

MUJIBNAGAR DAY

Genesis of Bangladesh's Constitution



Acting President Syed Nazrul Islam speaking at the oath-taking ceremony of Mujibnagar Government on April 17, 1971.

MOZAMMEL H KHAN

The beginning of the genocide from the night of March 25, 1971 left the Awami League (AL) leadership in a quandary. Especially as the directing hand of its leader Bangabandhu Sheikh Mujibur Rahman, who was arrested and his fate not known, was now missing. There was no clear sign of anyone else in the AL hierarchy, at least up to that point, taking control and reassuring the country that everything was on course, or soon would be. The call of duty was one that Tajuddin Ahmad heard loud and clear.

Tajuddin Ahmad, with Amir-Ul Islam on his side, left Dhaka on the night of March 27; fleeing for days by car, boat, on foot, and even by horse, they travelled relentlessly to reach the Bangladesh-India border. It was also during this time that, according to Tajuddin Ahmad's eldest daughter Sharmin Ahmad, he came up with the idea of a provisional government. Once on Indian soil, Tajuddin Ahmad and Amir-Ul Islam, through the help of the DG of BSE, were flown to New Delhi to meet the Indian Prime Minister, Indira Gandhi. The issue that bothered him most surrounded the capacity in which he would be meeting the Indian PM.

A day before meeting the Indian PM, her senior advisor P N Haksar met Tajuddin, and during the discussions, he wanted to know if AL had already formed a government. This query led Tajuddin to assume that the Indian government did not have any knowledge of whether a government had been formed or not. Moreover, if he would provide an affirmative answer to the Indian PM, it would help the resolution that was taken in the Indian Parliament on March 31 "to help the struggle for the people of East Bengal", to

take a definite and concrete shape.

From this consideration, at the outset of his meeting with the Indian PM, he informed her that right after the Pakistani crackdown, a government had been formed with Sheikh Mujibur Rahman as the President and all the members of AL's high command as ministers, and even presented himself as the Prime Minister of the said government. This instant decision of Tajuddin worked out very positively, and the Indian PM promised to provide every help for Bangladesh's struggle for independence.

Following his meeting with the Indian PM, Tajuddin held a discussion with Amir-Ul Islam and it was strongly felt that a provisional government should be formed as soon as possible, as it would strengthen our hand while dealing with the Indian authorities. While in New Delhi, Tajuddin Ahmad, with help from Amir-Ul Islam and Rehman Sobhan, drafted a speech containing the basic principles of the Liberation War, which was later aired by Akashbani Calcutta on the night of April 11, 1971.

On April 10, AL leaders held a parliamentary session with all the elected MNAs and MPs who were in India at that time, in a jungle tent somewhere at the source of the river Teesta, and approved the formation and composition of the provisional government. The MNAs and MPAs also formed a constituent assembly in exile and approved the Proclamation of Independence as drafted by Amir-Ul Islam two days earlier on April 8.

Then came the momentous occasion. Efforts were underway to locate an ideal place for the formal inauguration of the new government. It was decided that the Bangali government would be formed on Bangladeshi

soil and not in India so that it would be accepted and interpreted as the will of the Bangalis, and not be perceived as an Indian conspiracy.

Amidst great rejoicing, with the presence of some 50 foreign journalists, the formal inauguration took place at a mango grove of a small village called Baidyanathtala in Meherpur, Kushtia. Baidyanathtala also had a symbolic significance. The battleground of the mango grove in Plassey, the scene of British victory over the Nawab of Bengal, in the summer of 1757 was not very far from Baidyanathtala. Now interestingly, in the summer of 1971, another mango grove in the vicinity became the place where the sovereign state of Bangladesh was inaugurated, erasing the humiliation of two hundred years of alien rule. The Constituent Assembly issued the formal proclamation of independence, which was read by Prof. Yusuf Ali (MNA). To make Tajuddin's first radio speech in consonance with the formation of a legal government, the Proclamation of Independence was backdated to April 10, a date that came to be known as the day of the Mujibnagar Declaration of Independence.

