

An analysis of the constitutional reform recommendations

BLOWIN' IN THE WIND

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"Politics is too serious a matter to be left to the politicians"—Charles de Gaulle, a French military officer-turned-statesman who led the resistance against the Nazis during World War II, famously said what has now become a truism. Earlier, another Frenchman, a physician-turned-journalist-turned politician named Georges Clemenceau, quipped, "War is too important to be left to the generals." Clemenceau, who later became the prime minister of France, was referring to the successive defeats of the military during World War I and asserted the influence of the national assembly for the eventual formation of the Third Republic. The French connection between the two statesmen implies a rejection of the professionals or experts dedicated in the field. Instead of assigning the tasks of war and politics, two important facets of

significant changes to our current constitution. There are academics, activists, lawyers, and writers in the team. Notable exclusions are the politicians who birthed the constitution and brought 17 different changes over the last five decades. The interim government formed the commission to reflect the wind of change through which the former government was ousted. It felt that the different provisions within the constitution compromised its democratic spirit and allowed the premier to turn into an autocrat. Whether the recommended changes can be implemented by the incumbent administration before the parliamentary election or by the incoming government after the election is a legal debate that needs to be sorted. But more importantly, the commission's report has brought many of the inherent contradictions

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just recently shows that equality is a far cry if we don't truly practise pluralism.

Yet, countries from where the bicameral parliamentary model has been suggested recognise their Indigenous population as "First Nations." The special status is a way to integrate the marginal groups into the mainstream. Even

it concluded by observing, "We, the people of Bangladesh, who, in the continuity of the historical struggle for the liberation of this land, achieved independence through people's war and united against autocratic and fascist rule for the establishment of democracy, solemnly pledge, in utmost respect for the martyrs who sacrificed

Republic of Bangladesh" replaced with "Citizenship" and "People's Democratic Bangladesh" in all relevant sections of the constitution. In Bangla, they used the coinage "jono gono nagorikontro."

I don't see any reason as to why "projatontro," a widely understood term that conveys the idea of people's rule or governance by the people, needs to be changed. The Latin root of the word implies "public affairs," and in Chinese it means "shared harmony." The commission has unnecessarily rooted itself in semantics. May I also remind the commission of the financial, administrative, and logistical costs involved in changing the name of the country? Delivering democratic governance and reforms that benefit the people should be the priority at this point in time. The symbolic or semantic debates will hardly do us any good.

The seven key proposals made by the commission include: adoption of the new guiding principles for the constitution and the state; establishment of institutional balance of power; reduction of the absolute power of the office of the prime minister; clear proposals for the structure of the interim government; decentralisation of the judiciary; ensuring a robust local government system; and expansion of fundamental rights, with constitutional protection and enforceability. They all deserve serious attention.

Then again, we have hit the walls of legitimacy as we have yet to determine whether it is within the mandate of the interim government to bring such changes. A referendum is required before the foundational terms of the state or the structure of governance are altered. This could lead to legal challenges, public discontent, and long-term instability. Indeed, the commission might believe that drastic changes are too crucial to leave to the politicians. Then another republic may soon arise with an alternative diktum to dismiss the one that has been proposed. Such knowledge is too dangerous to be left with the academics.



FILE VISUAL: ANWAR SOHEL

in the removal of two categories: nationalism and secularism. The commission evidently tried to include them in their broad categorisation of citizenship and pluralism.

They redefined the term citizenship, replacing the existing Article 6 (2), "The people of Bangladesh are a nation of Bengalis," with "The citizens of Bangladesh will be known as 'Bangladeshis.'" This allows the commission to avoid Bangalee nationalism that worked as a mantra during our Liberation War. The proposed category of citizenship does not necessitate distinguishing citizens in terms of their ethnic groups. But the brute force with which some citizens from the hill tracts were beaten up for demanding their "Indigenous" status

from a geostrategic perspective, it is important for us to restore calm and peace in our hinterland that has been targeted by major stakeholders and neighbours with separatist agendas.

The committee head mentioned that they worked day and night for months under the image of Abu Sayeed and remained mindful of the sacrifices made by the students and members of the general public during the July uprising. The Proclamation of Independence on April 10, 1971 embodied their guiding spirit of anti-discrimination. I think the committee cherry-picked the three terms—equality, human dignity, and social justice—to create a counternarrative that cursorily mentions the Liberation War and equates it with the July uprising.

their lives, that the ideals of equality, human dignity, and social justice that inspired the people of Bangladesh in the Liberation War of 1971, and the ideals of democracy and anti-discrimination that united us against fascist rule in 2024, will be established in the state and society."

The whimsical interpretation of the term "projatontro" echoes the sweeping statement. The commission head has mentioned his reservation against the Bangla term for "Republic" in various forums. He did not pay heed to many observers who reminded that there was nothing wrong with the term, despite its shadowy connotation of being subject to a sovereign monarch. The commission head uses a royal "we" to say that they would like to see "Republic" and "People's

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national life, to the so-called experts, both Clemenceau and de Gaulle wanted various stakeholders in formulating strategies for national life.

