

# Does a referendum mandate mean unlimited authority?



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On February 12, voters in Bangladesh endorsed a sweeping programme of constitutional reform. With 68.59 percent of valid votes in favour, the July National Charter secured a mandate strong enough to reshape the country's institutional future. But the strength of a mandate and the scope of authority are not the same. The scope of what the referendum authorised is now the central question of the transition ahead.

In public debate, a powerful inference has taken hold: the people voted "yes" and, therefore, institutional redesign is authorised in full. This inference is emotionally compelling but logically unsustainable.

The 2026 referendum was neither a constitution-founding rupture nor a blank cheque for institutional reconstruction. It was a powerful but structured act of authorisation. The distinction matters because transitions

referendum, however, was conducted on the basis of the pre-negotiated July charter. It invoked the framework instead of suspending the existing constitution. Had this been a founding moment, the prior order would have been declared void explicitly and a new constitutional order announced in its place. That did not occur. The referendum chose ratification within an existing architecture rather than rupture beyond it.

It may be argued that the July mass uprising itself constituted a break with the prior order and that the referendum merely confirmed that sovereign rupture. But constituent authority must be exercised explicitly, and when it chooses to channel itself through a negotiated framework, it accepts the structure it adopts. Constituent power is unlimited only at the moment of replacement; once it operates through specified procedures and

never automatically transform structured ratification into founding rupture.

In a democracy, sovereignty is expressed through specified procedures. A majority can change a constitution, but it cannot silently change the question it was asked. The July charter recorded dissents and conditional agreements. Voters were asked whether they approved the reform framework; they were not asked whether they wished to

never separately placed before voters. Package endorsement is not component authorisation.

This is but a form of institutional realism. If broadly worded approval is treated as precise instruction on disputed mechanisms, previously recorded dissents become provisional. Political actors will rationally infer that negotiated limits are expendable once a majority is secured. Future negotiations will be viewed not as binding compromise but

sovereignty; it institutionalises it. Parliament does not rival the people; it translates authorised direction into legally coherent form. Reducing parliament to mechanical execution would not elevate sovereignty; it would hollow out the institutional process through which sovereignty acquires durable effect. Reform requires fidelity to mandate and responsibility in implementation. The two are sequential, not antagonistic. But institutional agency itself is bounded by the terms of delegation.

The *ultra vires* argument makes this limit explicit. Delegated authority is limited authority. The July National Charter (Constitutional Reform) Implementation Order, 2025, which structured the referendum, derives its validity from the Charter framework that authorised it. A derivative instrument cannot exceed the terms of its delegation.

If the referendum question did not explicitly authorise the cancellation of recorded dissents, then an implementation mechanism that nullifies them is *ultra vires*: it exceeds the lawful competence delegated to it. A delegated instrument cannot invalidate the very conditions from which its authority flows. These limits are not technical restraints but rather safeguards of democratic credibility. Some will respond that the revolutionary context demands expansive interpretation. But founding authority must declare itself as such; it does not hide inside derivative procedure. Others will argue that democratic renewal requires boldness rather than restraint. Yet boldness without structure shortens the lifespan of change. Reform that stretches its mandate beyond explicit authorisation invites de-legitimation. Reform perceived as procedurally faithful endures longer than reform perceived as opportunistic.

Beneath these disputes lies a deeper democratic principle. Democracy is not merely majority rule; it is majority rule exercised under conditions that render minority compliance rational and legitimate. That requires credible commitment. Political actors must believe that agreements ratified today will not be retroactively reinterpreted tomorrow. Popular sovereignty does not exist as raw force; it exists as specified authorisation. When authority expands beyond the question presented to the electorate, sovereignty ceases to be consent and becomes interpretation.



FILE VISUAL: ANWAR SOHEL

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succeed when authority is precisely interpreted and designated. This position rests on four arguments concerning source, scope, function, and limits of authority.

