

# Farewell, My Friend

A tribute to Mohiuddin Ahmed



NIAZ ZAMAN

**M**Y first meeting with Mohiuddin Ahmed was in 1956, at a dinner in his brother's house. His brother, Kabir Ahmed, was what in Bangla we call the "bhaira bhai" of SAM Khan, my father's colleague in the civil service, and the friendship of the two families extended to include him. It was not really a family dinner and I still do not know why I was invited and not my brother, who was closer in age to Mohiuddin. Among all the grown-ups, I felt quite out of place. And then this strapping came up to me and asked whether I would like to see his brother's art collection.

There were no paintings in our house, and my brother's interest in art—nurtured by Munni *aunty*, who later became Mohiuddin's *bhabi*—was frowned upon by my stern mother.

I was not interested in seeing paintings, but it was a relief to leave the grown-ups so I took up the offer and went off to see the paintings—some of them by his *bhabi*. I do not remember the names of the artists or even the paintings that I saw. Through the home education that my brother and I had got before we went to Viqarunnisa and St Gregory's, we had been introduced to many European artists as part of an art appreciation course. But these paintings were nothing like the ones I had seen in our books.

When I left that evening, little did I know that the thin teenager would, in later years, become my friend, publisher, and mentor. And little did he know either that evening that he would become one of Bangladesh's most respected publishers, publishing quality books in different genres.

My second meeting with Mohiuddin—I never got to call him by his pet name *Moin*, which his friends Ameena Saiyid and Urvasi Butalia, who had worked with him at the

Oxford University Press (OUP), did—was in Karachi, 1971. It was again at a dinner. The late Ejazul Huq, better known as Emran to his friends, suggested one evening that if I was free, I might want to meet some friends of his at the house of Martin Pick, who was working at OUP. There would be other Bengalis as well. In 1971, surrounded by family who did not quite understand the reality of what was happening in East Pakistan, it would be a relief to meet Bengalis.

One of the Bengalis there was Mohiuddin Ahmed, at the time Martin's colleague at OUP, Karachi. I do not remember what else we talked about, but I still remember that he showed me an alphabet book by Dr Seuss. "Try to write something like this," he said. No, I never tried to write like Dr Seuss, but I did try to get Dr Seuss's wild and crazy books for my sons.

I returned to East Pakistan in October and lost touch with Mohiuddin. And then, one day, shortly after Bangladesh had become independent, he contacted me. He had started University Press and needed some help with a manuscript he was interested in. What was I supposed to do? Be a reader. Check content errors, make sure there were no discrepancies, and correct language mistakes. Comment on the overall quality of the book. "But I know nothing about law," I said, on seeing the manuscript. And though I had by that time had an article published in "Dacca University Studies", I had no idea what proofreading entailed. He showed me the most common marks I needed to know and I was off. Slightly familiar with footnotes and endnotes, I had no idea that the discipline of law had a different system of documentation.

Mohiuddin passed on many manuscripts to me to review and edit. Apart from content and language errors, he also asked me to check if there was anything libellous in a manuscript, anything for which a publisher might get into trouble. He often went over a passage with me, not wanting to distort what the writer had said but trying to rephrase the passage so that neither writer nor publisher



PHOTO: LATIF HOSSAIN

Mohiuddin Ahmed (1944-2021).

would get into trouble.

In 1993, Mohiuddin Ahmed became my publisher when he published the revised edition of "The Art of Kantha Embroidery". The next year, the University Press Limited (UPL) brought out "Princess Kalabati and Other Tales". "It would be nice," I told him casually one day, "if the book were illustrated by a young person." He took me seriously and got his daughter Shamarukh to illustrate the book, which she did beautifully. He went on to publish several of my books: a book on Partition novels, another on rickshaws and rickshawallahs, anthologies of translated Bangladeshi writings, and even a culinary book (he was just in the process of accepting an edition of Siddika Kabir's book in English). As a writer, I learned how particular

he was about sending annual accounts to his writers of books sold, followed by a royalty cheque a few months later (Bangla Academy pays a lump sum after a book is published, but many other publishers—some quite renowned in Bangladesh—do not provide any account of books sold, let alone royalty). As an editor, I learned the absolute necessity of getting copyright clearance from authors and translators.