The Mujibnagar Declaration was the legal basis of our Liberation War, and was later incorporated as the sixth schedule (Article 150 (2)) of the Constitution. On the declaration of independence it was said: "Whereas in the facts and circumstances of such treacherous conduct Bangabandhu Sheikh Mujibur Rahman, the undisputed leader of 75 million of people of Bangladesh, in due fulfillment of the legitimate right of self-determination of the people of Bangladesh, duly made a declaration of independence at Dacca on March 26, 1971, and urged the people of Bangladesh to defend the honour and integrity of Bangladesh."

AL's six-point programme was a Magna Carta for quasi-independence, not for absolute independence. To justify the transition from the mandate of quasi to complete independence, the Mujibnagar Declaration contained nine "whereas" clauses that included: "Whereas instead of fulfilling their promise ... Pakistan authorities declared an unjust and treacherous war."

On the presidency of the Republic, it said: "In order to ensure for the people of Bangladesh equality, human dignity and social justice, declare and constitute Bangladesh to be a sovereign People's Republic and thereby confirm the declaration of independence already made by Bangabandhu Sheikh Mujibur Rahman, and do hereby affirm and resolve that till such time as a Constitution is framed, Bangabandhu Sheikh Mujibur Rahman shall be the President of the Republic and that Syed Nazrul Islam shall be the Vice-President of the Republic, and that the President shall be the Supreme Commander of all the Armed Forces of the Republic." In the exercise of power conferred by the proclamation, the Acting President Syed Nazrul Islam issued the Laws Continuance Enforcement Order, as drafted also by Amir-Ul Islam, along with the proclamation of independence to ensure the continuity of all existing laws.

The Proclamation of Independence served as the interim Constitution of Bangladesh from March 26, 1971 to December 16, 1972, and even received the status of 'Genesis of Bangladesh Constitution' as pronounced by Bangladesh's Supreme Court in the Judgment of the 8th Amendment case. It was simultaneously accompanied with the Laws Continuance Enforcement Order, both dated April 10, to come into effect from March 26,

1971. The Order permitted all laws which were in force on March 25, 1971 to be continued in Bangladesh and be subject to future change by competent legislature or other competent authority when necessary.

After the formal swearing-in ceremony, Tajuddin Ahmad renamed Baidyanathtala to 'Mujibnagar'. He also declared that the town would be the official capital of Bangladesh. Once the cabinet was announced and oath of office administered, Tajuddin Ahmad, referring to 1757's Battle of Plassey, said, "In one mango grove we lost our independence, in another mango grove we have regained it."

In his first public address following the swearing-in ceremony, Prime Minister Tajuddin Ahmed concluded: "By God's grace and our unconquerable spirit, every last man of this army of occupation will either be driven out or destroyed by the people of Bangladesh. Out of the ashes, a new Bangladesh will rise committed to peace, democracy and social justice resting on secure foundations of creed, language, culture and race and held together by the shared experience of a struggle which must take its place in the epic struggles of our time."

The formation of the Mujibnagar government gave the total war effort a fuller meaning. It cemented the unity of the people, brought the world closer to the existence of freedom fighters, made the war efforts bloom in its full focus, and realised the presence of Bangladesh in the comity of nations. It was in effect a formal introduction to the rest of the world of the nature of the political leadership that was set to guide the nation into a concerted and organised war of national independence.

The writer is the Convenor of the Canadian Committee for Human Rights and Democracy in Bangladesh.

Striding two worlds



SHIFTING IMAGES

MILIA ALI

ALMOST all human beings develop a blind spot for their loved ones, especially for their children. But the very same people seem to have an ambivalent relationship with their country --

sometimes harshly critical while, at other moments, loving without any caveat or condition. Perhaps, this schizophrenic attitude is because we perceive our identity to be inextricably tied to our native land. When this identity suffers because of the negative image of our country, we become frustrated, angry and critical. Interestingly, for me the transition from critical to unqualified love occurs each time I leave Bangladesh for my permanent abode in the United States.

Just as my annual goodbye from my childhood city, Dhaka, ends up being an emotional experience, the readjustment to my other home in Virginia is traumatic. Settling back entails small but tiresome actions -- changing the SIM card, reviving US phone contacts, recalling ATM passwords, even driving on the other side of the street. During the initial weeks, the word routine is dismissed from my vocabulary and life becomes a constant flow of adrenaline.

