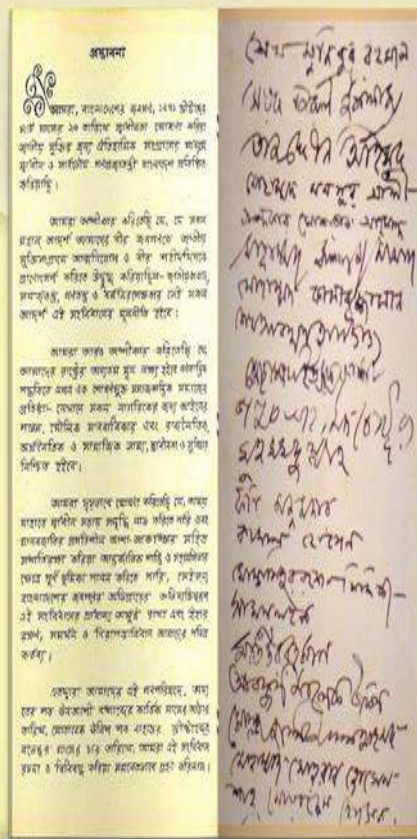


# Celebrating the Constitution Day

## “Revisiting the Historical Journey of the Constitution of Bangladesh”



**Bangladesh Institute of Law and International Affairs (BILIA)**

*The First Think Tank Organisation of Bangladesh*

## Event Report

### **BILIA Seminar in Celebration of the Constitution Day** **“REVISITING THE HISTORICAL JOURNEY OF THE** **CONSTITUTION OF BANGLADESH”**

In celebration of the 50th anniversary of the adoption of the Constitution of Bangladesh, The First Think of the Country, Bangladesh Institute of Law and International Affairs (BILIA) organised a seminar titled, “**Revisiting the Historical Journey of the Constitution of Bangladesh**”. The seminar was held on November 05, 2022 (Saturday), at BILIA Auditorium at 10:30 AM.



**Mr. Anisul Huq**, MP, Hon'ble Minister, Ministry of Law, Justice and Parliamentary Affairs graced the event as the Chief Guest.

**Barrister M. Amir-Ul Islam**, Chairman, BILIA, presided over the seminar.

**Mr. Justice A.H.M. Shamsuddin Chowdhury**, Former Judge, Appellate Division, Supreme Court of Bangladesh and the Life Member & EC Member, BILIA, was the distinguished discussant of the event. While, **Mr. Sheikh Hafizur Rahman Karzon**, Professor, Department of Law, University of Dhaka, was present as the designated discussant.

The welcome speech of the event was delivered by **Professor Dr. Mizanur Rahman**, Director, BILIA.

### Welcome Address:



At the beginning of his welcome speech, **Professor Dr. Mizanur Rahman** thanked all the distinguished guests and participants for joining the seminar. He also conveyed his sincere gratitude to the government for declaring 4 November as the “National Constitution Day”. Dr. Rahman in his discussion stated that, throughout the fifty years since its adoption, the Constitution of Bangladesh has undergone many amendments. Consequently, it could not retain its original spirit on the basis of which it was drafted after the nine months long arduous struggle for independence. He further stated, Bangabandhu’s Sonar Bangla, i.e. a socialist, non-communal and exploitation free democratic society can be attained only through the comprehension of the spirit of the liberation struggle. “Any deviance from that spirit, as history has demonstrated, may impair the essence and true spirit of the Constitution”- he claimed. Questioning the rationality of the demand made by certain political activists and intellectuals for the restoration of the caretaker government system, Prof. Dr. Mizanur Rahman opined that the caretaker government system is unconstitutional not only because it was declared unconstitutional by the fifteenth amendment; but more because it is contradictory to the notion of representative democracy.

### Remarks by the Distinguished Discussant:





**Mr. Justice A.H.M. Shamsuddin Chowdhury** started his speech by highlighting some of the salient features of the Constitution of the People’s Republic of Bangladesh. “The framers of the Constitution were able to produce the Constitution within a remarkably short time under the direct guidance of the undisputed leader of the nation Bangabandhu Sheikh Mujibur Rahman”- he said. He added that the Constitution of Bangladesh is one of the well-written constitutions in the world. He further said that the Proclamation of Independence is the genesis of the 1972 Constitution that rationalized the constitutional basis of our liberation struggle and our country.

