

ASSESSING THE AWARENESS OF THE CONSTITUTION OF BANGLADESH: AN EMPIRICAL STUDY ON THE SECONDARY AND TERTIARY LEVEL STUDENTS IN MYMENSINGH DISTRICT

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ABSTRACT

In the contemporary world, almost all countries have a constitution that is the fundamental and supreme law of the state. It is the source of all other laws, and any laws inconsistent with the requirements of the highest law shall be void. Like others, Bangladesh framed its own constitution in 1972, immediately after its independence in December 1971 from Pakistani unjust and treacherous rulers. The Constitution of Bangladesh is not merely a lengthy or frozen document; rather, it is the embodiment of the feelings, emotions, and aspirations of millions of martyrs that led them to shed their blood for their own country. But skipping to modern days, aside from those with legal backgrounds, students and professionals are constantly falling behind in terms of their grasp of the Constitution and their interest in constitutional matters. Nonetheless, it should be a fundamental course for secondary and tertiary-level students because it guides the three branches of government in their day-to-day operations. Apart from that, like other reference materials, the library of educational institutions is not endowed with the Constitution. It is true that no research project has been undertaken on this topic, but the situation is the same in all the districts of Bangladesh. Regardless of scope and limitations, if the research finds out the actual awareness rate of the Constitution and its availability in educational institutions in Mymensingh District, it will be helpful for the concerned authority to take initiatives regarding the issues throughout the whole Bangladesh.

Keywords: Constitution, Constitutionalism, Constitutional Knowledge, Constitution in the institutions, Awareness, importance.

INTRODUCTION

The Constitution embodies democratic values and reflects the ideals and aspirations of a nation. It is the wheel for state and non-state actors. So, the study of the constitution of a country cannot be ignored. The US Congress passed a bill in 2004 establishing September 17 as Constitution Day, previously known as Citizenship Day. Additionally, the Act mandates that on September 17th, every educational institution that receives federal funding must host a constitutional education program. (Schwartz, 2022). According to a recent survey conducted by the Canadian Constitution Foundation (CCF), only 54 percent of respondents are knowledgeable about the Constitution. Here, several organizations are making efforts to raise awareness as the Constitution Act 1982 approaches. To help better comprehend the Act, the CCF declared March 29 as "Constitution Day." Senator Jose Jinggoy E. Estrada, who chairs the Senate Committee on National Defense and Security, Peace, Unification, and Reconciliation of Philippine proposed to pass the Mandatory Constitutional Education Act (Senate Bill 1443), for the students in both public and private institutions. It is a matter of regret that, as constitutional supremacy, we are lagging behind in spreading awareness of the Constitution to the students and the common people as well. I left out the words of common people, most of the educated people do not know the basics of the Constitution. It may be difficult to assess the fundamental knowledges of the Constitution from everyone; however, if we can find out the ratio of the students, the issues can be estimated to some extent. Thus, this article is designed to assess the awareness of the Constitution among the students from secondary to tertiary level and also to identify whether the Constitution is available in the educational institutions.

OBJECTIVES OF THE STUDY

The primary objective of this study is to assess the student's proficiency in the Constitution of the People's Republic of Bangladesh. In order to meet this ambitious core objective, it may be translated into the following objectives:

- To assess how many students from secondary to tertiary level are acquainted with the Constitution of Bangladesh.
- To reveal how many educational institutions are endowed with the Constitution.
- To make a recommendation on how to provide the students with a basic idea about the Constitution and constitutional issues.

RESEARCH METHODOLOGY

This is an empirical type of research that adopts both qualitative and quantitative approaches in analyzing the issue. Additionally, it uses information from both primary and secondary sources. Primary data is collected from the students and concerned educational institutions using the interview method, questionnaire method, focus group interviews, and first-hand observations at educational institutions in Mymensingh District. In this regard, seven upazillas among thirteen upazillas in Mymensingh are selected in a random sampling method. Peer-reviewed journal papers, books, reports from international, governmental, and non-governmental organizations, as well as gray literature, which includes some items from print and electronic media, are all sources for secondary data. Therefore, data gathered using quantitative methods, structured research instruments, and forms of numbers and statistics are arranged with care in tables, charts, or other non-textual forms. Then the collected data is systematically analyzed to draw conclusions and recommendations. Before drawing recommendations, expert opinions from legal scholars like professionals, jurists, practitioners, etc. are considered with care.

LIMITATIONS

Basically, the research project was funded by the Research and Extension Center of the Jatiya Kabi Kazi Nazrul Islam University, Trishal, Mymensingh. Compared to the area and scope of the research, the funding was not enough to conduct it superbly. As all the students are not connected online platform so almost all the data is collected in face to face interview. Besides, the time allocated for the project was so short that it was quite difficult to cover the whole of Mymensingh. Lack of previous statistics and the limited amount of literature review on this issue create a challenge during the conduct of research. In addition, the educational institutions were confused and somewhat reluctant to provide information when asked whether they had the Constitution. They believed that if they answer in negative it would go against their institutions.

CONCEPTUAL DISCUSSIONS

Defining the Constitution

The Latin word *constitutio*, which was used for laws and orders, gave rise to the English word constitution through French (*Mousourakis, 2003*). Roman law uses the term *constitutio* to refer to emperor-issued laws. Gaius demonstrates that an imperial constitution is what the monarch declares, edicts, or sets in writing (*Dragne, 2014*). Later, the phrase was frequently used in canon law to refer to a significant decision, particularly a papal decree today known as an apostolic constitution. (*Wikipedia*). The word "Constitution" originally meant "established law or custom" in 14th-century English.

