SS: The politics of Bangladesh can be divided into two eras -- pre-and post-1975 -- and the basic character of these was different. After the country's liberation and before 1975, the basis was secularism or non-communalism, as against Pakistan's two-nation theory. A country was born out of cultural nationalism as against religious nationalism. After 1975, we witnessed the induction of religion into politics. The basis of pre-1975 politics was democracy, post-1975, was autocracy. Pre-1975 politics consisted of pro-liberation forces, post-1975 saw the rehabilitation of anti-liberation forces. The economic philosophy of pre-1975 was socialism and nationalisation while the economic philosophy of post-1975 was denationalisation, free economy, which saw emergence of a neo-rich bourgeoisie.

Secularism, nationalism, democracy and socialism were the four main pillars of the 1972 Constitution. After 1975, we witnessed the emergence of a new Constitution in which secularism was omitted, nationalism was changed, a new explanation given to socialism and the position of the parliament was undermined through the martial law proclamations.

Those in power needed constitutional validation to legalise their illegal tasks. Therefore, they needed a sort of parliament loyal to their new political philosophy which would be ready to ratify and validate all misdeeds. There was a loss of parliamentary power, where the parliament was merely a rubber stamp for validation or non-validation. Politicians were accountable and responsible to the autocrats rather than to the people. Thus the then second parliament, which was nothing more than a rubber stamp, passed the constitution's Fifth Amendment Act, ratifying and validating all misdeeds of the martial law regimes between August 15, 1975 to April 9, 1979.

This infamous amendment reversed and denied the rule of law and saw the emergence of a new judicial, moral jurisprudence in support of the martial law regime. The law of indemnity was passed and the electoral process was fouled up. There was an emergence of a new political ethics. A new political culture emerged, democracy was replaced by autocracy, anti-communalism by pro-communalism. The people lost their power; the values of the freedom struggle were completely lost.

It is natural that violence begets violence. Other military rulers came following the same path and used the parliament to validate their misdeeds.

These forces ruled Bangladesh for a long time. Communalism was nurtured into the state, it was developed further with the induction of state religion in the Constitution through the eighth amendment, which has now given rise to international terrorism and caused Bangladesh to lose its image as a secular country.

FORUM: *What, in your opinion, are the implications of the recent judgements on the fifth and seventh amendments to the Constitution?*

SS: In 21st century South Asia, there has been no other judgement so huge, historical than the verdict on the Constitution's fifth amendment case. It is a politico-judicial judgement. It is revolutionary. It has revolutionised all segments of society, including history. It is a historical event and it rose out of politics. It is an important judgement, reversing the country's political trends. The High Court Division delivered the historic ruling on the constitution's fifth amendment case in 2005 when the BNP was in power. So, there is no scope to label the verdict as politicisation.

With the watershed judgement getting approval of the Appellate Division of the Supreme Court, it has become a part of law. The verdict is binding upon everybody, including the BNP that has been opposing it. The only thing remaining is its incorporation into the Constitution.

After discussion between the special committee members as well as legal and constitutional experts, it has been decided that the Constitution will be reprinted in line with the landmark verdict.

After the verdict on the fifth amendment got finality, the High Court delivered another landmark verdict declaring illegal and void the Constitution's Seventh Amendment Act, which ratified and validated all misdeeds of the second martial law regime.

FORUM: *The apex court in the fifth amendment verdict strongly denounced extra-constitutional takeover of state power. It also said the perpetrators of such illegalities should be suitably punished and condemned so that in future "no adventurist, no usurper, would dare to defy the people, their constitution, their Government, established by them with their consent". However, it is the parliament which can make law in this regard. What is your take on this?*

SS: There are many declarations in the verdict. The declaration is not binding on us. However, we will take into consideration the apex court's expectations and declaration made in the verdict.

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