Did Mohiuddin publish everything I offered him? No. There was a book of political essays he rejected outright. The rejection made no difference in our relationship. I respected his judgment. The essays were never published as a book. But another book which he rejected—Syed Waliullah's "Tree Without Roots", which had been out of print for decades—did not get discarded.

Mohiuddin had often suggested to Firdous Azim and me that we start an imprint like Kali for Women. He would assist us, even distribute the books for us. Though Firdous and I had even had the name of the imprint and did bring out one book together under that name, we never got to start a women's publication house. Persuaded by Syed Waliullah's cousin, who looked after his literary interests in Bangladesh, and accepting the offer that Mohiuddin had earlier made to Firdous and me, I took up the task of publishing the book—as well as other books by Syed Waliullah and others. And he did give me all the help he could.

He explained to me how to calculate the retail price of a book. He taught me what a page should look like, using a scale to make things clear. He told me about the importance of "white space". And, true to his promise, UPL distributed my publications. Afterwards, he told me that he regretted my becoming a publisher, as I had no time to read manuscripts for him.

Mohiuddin had become a publisher after undergoing rigorous training at the OUP at Oxford. He had been set to work at the press, and so had both theoretical and practical

knowledge of putting a book together. How I wish that he had written a book to guide other publishers!

The onset of Parkinson's about 20 years ago gradually slowed him down. He would still be found visiting the Ekushey Boi Mela in his wheelchair, at the occasional seminar and conference, at a book launch. But he stopped going to the old office at Motijheel where his friends or writers would gather at about lunch time. He always had enough lunch to share with two others—a simple lunch of vegetables, daal, and chapatis of brown atta. If more people dropped in than he had food for, he would immediately order naan and tikka from a nearby café.

The last few years, he had to spend more and more time at home. The commute to Motijheel was too long. The new office on Pragati Sarani—which his daughter Shamarukh Mohiuddin had set up so that he could have his office there—had been badly damaged by a fire and became unusable. He also had to devote a lot of time to physiotherapy. Busy with other things, I could only visit him occasionally, always remembering to pick up lemon tarts which we enjoyed together with tea and other snacks that had been prepared at home.

In March last year, Covid put an end to those occasional visits. I missed those visits. I wondered how he was coping. Then I learned that he had developed Covid. I was worried, but he returned home. However, this last time, when he went to the hospital, he did not return. When he passed away on June 22, I could not go to see him. I myself was unwell. All I could do was sit at home and remember a friend whom I had known for 65 years, a friend who had become my publisher and a publisher to the nation, who had been honoured by the community of publishers as "Publisher Emeritus"—a great man who had by his willpower and determination tried to make Bangladeshi publishing professional and ethical. Rest in peace, my friend.

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# 50 Years of Bangladesh Constitution: Intentions, Institutions and Implementations



ASIF NAZRUL

**T**HE beginning of our constitutional discourse was promising. The 1972 Constituent Assembly (CA) of the newly-liberated Bangladesh produced the constitution in only nine months, a much shorter period

compared to other countries except a few like the United States.

It's undeniable that a number of factors helped in that process. For example, the CA was entrusted with only framing the constitution (unlike some others such as the Indian CA of 1946, which had a concurrent function of making laws), and there were few scopes of dissent thanks to the near-absence of opposition members in the CA (3 out of 403). But the real success of the CA was the quality of the 1972 constitution.

The 1972 or original constitution had progressive provisions such as inclusion of secularism among the fundamental principles of state policy at a time when no other South Asian country had such provisions. It also had provisions that were ambitious (i.e. Article 77 on the office of Ombudsman), efficient (Article 44 on the right to enforcement of fundamental rights) and promising (Article 8 requiring interpretation of the constitution and other laws in light of the fundamental principles including socio-economic rights)—such provisions were absent in the majority of contemporary constitutions.