Because of its wide nature and scope, it is quite difficult to give a unanimous definition of the Constitution. However, the jurists, lawyers, political scientists did not give up the hope to define the constitution amid discord of opinion. Greek philosopher Aristotle defines a constitution as "*the way of life the state has chosen for itself*". Such a notion is quite old and lacks precise definitions of a constitution. Bryce characterized a constitution as a collection of traditions after being influenced by the British form of government. *Thomas Paine and De Tocqueville* defines Constitution as "*the aggregate of only those written principles which*

regulate the administration of the state.” According to them if the Constitution cannot be produced in a visible document, it cannot be said to be a constitution at all. This is completely false since, if by "constitution" we mean a written document, Great Britain, Kingdom of Saudi Arabia manifestly lacks a written constitution.

Some writers have defined the Constitution in a wider sense. A constitution, according to C F Strong, “*may be said to be a collection of principles according to which the powers of the government, the rights of the governed, and the relations between the two are adjusted*”(Akkas ,2020, p 14-15). A very extended definition is given by Gilchrist as “*that body of rules or laws, written or unwritten, which determines the organization of government, the distribution of powers to the various organs of government, and the general principles on which these powers are to be exercised*” (Akkas, 2020, p 14-16). Gettell says that the fundamental principles that determine the form of a state are called its constitution. He further says that a constitution “*may be defined as a collection of norms by which the legal relations between the government and its subjects are determined and in accordance with which the power of the state is exercised, or the body of rules and maxims in accordance with which the powers of sovereignty are habitually manifested*” (Akkas, 2020, p 14-16) .According to them the term "Constitution" is used to denote all written and unwritten principles regulating the administration of the state. Constitutional experts such as **KC Wheare** defines the constitution of a state as

“.....the whole system of government of a country, the collection of rules which establish and regulate or govern the government.”

So, the Constitution is concerned with the role and powers of the institutions within the state and with the relationship between the citizen and the state. In other words, a constitution is the framework on which a government is built and provides that government with the authority to act (Haque, 2005). It is a set of rules and principles that governs a state (Philips and Jackson, 2011). Besides, it sets out how all the elements of government such as character, characteristics and structure of the government are organized and how power, procedure and responsibilities are carved up among different political units (IDEA,2014; Barnett,2011).

Nature and Scope of the Constitution

Thomas Paine asserted that a government without a constitution is a power without a mandate. Therefore, it is possible to say that a constitution is an entity that precedes a government and that a government only exists because of a constitution (*Barnett,2011, p-7*). This holy palladium is the only thing that will effectively protect ourselves and our descendants from the abhorrent tyranny of an aristocratic government (*Delegate,1788*). The constitution of a nation lays out the fundamental goals upon which that nation is built. A nation's constitution not only outlines the authority granted to each of the three major bodies, but it also distinguishes clearly between the duties entrusted to each of them. It successfully controls the interactions between these bodies as well as the interactions between the government and its constituents. The Constitution has several fundamental provisions that have been incorporated by legal scholars, lawmakers, and jurists since it supersedes all other laws enacted within the country's territorial precincts. However, the nature and scope of the Constitution are hereafter given below-

Autobiography of a Nation

Justice Albie Sachs, one of the architects of the current South African Constitution described Constitution as the '*autobiography of a nation*' in the sense that it reflects its historical experience, grows with the aspirations and goals of nation. To adopt the language of Justice Albie Sachs, "*If a constitution is the autobiography of a nation, then we are the privileged generation that will do the writing. It is something that involves us all ... no one gives us rights; we gain them in struggle. They exist in our hearts before they exist in paper.*" (*Kamal, 2018*) After considering all its manifestation it is actually rule book of a nation for democratic governance of a country codifying the rule of law.

Legal Instrument

The benefit of Constitution is that it lays down, in clear black and white, what the government is permitted to do and what it is not. It explains where the government gets its power from, the precise sectors it has control over, and the extent of that control. Without a constitution or other similar legal framework, a country is considerably more likely to descend into arbitrary rule. Samuel E Finer, a British Political Scientists and historian examines Constitution as an

“*autobiography of power relationship.*” Corroborating his view in broader context it is an appropriate mechanism for highlighting the relationship among fundamental political institutions like different organs of state-executive, legislative and judiciary. Donald S. Lutz, a Professor of Political Science states, a constitution “*marries power with justice*” (Lutz 2006: 17)— It supports the rule of law, reduces the arbitrary nature of authority, and makes the exercise of power procedurally predictable. Khairul Haque J. narrates the position vividly in *Shamima Sultana Seema v. Bangladesh* {57 DLR (2005) 201 }

“*It should be remembered that the ingrained spirit of the Constitution is its intrinsic power. It is its soul. The Constitution of a country is its source of power. It is invaluable with its such soul. It strives a nation to move forward. But if the said spirit is lost, the Constitution becomes a mere stale and hollow instrument without its such life and force. It becomes a dead letter.*”

Visionary documents

The Constitution is termed as *visionary documents* because it establishes the social philosophy in terms of the lofty objective that gives the State direction and leadership. These objectives include defending her people's rights and interests and promoting their well-being in all aspects of life. The Constitution is a charter of ideas and ideals and, in essence, a hope of a free, just, and equal society. It is neither a frozen document nor is it just a long legal document. Thus, it is called as “*Mirror of the country*”. Constitutions frequently make varied degrees of attempts to reflect and influence society. For instance, they could represent the (actual or planned) common identity and ambitions of the populace or declare common values and principles. These clauses are typically found in preambles and opening statements, but they may also be found in pledges and maxims, as well as on flags and other officially recognized symbols. These have an aspirational aspect and are frequently the result of legal struggles or declarations of independence in the past. In addition to these, it is crucial for the upkeep of justice and human rights, to carry out popular want, and to steer the country in the direction of a particular objective. The rights and liberties of citizens can also be guaranteed through a constitution. A constitution exhibits a country's principles in this way. That is why, it has been described as “*a mirror reflecting the national soul*” (Hogg, 2007, p-3)

