erosion of law. The state became captive to an alliance of powerful groups. Power was concentrated at the apex and became progressively less and less accountable. Thus, even when military regimes were formally replaced by elected "civil" governments, it only introduced the formal trappings of democracy and control of the state became more and more a function of muscle and money. This in turn meant continued erosion of rule of law itself. Thus women and men have had to endure the agony of impediment after impediment being put in their way to realise the goals of the Constitution which was intended to provide the framework for a humane, just and democratic order in which all people could enjoy their basic human rights.

FORUM: *What were the basic principles of the Constitution when it was formed and on what were they based?*

KH: The roots of the four basic principles of the Constitution can be traced to the following elements which converged to produce that vision: i) the unifying role of nationalism ii) the conviction that democracy would harness people's power to liberate themselves from deprivation and social injustice iii) the belief that bringing social and economic transformation, through a democratic process, would create a just society and iv) that reaffirmation of the age-old non-communal tradition would sustain communal harmony and prevent the abuse of religion, discrimination and intolerance to gain power.

The fundamental principles of State Policy as stipulated in Part II of the Constitution sought to spell out the vision of an exploitation-free society that we believed represented the aspirations of the people of Bangladesh. It provided that national unity and solidarity of the people of Bangladesh were bases of which the Republic was established. It further provided that a socialist economic society would be established with a view to ensure the attainment of a just and egalitarian society free from exploitation. It was provided that the Republic would be a democracy, in which fundamental human rights, freedom and the dignity of worth of the human person would be guaranteed and in which effective participation of the people through their elected representatives at all levels would be ensured. It was also provided that principle of secularism would be realised by the elimination of a) communalism in all its forms b) granting by the State of political status in favour of any religion c) the abuse of religion for political purposes and d) any discrimination against or persecution of persons practising a particular religion. These provisions reflected the collective determination of the people of Bangladesh to exorcise from the soil of Bangladesh those dark forces of communalism and religious bigotry which had wrought such horrors in our land. This, however, in no way precluded the full and free practice of religion by any person of his/her faith.

The dreams which were woven into the constitutional demands were those of a democratic political order in which power would truly belong to the people, to be exercised through a sovereign parliament, composed of representatives elected on the basis of universal adult franchise.

When we were young, we thought the vote was everything, because we did not have the right to vote. But as Justice Albie Sachs also said, for the vote to have meaning, for the Rule of Law to have content, the vote must be the instrument of second and third generation rights. He said, "It would be a sad victory if the people had the right every five or so years to emerge from their forced-removal hovels and second-rate Group Area homesteads to go to the polls, only thereafter to return to their inferior houses, inferior education, and inferior jobs."

It was expected that the parliament would bring about social and economic transformation. It was clearly expected that the true representatives of the people would be totally committed to end exploitation through implementing programmes for fundamental economic and social change.

FORUM: *Does a two-thirds majority in the parliament allow a party to exercise power at will?*

KH: No. Constitutional power is more than ordinary lawmaking power. The basic structure of the Constitution -- such as independence of the judiciary, the secular character of the state, cannot be changed. Amendments to the Constitution can be made but through an extensive process of consultation and consensus building -- and not through a referendum either as military dictators claim.

The Constitution declares in Article 7 that power of the state is derived from the people, and is to be exercised in accordance with the Constitution, by their elected representatives, chosen through free and fair elections. Power is thus made subject to constitutional limitations. The Constitution confers on the majority of those elected the right to form the government, but does not thereby confer on it arbitrary and unfettered power, but only power subject to the obligations laid down in the Constitution. The oath of office makes it