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un-elected government runs the country without any parliamentary scrutiny. The original Constitution had provisions for holding a parliamentary election within 90 days prior to normal dissolution of a parliament. But the thirteenth amendment introduced the provision that the caretaker government would assist the Election Commission in holding parliamentary polls within 90 days following a parliament's dissolution.

The road ahead

After a long dark period, the Constitution is set to get back on its original track. The Supreme Court has conclusively scrapped the infamous Fifth Amendment Act, reinstating the articles which were either amended or repealed. The High Court Division also declared the nefarious Seventh Amendment Act illegal and void.

The Supreme Court in the Fifth Amendment verdict strongly denounced martial law and suspension of the country's Constitution, and recommended meting out suitable punishment to the perpetrators. "The perpetrators of such illegalities should also 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," said the Appellate Division upholding the High Court Division's historic ruling of 2005 that had declared the fifth amendment to the Constitution illegal.

It also said that military rule was wrongly justified in the past, and it should not be justified in future on any grounds. "Let us bid farewell to all kinds of extra Constitutional adventure forever. It is up to the parliament to enact laws to prevent martial law," it observed.

Following the cancellation of the fifth amendment, the government moved to bring necessary amendments to bring back the spirit of the original Constitution. A parliamentary special committee was formed to examine the Constitution and prepare proposals to this effect. People expect the special committee to work efficiently to establish supremacy of the country's Constitution, which is the embodiment of the people's will.

In line with the apex court's observation, the special committee is considering recommendations which include a stringent provision in the Constitution to prevent extra-constitutional takeover in future.

However, political parties and politicians must understand that constitutional provision alone cannot prevent extra-constitutional takeover. Pakistan is a glaring example of this. Even in independent Bangladesh, the supremacy of the Constitution could not prevent military rulers from grabbing state power by declaring martial law. Only by strengthening democratic practice everywhere can this be ensured. As Abraham Lincoln said: "Ballots are the rightful and peaceful successors of bullets."

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