Living and Breathing document

The Constitution is described as a *living and breathing document* because it acknowledges the need for adjustments in response to changing societal needs. It can be changed and amended keeping abreast with needs and aspirations of the nation and rapid changing world. According to **Justice Breyer**, the Constitution must be read in the context of a constantly changing reality because it is a living, breathing document. (www.theatlantic.com.) The Constitution is the fundamental document by which the society runs, which the society has created for itself. It is known as living document because it can be changed and amended keeping abreast with needs and aspirations of the nation and rapid changing world. Supporting this view, the former President of USA Barack Obama stated that “*Constitution is a living document; no strict constructionism*” (www.theatlantic.com). The phrase "living document" first appeared in Wilson's book *Constitutional Government in the United States*, when he wrote: “*Living political constitutions must be Darwinian in structure and in practice.*”

Social and Political Instrument

There are some substantive clauses in the constitution that fall under this heading, such as those that define socio-economic rights, language or cultural policy, or education (Lutz 2006: 16–7). The constitution prescribes a country’s decision-making institutions: constitutions “*identify the supreme power*”, “*distribute power in a way that leads to effective decision making*” and “*provide a framework for continuing political struggle*” (Lutz 2006: 17). The political provisions outline the composition, powers, and relationships of the state's institutions, including the legislature, executive branch, courts, head of state, municipal governments, and independent bodies.

INTRODUCING RESEARCH FIELD AREA

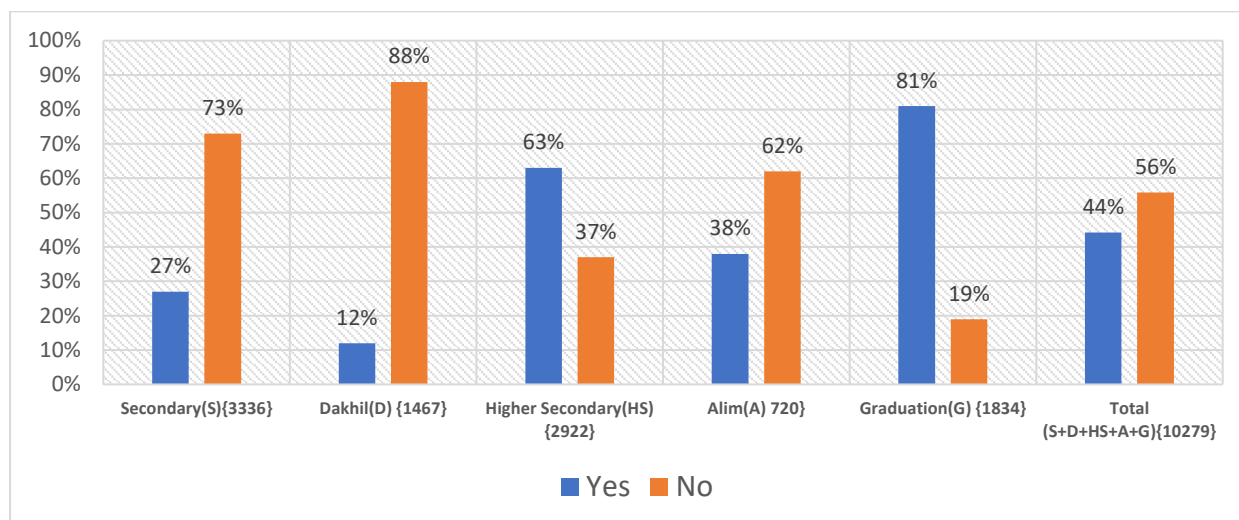
Mymensingh has an illustrious political and cultural past in Bangladesh. It is one of the sixteen original districts established on May 1, 1787, by the British East India Company. It was formerly known as Nasirabad. It was part of Dhaka Division prior to the establishment of the new administrative division Mymensingh. Government declared it with gazette notification on October 13, 2015 which consists of Mymensingh, Netrokona, Jamalpur, and Sherpur, on

October 13, 2015. Currently, Mymensingh District consists of ten Pourshavas, a single corporation, and thirteen Upazilas.