I must confess, however, that my adrenaline flow is not really at a controlled level in Dhaka. Even on the best of days, the daily aggravations of dug-up roads, garbage piles, traffic

snarls, honking buses and vehicles locked in a "crawling war of attrition" are taxing on my nerves. In many ways I feel sorry for the city. It is on the verge of collapsing under the tremendous burden of too many people, inadequate infrastructure, inefficient management and a population whose social fabric is frayed due to fast urbanisation. As for the City Administration, they seem to be on a fast moving treadmill, but going nowhere!

Despite all the energy expended here in futile complaints and frustrations, I

Despite all the energy expended here in futile complaints and frustrations, I am amazed at how I am hit with nostalgia as soon as I board the outward-bound flight. A sound, a smell can overwhelm me with homesickness.

am amazed at how I am hit with nostalgia as soon as I board the outward-bound flight. A sound, a smell can overwhelm me with homesickness. I miss the maddening chaos of one of the world's most "unliveable cities." Because there are little pieces of me scattered in all its lanes and landmarks -- the familiar places of my youth and childhood. The university campus whose uneven paths I walked with the confidence of one who thinks she can conquer the world. The Shahid Minar where I lit many a candle in

remembrance of the heroes who made sacrifices for the nation's independence. The Banyan tree under whose shade I sang songs of love and freedom -- my imagination bursting forth like the first rays of the morning sun.

Dhaka's eclectic moods are intimately linked to my intellect and emotions. The humid summer heat creating cracks in the parched earth and the cool monsoon showers bathing the dirt-splattered vegetation. The desolate spring afternoons when the cuckoo's desperate calls fill the air with sweet sadness. The

colourful flowers sprouting in the few open spaces (not yet "possessed" by land grabbers and builders), reminding residents of the long lost green city. Winters are seasons of happiness rather than discontent since they bring a thankful respite from the heat and Dhakaites swing into a festive mood of celebrations and cultural activities. Dhaka may not be a city of joy, but it is a city of laughter, tears, heat, dust, hope and despair. A city whose uncertain future is wedded to its glorious past where the seeds of an independent

Bangladesh were sown.

Many may ask what made me leave Dhaka and opt for a new life of challenge and adventure in a far away land. That's a topic that deserves a full column and more introspection. For now, let me confess that the choice has created a vacuum in my sense of belonging. But it has also given me the opportunity to explore, experiment and discover new realities about myself. Straddling two worlds is like crossing a river riding two horses -- it's almost impossible to maintain a balance. Somehow, we immigrants are able to perform the balancing act, and succeed in becoming good citizens in our adopted country. However, we need to make tremendous efforts to form relationships and protect them from the external forces of race and prejudice. We must continually build bridges and tie the social knots to ensure that our space is secure. It may require years, perhaps a full generation, of readjusting and revamping of ideas and ideals to weave the social fabric into a rich tapestry with our stamp. And yet, one may never be a part of the whole. In our native country, we are among secure relationships that have coalesced since childhood and can be rekindled only with a slight touch. For, we are always connected to the roots. Which is why each time I take the flight out of Bangladesh I feel that I am leaving a part of me behind. And the question I ask myself is not whether I will ever have that complete sense of home again, but if I will be whole again.

The writer is a renowned Rabindra Sangeet exponent and a former employee of the World Bank.

ADMISSION
Playgroup - A' Level

Presidency
Where every child matters &

A complete school with activities to develop students' moral, physical, intellectual & leadership attributes.

Forms Available

Sunday - Thursday (9 am-2 pm)
Deadline: 11 May, 2016
Admission Test: 13 May, 2016

20%-50% special waiver for A' Level (6A*-9A*)



Presidency International School

Associated with the UNIVERSITY OF CAMBRIDGE International Examinations

A Level Campus: 51, Panchlaish R/A, Ctg. Ph: 031-656771
Junior Campus: 14, Katalgonj R/A, Ctg. Ph: 031-653604



www.presidencybd.edu.bd