Justice Albie Sachs, one of the architects of the Constitution of the new South Africa once wrote that Constitution is 'the autobiography of a nation' because it reflects the historical experience of a nation. Dr Kamal says, "It is a 'living document' intended to enable succeeding generations to realize the goals of freedom and justice for which people had struggled for decades. The national unity which had brought us victory in 1971 was founded on shared values and a shared vision of the kind of state and society, we, the people, aspired for." Article 7 of the Constitution affirmed that all powers in the Republic belong to the people, and that their exercise, on behalf of the people, would be effected only under, and by, the authority of the Constitution. Dr Kamal says, "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 clear that those who are assuming power are oath-bound to respect the Constitution, and the fundamental rights of citizens, guaranteed by the Constitution."

The 1972 Constitution established a system of government that allowed the newly independent Bangladesh to become one of the world's leading democracies. "The true spirit of the 1972 Constitution is reflected in the Preamble to the Constitution, says Mahmudul Islam, senior advocate, Supreme Court of Bangladesh, in his book *Constitutional Law of Bangladesh*. "It clearly states the fundamental principles on which the Constitution stands, acknowledges those who fought for the country and aspires to prosper in freedom and contribute toward international peace and cooperation."



Torture of a student during the Ayub Khan regime.

This Constitution is, indeed, the icon of Bangladesh's miracle, for it was the product of a people's struggle for their identity. It represented the discovery of a nation. It was, therefore, the soul of the nation. People expected transparency, accountability and the rule of law in an independent Bangladesh. The Bangladesh we live in now seems to be far from it. The Constitution has seen better days. Sounding the call for the Constitution to be used as a continuing instrument of liberation, over 100 freedom fighters last week sat in a three-day hunger strike and demanded scrapping of the current Constitution and framing of a fresh one through a constituent assembly to restore peace in the country. Major (retd.) Syed Munibur Rahman, freedom fighter, took part in the hunger strike. He says, "We wanted to see and fought for a Bangladesh that is democratic and secular and where rule of law exists. We want a constitution that reflects the true spirit of the Liberation War."



PHOTOS: ARCHIVES

Just before their defeat the Pakistan military and their collaborators killed many leading Bengali intellectuals.

So how much have we deviated from the guiding principles of the Constitution laid down by the founding fathers?

"The question ought to be: how much have we been able to achieve as envisioned by the Constitution?" Mahmudul Islam looks askance.

Some of the photos have been taken from Bangladesh: *Quest for Freedom and Justice*, *Hajar Bochhorer Bangladesh: Itihasher Album* and *Bangla Naame Desh*.