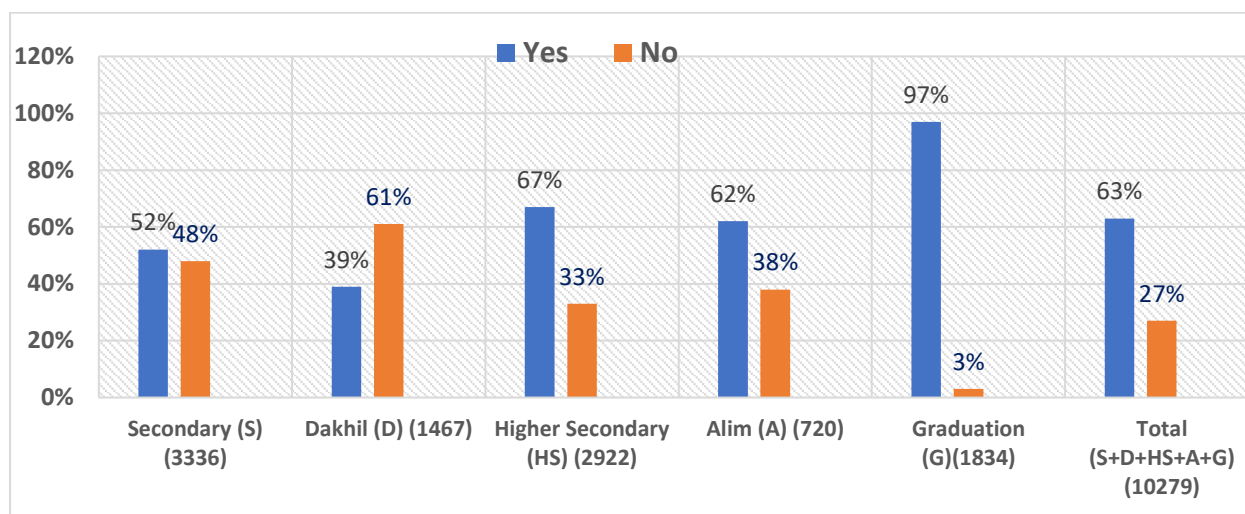
The Mymensingh District is well-enriched with educational facilities and is known for the high caliber of education it provides. In addition to two public universities, there are 63 secondary schools, 590 higher secondary schools, 105 colleges, 387 madrasahs, including 293 Dakhil madrasahs, 40 Alim madrasahs, 49 Fazil Madrasahs, and 5 Kamil madrasahs (Source: District Education Officer, Mymensingh). Numerous primary schools, Kinder-Garten, and Ibtedayyee Madrasha are also disseminating information among the pupils in addition to the aforementioned establishments.

RESULTS AND DISCUSSIONS

The degree of education mentioned here needed to be clarified before moving on to the data analysis and discussion. The secondary level includes the students of Grade Six to Grade Ten, and Higher Secondary includes the students of Grades 11 to Grade 12 under the Board of Secondary and Higher Secondary Education, Bangladesh. Dakhil Level includes Grade Six to Grade Ten, Alim Level includes Grades 11 to Grade 12 under the Board of Bangladesh Madrasha Education, Bangladesh. The graduation level includes Fazil (Degree) and Kamil (Master) from Madrasha backgrounds, as well as Honors, Masters, and Degrees (Pass) from Government, Semi-Government, or Non-Government Colleges, Public or Private universities. The figure inserted in the first bracket on the side of level of education is the number of respondents. It is noted here that in Bangladesh tertiary education refers to post-secondary education.

Chart-1: Respondent's response on the concept of the Constitution

Explanation: Students who responded to the survey came from several Upazillas in the Mymensingh District. Students from the Mufassil area and Upazilla Sadar are also present here. There were 10279 respondents in total, ranging from secondary to tertiary level such as 3336 in Secondary, 1467 in Dakhil, 2922 in Higher Secondary, 720 in Alim, and 1834 in Graduation level. When the first question “Do you know what the Constitution is?” is asked to the respondents to answer in ‘Yes’ or ‘No’ the ratio of ‘Yes’ was near 70%. However, when they were asked to write briefly on the concept of the Constitution, the percentage of affirmative responses dropped from 70% to 44%. Here, Chart-1 demonstrates that the students of secondary level i.e. 27% have a bit more knowledge than the Dakhil level students which is 12%. Secondary and Dakhil are equivalent in their level, so the average of these students is $(27\%+12\%=29/2)$ 14.5%. The same circumstance also applies to the Higher Secondary and Alim levels. The average of the Higher Secondary and Alim level’s students are $(63\%+38\%=101/2)$ 50.5%. Secondary/Equivalent to Higher Secondary/Equivalent it is 32.5%. The percentage of Graduate students, which is 81%, is satisfactory. The majority of these students learned about the Constitution either during their varsity admission test or before taking preparation for the Competitive Job Examination. We might infer from the first result that just 44% of students in grades secondary to tertiary are familiar with the concept of the Constitution.

Chart-2: Respondents who know that Bangladesh has its own Constitution

Explanation: A supplementary question is also asked to the students whether they even know that there is a Constitution of Bangladesh. In reply the percentage of 'Yes' in secondary & Dakhil are 52% and 39% respectively, and the average is 45.5%. 67% students from Higher Secondary & 62% from Alim came to know that Bangladesh has its own Constitution and the average of these two levels is 64.5%. However, like before it is apparent that the ratio of the graduate students is remarkable which is 97%.

Chart-3: Respondents who have seen the Constitution

Level	Number of Respondents	No. of Yes	Yes (%)
Secondary	3336	108	3.23%
Dakhil	1467	146	9.95%
Higher Secondary	2922	351	12.01%
Alim	720	22	3.06%
Graduation	1834	1064	58.02%
Total	10279	1691	16.45%

Chart-4: Respondent's response on the color of the cover page of the Constitution

Level	Yes	Yes (%)	Comparing with Chart-3
Secondary(S) (3336)	40	1.2%	Decreased from 3.23% to 1.20%

Dakhil (D) (1467)	9	0.6%	Decreased from 9.95% to 0.6%
Higher Secondary (HS) (2922)	55	1.88%	Decreased from 12.01% to 1.88%
Alim (A) (720)	9	0.97%	Decreased from 3.06% to .97%
Graduation (G) (1834)	634	34.6%	Decreased from 58% to 34%
Average of S+D+HS+A+G (10279)	1133	11%	Decreased from 16.45% to 11%

Explanation Charts -3&4: Chart -3 and Chart- 4 are interrelated. Here, the researcher resorted to a bit of cleverness to get an authentic answer. Basically, when the students were asked whether they had seen the Constitution, the answer was somewhat positive. If we look at Table 3, the number of students who have seen the Constitution is 16.45%. But the number of students who said that they had seen the Constitution dropped significantly to 11% when they were asked what color the cover page of the Constitution was. Except for the graduation level, the percentage of the students of secondary/equivalent to higher secondary level is $\{(113*100)/8445\}$ 1.34%. However, it should be emphasized that there are a lot of graduation level students but the percentage of the students who see the Constitution is 11%, then comes the number of higher secondary students which is 1.88%. After that the Secondary level is 1.2%. Students at the levels of Dakhil and Alim are at the very bottom of the parameter which is 0.6% and 0.97%, respectively.