Let's begin with the derivative authority argument. Constitution-founding acts replace prior constitutional frameworks; they do not operate under them. The 2026

recorded conditions, it becomes self-limiting by design. An act that presupposes an existing framework cannot simultaneously claim to transcend it. A procedure conducted under a negotiated charter cannot later be re-characterised as supra-constitutional without collapsing the distinction between reform and replacement. Even a revolutionary context

nullify the recorded objections embedded within it. Ratification confirms a document as presented; it does not excise its internal terms. To treat a general "yes" as implicitly erasing those terms is to convert negotiated ratification into retroactive nullification and to expand consent beyond specification. Derivative authority, by definition, cannot be used to extinguish the very conditions under which it was granted.

The mandate specificity argument extends this logic to scope. A democratic mandate binds only to the extent that it is specific. The referendum ballot bundled multiple reforms into a single approval question. It did not present discrete alternatives concerning, for example, proportional representation in the Upper House under the so-called sidenote doctrine. A bundled endorsement can generate a mandate of direction, but it cannot generate granular authorisation for contested institutional components that were

as temporary theatre. Reform built on that incentive structure does not consolidate; it cycles.

The institutional agency argument follows naturally. Referendums authorise direction; legislatures design implementation. This division is not elitist caution but the architecture of constitutional governability. Some will invoke popular sovereignty and insist that once the people have spoken directly, parliament must merely execute their will. But popular sovereignty is supreme in source, not self-executing in form. It authorises; it does not draft statutes.

A referendum expresses collective direction at a high level of generality. Implementation requires statutory drafting, sequencing, institutional calibration, and reconciliation of competing principles within the existing constitutional framework. Those tasks require bounded legislative agency. Recognising that agency does not subordinate popular

# We are neglecting cooking gas danger at our own peril



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At around sehri time, when families wake to ignite stoves and heat food, two homes in two cities turned into furnaces. In Halishahar, Chattogram, an entire floor of a residential building was shattered by a gas explosion, burning nine members of two families. In Rayerbazar, Dhaka, another family of four was burned in their rented flat before dawn had broken. We call these incidents tragic and unfortunate, promise investigations, and move on. What will we do to prevent them?

The Fire Service and Civil Defence recorded 27,059 fires across Bangladesh in 2025. Cause-based data tells a story that should make us uncomfortable. Of 27,059 fires, 2,909 incidents (10.75 percent) were caused by stoves. Gas cylinder leakage accounted for 920 fires (3.40 percent). Gas supply line leakage led to 562 fires (2.08 percent). Gas cylinder explosions were responsible for another 121 cases (0.45 percent). Add electrical faults, which are the leading cause of fire in Bangladesh, as per the 2025 data, to the equation, and the tragedy becomes a depressing pattern.

Cooking gas has long been part of urban life in Bangladesh. Natural gas flows through pipelines in many cities. Liquefied petroleum gas (LPG) sits in cylinders in countless kitchens. Both are efficient, relatively affordable, and indispensable. They are also unforgiving and invisible. They have no natural colour. A chemical odorant is deliberately added so that humans can detect leakage by smell. When we ignore that smell or dismiss it as trivial, we are putting lives at risk.

Experts have repeatedly explained how gas accumulates—a small hole in a pipeline, a loose regulator on an LPG cylinder, an unused but still connected pipeline inside a

building. In confined kitchens with shut windows, the gas concentration rises. When it reaches a certain level and meets oxygen, a single spark is enough. That spark can come from a matchstick, a stove lighter, or the tiny arc produced when an electric switch is flipped on. While gas creates the "bomb," the spark provides the "fuse," further linking faulty wiring and gas accumulation.

**The human cost is already visible in hospital wards. Burn injuries are among the most painful and resource-intensive medical conditions. They require long-term care, multiple surgeries, and psychological support. For families, they mean emotional devastation and catastrophic expenditure. For the state, they mean a strained health infrastructure. Each preventable explosion adds to that burden.**

And yet, in many urban apartments, kitchen windows remain tightly shut at night, gas lines are installed once and then forgotten, regulators are used for years without inspection, and electrical wiring snakes across damp walls, patched and repatched by informal technicians. We live with all this and are surprised when the inevitable occurs.

There is also an institutional

dimension that deserves scrutiny. Many developed countries have developed consumer education, routine inspections, and enforcement of safety standards. In Bangladesh, regulatory bodies exist, but proactive engagement with households is rare; periodic safety checks are not the norm; public awareness campaigns about gas leakage are sporadic; and building codes are more frequently honoured in their breach than in their observance.

