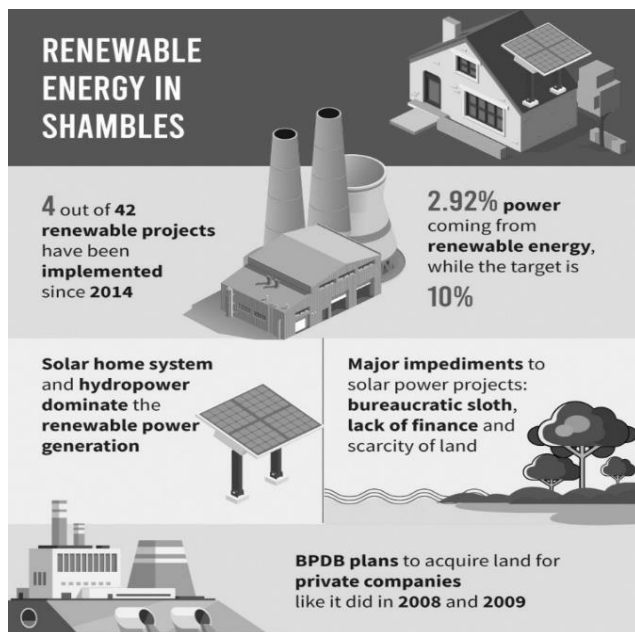
8.1 Reforming Capacity Payment Structures

- **"No Electricity, No Payment" Policy:** Transition existing and future Independent Power Producer (IPP) contracts to a model where payments are tied to actual electricity generation, eliminating guaranteed payments for idle plants.

- **Renegotiating Power Purchase Agreements (PPAs):** Review and revise contracts to reduce or remove non-performance-based capacity payments.

8.2 Enhancing Regulatory Oversight

- **Strengthen BERC's Independence:** Reinstate the authority of the **Bangladesh Energy Regulatory Commission (BERC)** to set tariffs, oversee competitive bidding, and enforce transparency in pricing.

- **Public Hearings:** Reinstitute public hearings for all tariff adjustments to ensure transparency and stakeholder engagement.

8.3 Implementing Competitive Bidding Processes

- **Mandatory Bidding:** Require competitive bidding for all new power generation projects to ensure efficiency and cost-effectiveness.

- **Amend the Speedy Supply Act:** Eliminate provisions in the **Quick Enhancement of Electricity and Energy Supply (Special Provisions) Act, 2010**, that allow direct negotiations without open competition.

8.4 Promoting Renewable Energy Investments

- **Ambitious Targets:** Set a renewable energy target of 30% by 2030 and 40% by 2041.

- **Private Sector Incentives:** Provide tax exemptions, VAT waivers, and fiscal incentives for investments in solar, wind, and other renewable technologies.

- **Pilot Projects:** Launch pilot studies for innovative renewable technologies, such as floating solar panels and offshore wind farms.

8.5 Addressing Collusive Contracting Practices

- **Audits and Investigations:** Conduct independent audits of existing IPP contracts to identify and address collusion or favoritism.

- **Strict Penalties:** Develop guidelines to penalize companies involved in collusive practices.

8.6 Rationalizing Subsidies

- **Targeted Assistance:** Gradually phase out blanket subsidies while introducing targeted support for low-income households.

- **Clear Subsidy Policy:** Align subsidies with fiscal sustainability and incentivize efficient energy use.

8.7 Improving Infrastructure Efficiency

- **Reduce System Losses:** Modernize transmission and distribution networks to reduce system losses, currently at 8.9%.

- **Smart Grids:** Introduce advanced metering and smart grid technologies to enhance monitoring and efficiency.

8.8 Strengthening Legal Frameworks

- **Contractual Clarity:** Review energy laws to improve clarity on obligations, compliance, and dispute resolution.

- **Alignment with National Interests:** Ensure all foreign contracts comply with national laws and prioritize long-term economic and social benefits.

8.9 Enhancing Public Awareness and Engagement

- **Energy Conservation Campaigns:** Educate citizens on energy-saving practices and the importance of transitioning to renewable sources.

- **Community Involvement:** Involve local communities in energy planning to address their specific needs and concerns.

8.10 Financial Health of BPDB

- **Debt Management Plan:** Establish a recovery plan for the **Bangladesh Power Development Board (BPDB)** focusing on reducing subsidies, managing debt, and improving operational efficiency.

- **Transparency:** Regularly publish financial performance reports to enhance accountability.

8.11 International Legal and Energy Cooperation

- **Review Contracts:** Engage international legal experts to assess contracts with IPPs like Adani Power for fairness and explore arbitration for disputes.

- **Regional Energy Trade:** Strengthen energy trade with neighbors like India, Nepal, and Bhutan for hydropower and clean energy imports.

8.12 Modernizing Grid Infrastructure

- **Smart Grid Initiatives:** Invest in upgrading the grid for renewable energy integration.

- **Gas Exploration:** Prioritize domestic gas exploration in areas like Jokiganj and Bhola to reduce reliance on imported LNG.

8.13 Addressing Current Issues with Immediate Actions

- **National Committee on Fuel Imports:** Form a committee of energy experts to ensure

transparency and investigate irregularities in gas procurement.

- **Adjust Working Hours:** Shift office hours to cooler parts of the day (e.g., 7 a.m.) to reduce air conditioning use and save energy.

- **Work-from-Home Days:** Introduce remote work at least once a week for government and private institutions to decrease electricity usage.

- **Expand Gas Fields:** Increase production from fields like Jokiganj and Shahabajpur to reduce reliance on imported LNG.

- **Energy Diplomacy:** Strengthen partnerships with Middle Eastern countries for favorable LNG contracts and explore coal imports from Indonesia and Australia.

- **Shut Down Inefficient Plants:** Phase out rental and quick rental plants to eliminate capacity payments, saving **Tk 54,000 crore** over three years.

- **Expand Renewable Energy Use:** Utilize fallow lands and coastal areas for solar and wind farms. Promote rooftop solar installations on industrial buildings and residential complexes.

- **Oil Rationing in Transport:** Introduce a rationing system for fuel in the transport sector to mitigate shortages and reduce unnecessary consumption.

8.14 Long-term Solutions

1. **White Paper on Corruption:** Publish a detailed report exposing corruption and inefficiencies in the energy sector, including specific cases of misuse of funds and flawed contracts.

2. **Eliminate Overcapacity:** Close idle power plants and halt unnecessary capacity payments, which waste resources and inflate costs.

3. **Self-reliant Energy Policy:** Increase exploratory activities for domestic gas and coal resources to reduce dependence on imports.

4. **Biomass as an Alternative:** Promote biomass for energy production, leveraging agricultural by-products.

5. **Solar Highways:** Explore innovative solar energy solutions, such as covering highways with solar panels, to address land scarcity for solar projects.

By implementing these comprehensive solutions, Bangladesh can transition to a more transparent, efficient, and sustainable energy system that meets growing demands while fostering economic growth and environmental sustainability.

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