Chart -5: Constitution in Respondents Residence and Workshop in Institutions

Level	No of Respondents	Availability of the Constitution in the Respondents Residence		Workshop, Training, etc. in the Educational Institutions	
		Yes	No	0%	100%
Secondary	3336	0%	100%	0%	100%
Dakhil	1467	0%	100%	0%	100%
Higher Secondary	2922	0.2%	99.8%	0%	100%
Alim	720	0.2%	99.8%	0%	100%

Graduation	1834	1%	99%	0%	100%
Sub total	10279	0.28%	99.72%	0%	100%

Explanation: We posed a fascinating query to the responders in order to grab our interest: Do you have a constitution in your home? In essence, educated individuals, families, and job seekers seem to keep the Constitution in their own libraries. The respondents' response was incredibly unsatisfactory. Except for the tertiary level, practically all levels are zero, according to the chart. We also inquired the respondents whether they have ever got chances in their institutions for lectures, workshops, or other events on November 4th: the Constitution Day of Bangladesh. This table demonstrates that there have been no constitutional-related seminars, workshops, or symposiums held in educational institutions in Mymensingh District. The irony is that the researchers were unable to identify even one institution that has put together a campaign to educate people about the Constitution and give them a basic understanding.

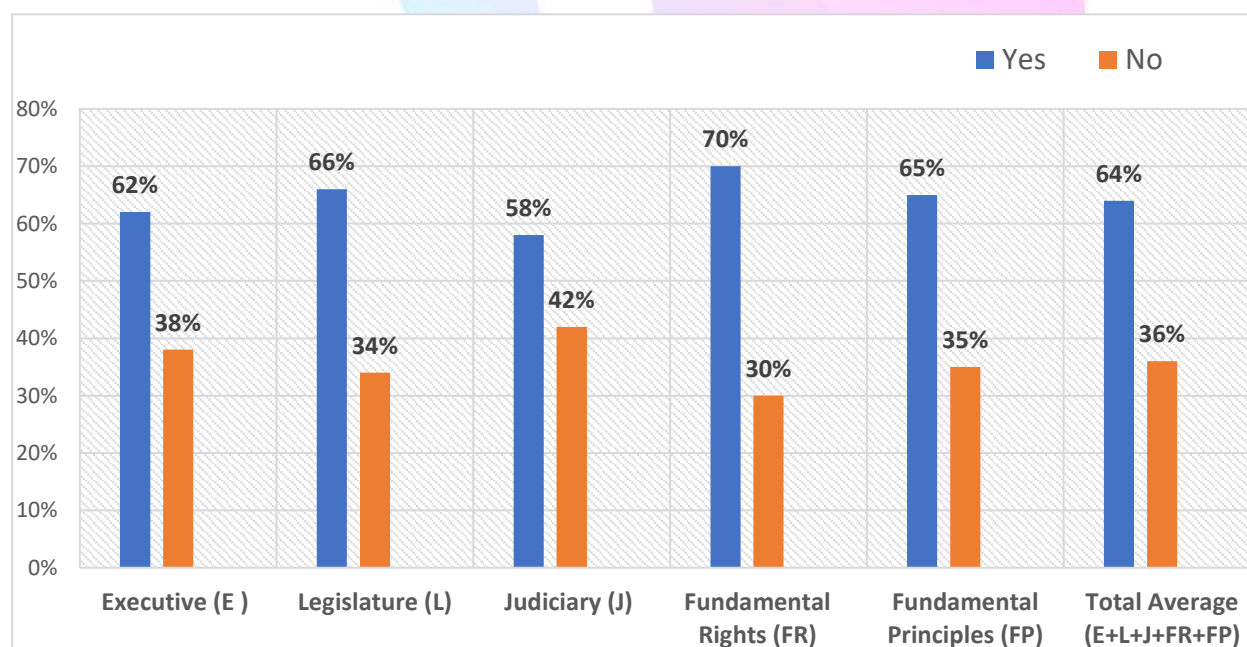
Chart-6: The availability of the Constitution in Educational Institution

Level	Quantity	Available	Available (%)
Secondary & Higher Secondary	107	04	3.74%
Dakhil & Alim level	30	1	3.33%
Total	(107+30) = 137	(04+01) = 05	3.64%
College, University	20	06	30%
Fazil & Kamil Madrasha	15	03	20%
Total	(20+15) = 35	(06+03) = 09	25.7%
Sub Total	(137+35) =172	(05+09) =14	8.14%