These do not mean that the 1972 constitution was perfect. In particular, it contained a few provisions inconsistent with the spirit of good governance such as concentration of too much power in the Prime Minister (Article 48, 55) and denial

of free exercise of voting in the parliament (Article 70). It, however, made provisions for its amendment (Article 142) which offered windows of opportunity for addressing its deficiencies or modifying it to reflect later developments.

Many constitutions in the world, in fact, have progressed through their amendments in later periods. Such amendments include provisions for protection of human rights (First 10 amendments to US constitution, Right to Information in Belgium, Mexico, Norway, etc.); strengthening of good governance (18th amendment to Pakistan constitution); decentralisation of power and ensuring people's participation (108-112 amendments to Indian constitution); enforceability of social and economic rights (1996 South African constitution, right to water in some countries such as Ecuador and Costa Rica); and contemporising of the constitution (1990 Zaire vs. 1998 DR of Congo constitution).

There are also a few examples of regression by substitution of a constitution with an inferior one or weakening it by later amendments, which is a known feature of some African constitutions.

It is, however, generally agreed that the purpose of constitutional reform should not be to raze, destroy or weaken its foundation, but to modify and strengthen it to reflect new circumstances and correct the deficiencies in the past and also to adapt to the needs of various times.

In terms of a constitutional journey, Bangladesh, unfortunately, falls into the wrong category of countries. Despite its promising beginning, it has regressed on many accounts in the last 50 years. As outlined below, it has also largely failed to reflect contemporary advances and to realise institutional development as inspired or instructed in the 1972 constitution.

### Regressive amendments

Out of the 17 amendments done so far, only a few—like the 1st amendments (made to ensure justice for victims of international crimes) and the 12th amendment (which reinstated parliamentary democracy)—aimed at achieving pro-people reforms, while others were mostly self-serving efforts undermining the fundamental constitutional principles. For example, the 4th amendment was made to establish a one-party autocratic regime, and the 5th and 7th amendments were orchestrated to legalise Martial Law rules. Other amendments included insertion of Islam as a state religion resulting in its awkward co-existence with secularism (8th amendment), denying safeguards to arrest in cases of preventive detention (2nd amendment), repealing of the provisions for non-party caretaker government for conducting free and fair election (15th amendment).

### Failure to reflect contemporary developments

Among other things, the 15th amendment to Bangladesh constitution has added a provision for protection of environment and biodiversity (Article 18A). This is a rare example where Bangladesh has taken account of emerging constitutional norms of global relevance. In the majority of other cases, however, the discussions and debates on constitutional reforms ignore contemporary constitutionalism on issues such as enforceability of economic rights like right to food and water, environmental obligations and essentials of good governance like objective appointment in the constitutional bodies, and ensuring individual accountability of the members of the cabinet.

To illustrate it, let's consider that since the entry into force of the constitution of South Africa in 1996, a growing consensus has developed over the desirability of judicial

enforcement of economic rights in a good number of countries in Latin America, East Europe as well as in India. There are genuine progresses as well; for example, right to education is now judicially enforceable in India and Pakistan, which is not the case in Bangladesh.

### Omissions

Bangladesh constitution has delegated to parliament the task of furthering its objectives by making laws on a number of important issues, including for empowering the subordinate courts to enforce fundamental rights (44), elaborating qualifications for the appointment of judges in higher judiciary (95), strengthening the parliamentary committees (76) and appointment in the election commission (118). None of this has been complied with in the last 50 years.

Apart from parliamentary efforts, constitutional provisions may be advanced and strengthened through a progressive interpretation of the provisions. Among others, the judiciaries of India and Pakistan have taken such steps, not only for strengthening their independence, but also for expansion of human rights and development of democratic institutions.

In this respect as well, our success is limited. In constitutional cases, our apex court generally appeared to be more keen on invalidating the Martial Law regimes from decades ago than on scrutinising the apparent constitutional violations by the incumbents. In doing so, they sometimes arrive at such decisions that lack judicial insight and objectivity.

