About its supremacy, former Chief Justice Shahabuddin Ahmed in the Constitution Eighth Amendment case said that "validity of a law is tested by the touchstone of the Constitution: but there is no such touchstone to test validity of the Constitution. Its validity is inherent and as such it is unchallengeable."

Unfortunately, both the political government and military usurpers disregarded the supremacy of the Constitution and undermined the people's sovereignty in the name of amendments since 1973. Of the total of 14 amendments made until 2004, only the eleventh and twelfth amendments got the consensus of both ruling and opposition parties. The most fundamental, and in some cases nefarious, of those changes were brought through the fourth, fifth, seventh, and eighth amendments. Many changes made with ulterior motives largely destroyed the basic structure of the Constitution and also damaged the parliament's power and pre-eminence.



SK. ENAMUL HAQ

In bringing amendments, the political and military rulers did not pay heed to the true spirit of amendment of the Constitution. In fact, the purpose of the two infamous amendments -- fifth and seventh -- was to hide and legalise illegal acts of military dictators of the two martial law regimes.

Therefore, the amendments contributed little for further advancement of the country's citizens and further refinements of their constitutional position. Rather, successive governments abused the parliament's authority in some cases to amend the Constitution.

Article 142 gives power to parliament to amend any provision of the Constitution by way of addition, alteration, substitution or repeal. Legal experts state a constitution is meant to be permanent, but as all changing situations cannot be envisaged and amendment of the Constitution may be necessary to adopt the future developments, provision is made in the Constitution itself to effect changes required by the changing situations.

"Addition, alteration, substitution or repeal are merely modes of amendment and if the act done does not come within the meaning of 'amendment,' it will not be valid, notwithstanding that all the procedural requirements have been fulfilled," said former attorney general Mahmudul Islam in his book titled *Constitutional Law of Bangladesh*. He said that, when a legislature, which is a creature of the Constitution, is given the power of amendment, it is a power given not to subvert the Constitution, but to make it suitable to the changing situations.

But, nothing was able to prevent the political governments and particularly military rulers from undermining the supremacy of the Constitution. In doing so, military rulers followed the path of their predecessors of the Pakistan era. They did not hesitate to commit heinous crimes against the nation and people by destroying constitutional rule.

"If the Constitution is wronged, it is a grave offence of unfathomed enormity committed