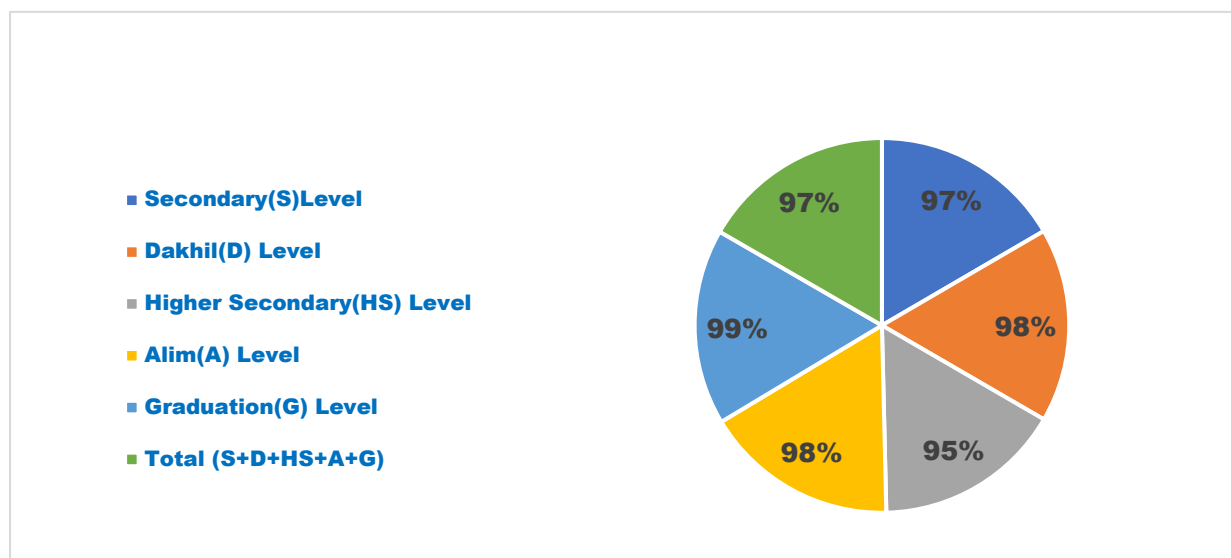
Explanation: The investigation then concentrated on counting the number of educational institutions that had copies of the Constitution. Almost 172 educational institutions from secondary to tertiary level are explored and asked the concerned authority about the issue. The chart shows that only 14 institutions which are 8.14% of the total number are equipped with the Constitution. It is seen that only 4 secondary and higher institutions have the Constitution in their library which is only 3.74% of the total number. It should be noted that among four ,

two institutions namely Vidyamoyee Govt. Girls High School and Mymensingh Notre Dame College displayed their original handwritten copies of the Constitution for our viewing. Another two institutions claimed that they have the Constitution in the library but the researcher did not interrogate for the free flow of the information. The same circumstance applies in the case of Dakhil and Alim levels. Here 1 institution claimed that they have the constitution but the research team did not interrogate them because of the frequency of the research project. At the College and University levels, the authority who claimed that they have the constitution is actually seen in the library. In the case of Fazil and Kamil Madrasha, the percentage is counted on the basis of their claimant.

Chart-7: Assessment on the Basic Knowledge for graduation level only



Explanation: This part is basically for undergraduate and graduate-level students. Some relevant questions are asked on the executive, judiciary, legislature, fundamental rights, and fundamental principles of state policy to know how far students are acquainted with this basic knowledge. The chart shows that 64% of students are concerned about the basic knowledge of the Executive, Judiciary, Legislature, Fundamental Rights and Fundamental Principles of State Policy.

Chart-8: Interested to know the Constitution and Constitutional Issues

Explanation: At the end of the interview the respondents are given an overview of the Constitution and shown the Constitution published under the Ministry of Law and Parliamentary Affairs. The students and, to some extent, teachers were so excited to see it. They realized the importance of reading and knowing the Constitution and expressed their keen interest in the issues. According to the findings of the study, students agree that they should be familiar with the Constitution. The students and, to some extent, teachers were so excited to see it. They realized the importance of reading and knowing the Constitution and almost all the students that is 97%, expressed their keen interest in the issues.

RATIONALE FOR THE STUDY OF BANGLADESH CONSTITUTION

A group of youthful leaders who had triumphed in the fight for independence from Pakistan drafted the Bangladesh Constitution. They were vigilant and vocal in asserting and preserving the lofty ideals of the Constitution. There is no way to dispute the fact that the members of the Constituent Assembly were greatly motivated by the spirit of liberation fighters when writing the Constitution.

Naturally, it is assumed that everyone knows about their own constitution. The irony is that most citizens including students and, to some extent, professionals are not familiar with the Constitution. Their decline in knowledge about the Constitution is having negative consequences for the nation. Nonetheless, they should not leave their Constitution in the hands of attorneys, judges, and academicians. Each citizen must be a protector of the Constitution so that it becomes impossible for anyone to make an open breach of it. It is to be mentioned here that the background of the Constitution of Bangladesh is somewhat different from other countries, that is why everyone has a moral duty to have sound knowledge about it. The significant reasons behind these are-

- **Supreme law of the Republic**

Like many other Constitutions, the Bangladesh Constitution is the document that embodies the highest law of the state, and any other law inconsistent with the Constitution is void from the very beginning. It is the most sacred document that reflects the hopes and aspirations of a *Bangalee* nation. Additionally, the Constitution prescribes the powers and functions of every authority in the Republic, such as the legislature, executive, and judiciary. Constitutional scholar Professor Helen Irving emphasized the Australian Constitution as a powerful thing. According to Hellen it serves as the ultimate and overriding deciding factor—the decisive tiebreaker—in legal disputes. It influences how government policies are implemented, dictates the types of laws that can be passed, and directly and continuously influences all those who reside within its purview. (cefa.org.au)

- **Autochthonous Constitution**

The Constitution of Bangladesh has the people's sanction without having an external source. It is free from foreign influence or source and undoubtedly is a product of this soil. That is why it has been described as an autochthonous constitution. In *Advocate Sultana Kamal and others vs. Bangladesh*, 14 MLR (HCD) 105 (Para 105), the Court said that the fundamental principle is that the Constitution no longer bears any resemblance to, or any connection with, the original authority of the Parliament of the foreign state that drafted it. It is an Autochthonous Constitution because it refers to the sacrifice of the People in the war of National Independence after having proclaimed independence (Paragraphs 55 and 292 of the 8th Amendment Judgement, *Anwar Hossain vs. Bangladesh*, 1989). In 2010, in *Siddique Ahmed v. Bangladesh*,

the court said, "*Our constitution is an autochthonous one, framed against the backdrop of a blood-swamped war of liberation.*"

- **Popular sovereignty**

According to Lord Bryce, popular sovereignty is the core element and motto of a democracy. Like the USA Constitution, the Constitution of Bangladesh declares popular sovereignty, stating in the Preamble, '*We, the people of...* Apart from that, it declared that the Constitution is the solemn expression of the will of the people (*Article 7*). Thus, Thomas Paine rightly remarked that a constitution is not the act of a government but of a people constituting a government.