For example, the much-hyped 5th amendment judgment declared the legalisation of martial law regime by the 5th amendment as invalid, but at that same time, it retained some of the provisions of martial law, including those that benefit the higher judiciary judges themselves. The 5th

and 7th amendment judgments also did little to enhance and beef up our democratic institutions.

As Sir Ivor Jennings remarked in "Law and Constitution": the constitution consists of institutions and not of papers that describe them. No one could disagree with him and therefore, in my view, the most serious failure in our constitutional discourse of the last half-century is the failure to build institutions of accountability on the basis of the constitutional mandate.

Successive governments of Bangladesh have rather tried to dismantle the institutions such as higher judiciary, the election commission, the cabinet and the parliamentary committees for self-serving reasons. For example, they have strengthened their grip on higher judiciary by exploiting the lack of legal provisions on adequate qualification for appointment in the higher judiciary, criterion on elevation of High Court judges to the Appellate Division, or appointment requirements of the Chief Justice.

It is difficult to be optimistic at the end of this discussion. But, in deeper observations, we may find some reasons to believe that better days of constitutionalism would arrive soon.

Our Constitution has survived 50 years of onslaught and its basic foundations—i.e. the high morals of the liberation war—are still there. Moreover, the aspirations and resolve of the people to build an egalitarian and welfare state have kept on solidifying for years.

In achieving all these, the 1972 constitution will undoubtedly continue to inspire, enlighten, and embolden the present and future generations of Bangladesh.

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**QUOTABLE Quote**

**EMILY DICKINSON**  
(1830–1886)  
American poet

*A word is dead when it is said, some say. I say it just begins to live that day.*

**CROSSWORD BY THOMAS JOSEPH**

**ACROSS**

- 1 Bull's counterpart
- 5 Stationery store stack
- 9 Latin land
- 10 Saucer pilot
- 12 Merchandise
- 13 As of
- 14 Stuck
- 16 Forest female
- 17 Tom Collins base
- 18 Stuck
- 20 Banquette's cousin
- 22 Annual race, for short
- 23 Hunter of myth
- 25 Timber wolf
- 28 Finland

**neighbor**

- 32 Tangled
- 34 Some magazine pages
- 35 Feel bad
- 36 Peeved
- 38 Blue egg tender
- 40 Croc's kin
- 41 Night sound
- 42 Sonneteer's Muse
- 43 Talks and talks
- 44 Lip

**DOWN**

- 1 Frosh topper
- 2 Fallible
- 3 Battling god
- 4 More coarse
- 5 Some elbows
- 6 Boxing legend
- 7 Meal, in slang
- 8 Brief time
- 9 Sticks
- 11 Impoverished
- 15 Cleek
- 19 Storage sites
- 21 Captured
- 24 Power failures
- 25 Deceitful bunch
- 26 Like some soups
- 27 Panama explorer
- 29 Seasonal store employees
- 30 Dolts
- 31 Cartoon dog
- 33 Low cards in pinochle
- 37 Mystery writer
- Woods
- 39 Nettle

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**YESTERDAY'S ANSWERS**

R O M A T E M E T S  
 E L A T E E R A T O  
 P I K E S A I K E N  
 E V E C O N C E R T  
 L E S S O N S S E A  
 S T O R E S T O P  
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 T A G T R O U P E S  
 A B R A H A M R I P  
 L L A M A E L I Z A  
 L E D O N D O Z E N S  
 D E S K B E S

**BEETLE BAILEY BY MORT WALKER**

ROCKY IS OUR BEST HITTER

BUT HE NEVER MAKES IT OUT OF THE FIRST INNING

YOU'RE #0\*#\* BLIND, UMP!

YOU'RE OUT OF THE GAME, CHUMP!

**BABY BLUES BY KIRKMAN & SCOTT**

WELL, "GOOD OL' STAN" HAVN'T CHANGED A BIT.

COME ON, WANIDA, GIVE HIM A CHANCE!

NONE OF US ARE THE SAME PANCAKEHEADS TODAY THAT WE WERE IN COLLEGE.

WEDGIE!!

GLAD TO HEAR IT.