The nine-member Constitutional Reform Commission, headed by Prof Ali Riaz, has recommended

and inconsistencies within the constitution to the surface. Some of them were due to the Cold War realpolitik that conditioned our independence; socialism is a case in point. Many others were due to the self-serving interests and agendas of various governments.

the safety and dignity of all citizens, including those from the Indigenous communities, and raises serious concerns about the protection of human rights and social harmony in the country.

It is also deeply regrettable that, decades after the Liberation War, Indigenous people remain largely unrecognised, both in

According to the Indigenous student leaders, such open attacks in Dhaka are unheard of. Some leaders even said such violence against Indigenous individuals, in broad daylight in the capital city, might be the first of its kind. This alarming development highlights a troubling shift in the treatment of marginalised communities in Bangladesh.

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MATHEWS CHIRAN

Dhaka University campus towards the home ministry on January 16. But police intercepted the march with barricades, using water cannons and charging batons to disperse the protesters, injuring seven more.

According to the Indigenous student leaders, such open attacks in Dhaka are unheard of. Some leaders even said such violence against

beforehand. Was it a lack of preparation or was there a lack of willingness to act? The NCTB cannot absolve itself of responsibility either. Removing an artwork that symbolises the country's diversity and inclusive spirit is a blatant affront to the anti-discrimination movement and an insult to the memory of those whose sacrifices paved the way for the vision of a better Bangladesh.

Attacks on the Indigenous communities have occurred frequently over the years. Let's recall a recent incident: in September last year, a Bangalee man was killed by a mob in Khagrachhari over an alleged theft. His wife filed charges against three Bangalees and other unidentified individuals, but none against any Indigenous individuals. Nevertheless, this led to clashes between Bangalees and Indigenous people in the Chittagong Hill Tract (CHT) region, resulting in four Indigenous deaths, including 17-year-old Anik Chakma. Disinformation on social media targeting Indigenous people further exacerbated the situation. Let's not forget about Pirem Snal, a Garo leader who was shot at an anti-eco-park procession in Madhupur in 2004. We can't forget Kalpana Chakma, a young Indigenous rights activist who was abducted at gunpoint in 1996 and never returned.

There is also a tendency to label the Indigenous people as "anti-state" or "separatists," with claims that external forces are attempting to separate the country. As a result, the land rights of Indigenous people are viewed not with compassion, but as a threat. This has led to Indigenous people being labelled by some as "enemies of the nation." Meanwhile, there are misguided

attempts to create confusion about the Indigenous identity, despite the fact that the UN clearly outlines the term "Indigenous" based on several defining characteristics, including distinct self-identity, a historical connection to pre-colonial societies, a unique cultural identity, and a strong link to land and natural resources.

If such an appalling treatment persists, will the Indigenous people ever feel safe in this country? The way their rights are typically handled is not conducive to peaceful resolution. Tolerance and understanding are more crucial now than ever. Cultural exchanges and empathy towards the struggles of marginalised communities are essential. Going forward, the government must prioritise Indigenous rights and put an end to such tragic events.

The forces that attempt to demonise Indigenous people are often the same forces that fuel conspiracies to harm the country. Yielding to unjust, unfair demands is never the solution. If people have differing views and demands, they should present them to the authorities for discussion with stakeholders—this is the democratic way. Violence is never the answer.

The anti-discrimination movement, led by students and joined by the Indigenous people, was a beacon of hope for a better Bangladesh. During this movement, the word "Indigenous" was proudly displayed, with slogans like "Samatal theke pahar, ebar mukti shobar" (From the plains to the hills, freedom rings this time) resonating on the walls, symbolising unity and freedom for all. We hold on to that hope, believing in a future free from discrimination.



Police intercept a march by Indigenous protesters and their supporters and disperse them with water cannons and by charging batons, injuring seven people, in Dhaka on January 16, 2025.

PHOTO: PRABIR DAS

the NCTB office on January 15 to protest the graffiti's removal and to demand its reinstatement. This led to a brutal attack on the unarmed protesters, leaving at least 20 people including journalists seriously injured. The attackers used cricket stumps, indicating that the violence was premeditated and was probably supported by a powerful faction. Following this attack, Indigenous youth and their supporters, under the banner Aggrieved Students Masses, launched a protest march from the

Indigenous individuals, in broad daylight in the capital city, might be the first of its kind. This alarming development highlights a troubling shift in the treatment of marginalised communities in Bangladesh. Adding to the distress, reports emerged of Indigenous student leaders being followed by unidentified individuals while returning home after hospital visits. Such actions not only instil fear but also create a sense of insecurity and alienation. This appalling state of affairs also reflects a failure to ensure