- **Most democratic Constitution**

Scholars have referred to the Constitution of 1972 as "a truly democratic Constitution." The Bangladeshi Constitution was neither drafted with the concurrence or consent of any other external sovereign entity, nor is it the result of a negotiation with the former colonial power. It was the result of a legendary fight for independence, setting it unique from other constitutions of a similar nature (*Dr Mohiuddin Farooque vs. Bangladesh, 49 DLR (AD) 1, Para 41*). The Constitution was drafted and promulgated by the Constituent Assembly, which was made up of representatives from Bangladesh who had been elected to the then-Pakistan National Assembly and the East Pakistan Provincial Assembly in the elections that took place in 1970 and 1971. The Constituent Assembly of Bangladesh Order, 1972, which was enacted on March 23, 1972, established a Constituent Assembly.

- **Made of blood of martyrs**

The People's Republic of Bangladesh's Constitution was not bestowed upon the country; rather, it was obtained via a sea of blood. It is the result of the supreme sacrifice of the 3 million martyrs and the honor of 2 lakh women in the independence war of 1971. It bears within those black printed letters the red-hot blood of the millions of freedom fighters and the culture and heritage of *Bangalees*. So, Bangladesh Constitution is not a mere piece of paper; rather, it is a philosophy. It is the embodiment of the aspirations and emotions of millions of Bangladeshis. Bangladesh Constitution is reckoned as the beacon light of the nation (*Chowdhury 2017*).

Perhaps in response to the opposition's criticism of the inadequacy of the discussion on the constitution bill, on October 12, 2022, Bangabandhu Sheikh Mujibur Rahman, the father of the nation, while highlighting the evolutionary history of the constitution, boldly spells, "*This Constitution has been written with the blood of the martyrs; this Constitution will remain alive as the symbol of the people's hopes and desires*" (Nazrul, 2023, p. 55)

- **Fundamental Principles**

The fundamental principles of state policy are those that serve as the foundation for the development of all other policies. These policies are based on social, economic, and administrative perspectives. The Constitution of Bangladesh embodies in Part II certain directions to the state, naming them 'Fundamental Principles of State Policy'. The Constitution itself terms these 'principles, not laws. All those principles, i.e., nationalism, democracy, socialism, and secularism, which inspired martyrs and heroes in the freedom struggle and self-sacrifice, bestowed the responsibility of framing a suitable constitution for Bangladesh (Article 8). Though these are not judicially enforceable, the insertion of these principles has great educational value. These principles provide guidance for the development of economic democracy by positioning them as the values of this Constitution and the aspirations of the country. (Haque 2005).

- **Fundamental Rights**

The Constitution of Bangladesh grants a set of civil and political rights with some exceptions to all citizens irrespective of race, caste, sex, religion, etc. in Arts 26–47A under Part III. By submitting a writ petition in the High Court Division of the Supreme Court under Articles 44 and 102, these rights are secured by ensuring judicial enforcement. Since the Parliament is not allowed to pass legislation that conflicts with the Fundamental Rights, these rights cannot be curtailed by the legislative or executive branches through the normal legislative or executive branch decision-making processes. Any law passed that conflicts with this section shall be void to the extent of such conflict. (Article 26).

- **Mechanism for Administration of Government**

The Constitution of Bangladesh provides for three organs of the government: the executive, legislature, and judiciary. The form of government, the election of an executive body composed

of the President, Prime Minister, and Cabinet, and their powers and functions are discussed in Part IV of the Constitution. The Constitution ensures the separation of powers. It lays out guidelines for how power should be used in a nation's governance, as well as who should have that authority and over whom. Constitutions typically provide substantive and procedural restrictions on the power of the state as a legal document. What the state can do is constrained by substantive limitations. In order to avoid arbitrary decision-making, fraud, oppression, discrimination, and the abuse of public office for private gain, procedural boundaries place restrictions on the actions that the state can do. Another core organ of the government that is a unicameral legislature in nature is discussed in Part V of the Constitution. This part concentrates on the establishment of Parliament, its functions, memberships, legislative procedure, etc. Separation of the judiciary and its independence with the power of judicial review, rule of law, etc. are ensured in the Constitution. In order that the court system, judicial appointments, judicial independence, public prosecutors, etc. are initiated in the midst of the Constitution. After all, the entire legislative, executive, and judicial activities of the state are guided and regulated by the Constitution. Apart from that, the institutions basically known for their integrity (election commission, ombudsman, and audit institution) are mentioned in the supreme law of the lands. Other miscellaneous provisions: special provisions for groups, language laws, particular institutions, etc. It also elaborates on the amendment procedures, implementation timetable, and transitory provisions. Other miscellaneous provisions: special provisions for groups, language laws, particular institutions, etc. It also elaborates on the amendment procedures, implementation timetable, and transitory provisions.

