Editor's Note

CONSTITUTION in a democracy is not cast-iron, immutable and frozen in cold prints closeted into the back shelf of a parliament secretariat or a law ministry office room, only to be occasionally dusted and pored into as a reference book. It is a document that is inherently living as the supreme law of the land, a repository from which all laws and rules governing a state flow and get applied in real life situations.

But the way our Constitution has been subverted and distorted over time, thanks to repeated usurpation of power and retrofitting engineering resorted to by the usurpers to stay above law, it has lost much of its original character and appeal to the people.

That a constitution in a democracy, originally howsoever perfected, would need to be amended from time to time would have been a natural thing to expect. And most democracies in the world have had amendments to their constitutions. But the word 'amendment' has almost a pejorative ring about it with us because most of these had not been in the nature of value addition to be enriching the constitution in any way but rather to subtract from it and undermine it. What is even worse, malcontent of expediency intruded into the text. More to the point, the changes tampered with the inherent character of the constitution made up of its basic principles of state as an express embodiment of the sovereign will of the people.

The authors of the vicious changeovers betrayed a fear psychosis for the law in the sense that one day it could catch on them; that is why the whole series of attempted legalisation of illegal measures and a quest for legitimacy through a so-called civilianisation process that left the electoral processes corrupt and decrepit. The effects of which we are yet to live down despite restoration of democracy since 1990.

In this backdrop, the HC's invalidation of the fifth and seventh amendments and the Supreme Court Appellate Division's upholding of the same with certain observations, to our mind, offers an opportunity to rid the Constitution of the malcontents through appropriate legislative measures. As the ramifications of the judgment are analysed and looked into by a 15-member parliamentary committee formed to bring necessary changes in the Constitution aimed at restoring the spirit of 1972 Constitution, we believe the debate over judicial 'overreach' versus the parliament's right to amend will have been resolved sooner than later. Perhaps the entire gamut of constitutional reform will be addressed as a matter of process.

FORUM

Editorial Board
Rehman Sobhan
Mahfuz Anam
Anisuzzaman
Hameeda Hossain
Matiur Rahman

Editor & Publisher
Mahfuz Anam

Forum Editor
Shah Husain Imam

Forum In Charge
Kajalie Shehreen Islam

Assistant Editor
Naushad Ahmed

Sub-Editor
Shayera Mouta

Photo Editor
Amirul Rajiv

Cover
Sadatuddin Ahmed

Graphics & Layout
Nuruzzaman Noor

Hasan Imam Shiplu

Md. Abul Hashem Mia

Advertisement Manager
Sher Ali

Circulation Manager
Abu Masud Bulbul

Production Manager
Selim S.K. Chowdhury

Published by the Editor from Transcraft Ltd, 229, Industrial Area.
52 Motijheel C.A Dhaka-1000. Phone: 812494, 955 8124966,
Email star.net