#### **Remarks by the Designated Discussants:**



**Prof. Sheikh Hafizur Rahman** started his discussion by bringing a few issues regarding the Fifth Amendment. He said that, the Fifth Amendment altered the fundamental principles of state policy, destroyed the secular character of the constitution and allowed politics based on religion. Besides, the changes replaced Bangalee nationalism with Bangladeshi nationalism, and provided political right to anti-liberation forces that resulted in an alarming growth of political parties and organisations based on religion. In his discussion, he proposed to form a high power commission to review or revisit the constitution. In the end of his remarks while talking about the necessity of including education as one of the fundamental rights in our Constitution, he suggested, Bangladesh can follow the example of countries like Ireland, India, and Switzerland where education is “free of charges”. He also opined that the “right to a safe environment” should be considered a fundamental right. Finally, he claimed that corruption can be controlled in the education and health sectors by introducing the provision of ombudsman in the said sectors.

### Remarks by the Chief Guest:



In his remarks as the Chief Guest of the seminar **Mr. Anisul Huq, MP**, pointed out some of the major historical events that played an essential part in the rise of Bangladesh as a nation state. Regarding reinstating the spirit of the 1972 constitution, he stated, the government is working to bring back the original essence of the 1972's Constitution. "The government will decide when and how it will be done in terms of reality"- he added. Mr. Huq also brought the context of the fifteenth and sixteenth amendments and said, "through the 15th amendment, we got back much of the original constitution of 1972". He further added, "We tried to get more things back through the 16th amendment, but it is currently a sub-judicial matter".

### Open Floor Discussion:



At the beginning of the open discussion segment, **Barrister Tania Amir**, Senior Advocate, Supreme Court of Bangladesh and Life Member & EC Member, BILIA, briefly discussed the salient features of the constitution of Bangladesh where she said that Bangladesh is the only country in the world which gave a constitution to itself; more specifically our constitution is an autochthonous constitution. Bangladesh is among the only few countries of the world that successfully exercised the right to self-determination, where the people are the owners of all powers of the republic. She also discussed a few matters regarding the basic structures of our Constitution. In this context, she recalled Bangabandhu's speech given in the Constituent

Assembly in 1972 and observed that Bangabandhu’s dream can only be fulfilled when the four basic principles of the constitution will be implemented in every sphere of our socio political life and engraved in people’s consciousness. She ended her speech mentioning that in 1972 when the constitution was promulgated, the name of Bangladesh was “People’s Democratic Bangladesh” but later on it becomes People’s Republic of Bangladesh. She requested the government through the Honorable Law Minister if it is possible to make changes in this regard.



In the open discussion session, Mahila Parishad Central Committee Vice-President, Ms. Rekha Chowdhury, eminent security expert Air Cdre (Retd) Ishfaq Ilahi Choudhury and renowned freedom fighter Rokeya Kabir also shared their thoughtful insights pertaining to the topic of the seminar.

#### Concluding Remarks by the Chair:



**Barrister Amir -Ul- Islam, Chairman BILIA** in his concluding speech, while addressing the significance of the Constitution day of Bangladesh, shared some of his invaluable experiences as one of the Constitution Drafting Committee members. In the end, he thanked BILIA for organizing such a seminar and all the guests present for their valuable insights.



**Notable Guests:**

In this seminar, among others, Ambassador Mr. Muhammad Zamir, Former Chief Information Commissioner of Bangladesh and Alternate President, BILIA, Mr. Shahriar Kabir, President, Ekattorer Ghatak Dalal Nirmul Committee, Md Mainul Kabir, Secretary, Legislative and Parliamentary Affairs Division, Ministry of Law Justice and Parliamentary affairs, Mr. Kazi Arifuzzaman, Joint Secretary, Legislative and Parliamentary Affairs Division, Ministry of Law, Justice & Parliamentary Affairs, Mr. Toufiq Islam Shatil, ndc, Director General (Americas), Ministry of Foreign Affairs, Government of Bangladesh, Mr. Mohammad Humayun Kabir, Principal Research Consultant, Empowerment through Law of the Common People (ELCOP) were also present.