RECOMMENDATIONS

- **Exhibition of the Constitution**

The exhibition is typically a learning process that will attract a broad spectrum of students and professionals by letting them know the objectives of the framing of the Constitution. It will connect them with its spirit and feelings and the noble principles it represents. It will awaken the students' dormant longing for patriotism that they have long treasured through self-understanding, and thus they will be able to think critically about the inner value of the drafting Constitution.

- **Celebration of the Constitution Day**

The Constitution is the result of months of passionate, thoughtful deliberation among the members of Gono Parishad. They tried to uphold the fundamentals of the Constitution, which led the freedom fighters to shed their blood. So, the importance of Constitution Day is not less than other national days like Independence Day, Victory Day, etc. It should be observed in all educational institutions in Bangladesh with due solemnity, like in the USA, Canada, the Philippines, etc. The US Congress passed a bill in 2004 establishing September 17 as Constitution Day, formerly known as Citizenship Day. The Bangladesh Parliament (the House of the Nation) may also pass a bill to make the day mandatory for educational institutions.

- **Establishing a Start-up the Constitution Clinic**

As the law graduates are more acquainted with the Constitution and constitutional issues, they are especially morally accountable to ensure awareness among the students and the public about the Constitution. The public and private universities can play a remarkable role in this regard by establishing the Constitution Clinic.

- **Inclusion of the Constitutional issues in Curriculum**

According to Bruce Elman, a Canadian Constitutional Law Professor at the University of Windsor, much emphasis is placed on teaching students about the Constitution and the Charter within the Canadian education system. He believes that educating the public about their rights and constitutional principles more broadly should start in the classroom from the very beginning. The easiest way to do it is to get young minds thinking about these issues. In the Philippines, a bill named Senate Bill 1443, or the proposed Mandatory Constitutional Education Act, seeks to develop a course for secondary school students in all public and private schools. The law professors here in Bangladesh also demand the inclusion of the Constitution and constitutional issues in the secondary, higher secondary, and tertiary level curriculum.

- **Role of Ministry of Law and Parliamentary Affairs**

The Ministry of Law, Justice, and Parliamentary Affairs has entrusted the Law and Justice Division with the responsibility of offering legal consulting services to other ministries,

divisions, departments, and organizations within the government. The Division provides advice to all ministries, divisions, and offices on all legal and constitutional issues that arise in any case, as well as on how the Constitution and other laws, including international law, should be interpreted. So, the Ministry of Law and Parliamentary Affairs can take initiatives to create awareness and educate them on the Constitution and constitutional issues. Apart from that, the Constitution is printed and published by the Ministry of Law and Parliamentary Affairs. So, the Ministry distributes Constitutions free of charge to educational institutions, public libraries, and so on.

- **Role of Ministry of Education**

In Bangladesh, secondary, vocational, and higher education are all under the jurisdiction of the Ministry of Education. The Secondary and Higher Education Division and the Technical and Madrasah Education Division are two divisions that conduct their activities under the guidance and authority of the Ministry of Education. So, the Ministry plays a significant role in providing a comprehensive understanding of the Constitution equipped with educational resources, training, and support for students and teachers. A circulation order from the Ministry may instruct the educational institution to keep the Constitution in the library. A few Constitutions may be provided along with text books and reference books to ensure the library is endowed with the Constitution.

- **Workshops, Seminar on Constitution**

The national objectives, which serve as the fundamental building blocks on which a nation is built, are outlined in the constitution of a given country. The fundamental tenets of the nation, such as nationalism, democracy, socialism, and secularism, are enshrined in the Constitution, for instance. So, the government, district and Upazilla Education Administration, Law Clinic, Constitution Clinic, and non-government organizations (NGO) can arrange workshops and seminars to educate the students on the basic concepts and ideals of the Constitution. In addition, Constitution-related games like "race to ratify," "debate," and "moot" can be staged to get students thinking about how the Constitution applies to their daily lives and to get them to contemplate how the fundamental principles of the Constitution affect their daily lives.

- **Constitutional Campaign via Online**

In this digital era online platforms have become a popular platform for spreading knowledge in any branch of knowledge. So, an online campaign on Constitutional issues can be supportive to create awareness of the Constitution. Basically, contents on Bangladesh Constitution and Constitutional issues are not as readily available in the online platform. The academicians, judges, lawyers may proceed providing with the basic concept of the Constitution especially with the aim of establishing our inalienable rights of life, liberty and happiness envisioned in our Constitution. The print and electronic media may hold programs and publish special supplements on the Constitution.

CONCLUSION

A constitution helps the populace come to a consensus on the law. It provides citizens with a concise list of principles they can use to determine whether or not their government is acting in accordance with its stated objectives. However, those who are acquainted with the Constitution will generally point out the judicial interpretation of the Constitution as the mechanism for keeping the Constitutional text in sync with this and other changes. They can give their own interpretations to make sense of the Constitution in myriad ways. With all its flaws, the Bangladesh Constitution is a masterpiece of compromise, compassion, and moderation. This Constitution demands that we should become more acquainted with its ideals and aspirations. The irony is that the ratio of awareness to basic knowledge about the Constitution is below satisfactory. 50 years have passed since the formation of the Constitution, but almost 89% percent of students did not see the Constitution in their academic lives. It is high time that the students are not left behind without being aware of the Constitution. This is important to cultivate an effective democratic value as well as foster an understanding and practice of active citizenship and participation in government processes. But it's too crucial to argue over the need of teaching about the Constitution. Not only the students but also the professionals—judges, advocates, and legal consuls—have to take the responsibility to enlighten them with the knowledge of the Constitution. Additionally, the Law Ministry, Ministry of Education, and, to some extent, the government and non-governmental

organizations (NGOs) can take initiatives to ensure the Constitution in educational institutions. By supporting the views of George Washington, in this way we can achieve our political salvation.

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