The result is a culture of reactive governance. But systematic auditing of old pipelines, mandatory inspection of LPG setups in apartment buildings, and strict penalties for unsafe installations remain exceptions rather than rules.

Let us also consider the socio-economic layer. Many urban families live in rented flats where tenants have little control over the infrastructure. Landlords may prioritise rental income over maintenance. In older neighbourhoods, supply lines run through decades-old buildings without comprehensive upgrades. When a leak develops inside a concealed pipeline, detection depends largely on smell.

There is also a tendency to frame safety as an individual responsibility. Households are advised to maintain lines, check fittings, and call authorities when irregularities are noticed. All of this is valid. But expecting perfect vigilance from millions of households while regulatory oversight remains inconsistent is unrealistic.

Consider the sheer scale of fire incidents in 2025. Seventy-five fires a day. If 10.75 percent of fires are caused by stoves and another 5-6 percent by gas cylinder or supply line issues, then roughly one in every six or seven fires has a direct link to cooking gas. That is not a marginal problem. It is structural.

If we are serious about reducing these tragedies, the response must be multi-layered. Regulatory agencies need to expand manpower and equipment for inspection. Periodic mandatory checks of gas lines in residential buildings should not be optional. Utility providers must maintain updated maps of pipelines and remove unused connections. Public awareness campaigns should be sustained, not seasonal. At the household level, the basics matter. Use of high-quality fittings rather than the cheapest available is necessary, as is the

installation of gas detectors in high-density urban apartments.

There is also room for policy innovation, like insurance incentives for buildings that comply with safety audits, penalties for landlords who ignore leakage complaints, training modules integrated into community programmes and schools.

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Structural reform is difficult. It demands coordination among gas authorities, fire service, city corporations, building regulators, and law enforcement. It demands data-driven planning and transparent reporting. It demands that we treat gas safety not as a private matter but as a public safety priority.

**Government of the People's Republic of Bangladesh**  
Bangladesh Police  
**Rapid Action Battalion-7**  
Patenga, Chattogram  
www.rab.gov.bd

**Invitation for e-Tender**

For Financial year 2025-2026, e-Tender is invited in the National e-GP system portal ([www.eprocure.gov.bd](http://www.eprocure.gov.bd)) for the procurement of:

S L	Tender ID No & Reference No	Description of Works	Last Selling Date & Time	Closing/Opening Date & Time
1.	1231883, RAB-7/REV/7/2025-26 Date: 16 Feb 2026	Repairs and renovations including painting of tiles in the cook house and recreation room of CPC-3, Chandgaon Camp under RAB-7	11 Mar 2026 09:00	11 Mar 2026 12:00
2.	1231865, RAB-7/REV/7/2025-26 Date: 16 Feb 2026	Repair and renovation of the watercraft store inside RAB-7	11 Mar 2026 09:00	11 Mar 2026 12:00
3.	1230300, RAB-7/REV/7/2025-26 Date: 16 Feb 2026	Interior and exterior painting, tiles repair and renovation of the Elite Hall of RAB-7 and exterior painting, repair and renovation of the Officers Quarters of RAB-7	11 Mar 2026 09:00	11 Mar 2026 12:00
4.	1229386, RAB-7/REV/7/2025-26 Date: 16 Feb 2026	Repair and renovation of the barbed wire above the boundary wall around the battalion headquarters of RAB-7 and repair and renovation of the partial security wall of the pond ghat adjacent to the force quarters inside RAB-7	11 Mar 2026 09:00	11 Mar 2026 12:00

This is an Online tender, where only e-tender will be accepted in the national e-GP portal and no offline/Hard copies will be accepted. To submit e-tender, registration in the national e-GP portal (<http://www.eprocure.gov.bd>) is required. The fees for downloading the e-tender Documents from the national e-GP portal have to be deposited online through any Registered bank branches. Further information and guide lines are available in national e-GP system portal and from e-GP help desk ([helpdesk@eprocure.gov.bd](mailto:helpdesk@eprocure.gov.bd)). For details, please contact at 01777-710705 (Assistant Director, Quarter Master, RAB-7).

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