

Comparative Constitutional Dynamics: Borrowing and Transplantation in the Constitution of Bangladesh

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Abstract: This research delves into the Constitution of Bangladesh, focusing on the processes of constitutional borrowing and transplantation from other jurisdictions. It examines the historical, political, and legislative contexts that influenced the framing of the Bangladeshi Constitution. The study highlights how the country's colonial past and indigenous legal traditions have shaped its constitutional framework. It explores the comparative constitutional dynamics, emphasizing the cross-national influences that have contributed to the development and evolution of constitutional law in Bangladesh. By analyzing the philosophical foundations and borrowed features of the Constitution, the research seeks to illuminate the unique aspects of Bangladeshi governance within the broader South Asian constitutional context. The study further assesses the Constitution's achievements, including the establishment of a democratic state that upholds the rule of law, fundamental human rights, and an independent judiciary, while considering the challenges and potential for future constitutional developments.

Keywords: Bangladesh Constitution, Constitutional Borrowing, Legal Transplantation, Comparative Constitutional Law, South Asian, Constitutionalism, Rule of Law.

“However good a Constitution may be, if those who are implementing it are not good, it will prove to be bad. However bad a Constitution may be, if those implementing it are good, it will prove to be good.”

-Bhimrao Ramji Ambedkar, Chairman of
the Constitution Drafting Committee of
India

1. Introduction

The study of Comparative constitutional law is indeed a distinct area within the greater field of comparative law, which encompasses laws from all around the world. This is the early-twentieth-century transformational field that has piqued the curiosity of judges, researchers, attorneys, policymakers, sociologists, and others. If we consider the fact that human existence is no longer constrained to national borders, but has now transcended all borders and reached all corners of the globe, comparative research is the mechanism of the hour for a profound comprehension of human accomplishment, culture, and other institutions. Ideas that travel

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through time and space shape all domains of knowledge. The circulation of ideas is "a feature of existence and a meaningfully enabling condition of intellectual endeavor" in everything from history to economics to the natural sciences. (Edward Said, 1983)

Cross-national constitutional borrowing is not a new concept. For decades, constitutional makers and interpreters have gazed outside their borders for potential sources of emulation in the practices of other countries. Different types of constitutional borrowing exist. While dealing with cases, judges may consult the decisions of their counterparts in other societies; when deciding what provisions to be included in their documents, constitutional framers may consult the methods of other societies; and citizens may be aware of the practices of other countries when forming opinions on constitutional change. From country to country, the socioeconomic, geopolitical, cultural, and environmental scenarios vary. These distinctions are mirrored in national guidelines, which are frequently documented in a document known as the Constitution. Learning about diverse countries' political and judicial systems contributes to a better international understanding. The laws and procedures of a country are impacted not only by local and national circumstances, but also by worldwide events. The study of differences and similarities in the legal jurisprudence of various countries is known as Comparative Constitutional Laws. It entails researching various legal frameworks from across the world in order to find the best answer to common global issues. It is a pedagogical study of various constitutions in terms of their creation and functioning, as well as how to merge their constituent pieces into a society framework. Even Polish, French, and American philosophers examined examples of written constitutions and scrutinized them thoroughly. South- Asian Countries have chosen the comparative technique.

After the American and French Revolutions, written constitutions emerged as a symbol of modernity. It is the first self-aware attempt to go beyond the traditional British concept of basic law. This creates a second set of legal inconsistencies, namely the difference between proclaiming or discovering basic law and producing or creating it. Despite the fact that the area of constitutional law has become more comparative in recent years, its geographic scope has remained limited. Despite being home to the world's largest democracy and a dynamic constitutionalism, South Asia is one of the field's most overlooked regions. The comparative approach in the field has been one of the most significant breakthroughs in the study of constitutional law in recent decades. Although debates over whether and how domestic courts should rely on (or even refer to) foreign law in domestic legal disputes, the appropriate methodology for comparative analyses, and the potential and limits of comparative constitutional studies continue, many scholars and practitioners – including well-known judges – believe that the task of constitutional law is no longer solely domestic. The use of transnational 'borrowing' in the framing, interpretation, and application of constitutional principles and provisions demands an analytical justification of the processes. That justification can be found in a comparative study of constitutional law. Given the growing political, economic, and social contact, as well as countries' acceptance of common principles and standards as UN members, constitutional 'borrowing' may be unavoidable.

Many academics and practitioners, including well-known judges, think that constitutional law is only concerned with domestic issues. Some countries will always inform comparative enquiries more than others, and researchers and practitioners' jurisdictional imaginations will pivot on the curiosities that drive their work. Because of the uneven growth of comparative constitutional law, the topic is only somewhat comparative, concentrating on a few chosen nations rather than being genuinely worldwide. My aim or focus in this study will be on Bangladesh and its constitution. By examining Bangladesh's constitutional framework, its

development, and its functioning within the broader context of South Asian constitutionalism, I aim to shed light on the distinctive aspects of its governance while exploring its connections to regional and global trends.

2. Constitutional Borrowing

2.1 Definition

We live in the era where comparative constitutionalism is the mainstream. The study of comparative constitutional law includes a lot of constructional borrowing. Borrowing laws and legal ideas from one country to strengthen another's legal system is a common and widespread practice. Different types of constitutional borrowing exist. When resolving conflicts, judges may look to the decisions of their contemporaries in other countries; constitutional framers may look to the choices of their counterparts in other societies when determining what provisions to include in their constitution. (Lee Epstein & Jack Knight, 2003) Constitutional borrowing and nonborrowing, *IINT'LJ. CONST. L.* 196, 197) Constitutional borrowing is a term used to describe an act such as when drafters of a new constitution insert text from another people's governing instrument or constitution. (Frederick Schauer, 2005) *On the Migration of Constitutional Ideas*, 37 *CoNN. L.REV.* 907) Borrowing occurs when someone uses one field of constitutional knowledge to interpret, reinforce, or otherwise enlighten another field in the process of attempting to encourage someone to adopt a reading of the Constitution. Constitutional making process is filled with borrowing from one domain to advance ideas in another. Precedents, arguments, concepts, tropes, and mental shortcuts can all be often used to persuade people across doctrinal boundaries.

Borrowing is a purposeful act of intellectual lifting that is done for a specific purpose. Whatever else that accompanies a decision to borrow, a good conscience decision requires a calculation that using another body of information will strengthen the rule of law or raise the likelihood of a position being accepted by others. (Nelson Tebbe, Robert L. Tsai, 2010. *Constitutional Borrowing*, Michigan Law Review, Volume 108, Issue 4.) Borrowing from the constitution has become commonplace. Not only has the concept of a (written) constitution extended to almost every nation in the globe, but constitutions are now gaining legitimacy as legal texts that can be enforced rather than simply affirmations. The establishment of judicial review, the separation of powers principle, and the enactment of a bill of rights has become permanent landmarks on the world constitutional map. "When you read a large number of constitutional texts, you'll notice how similar their language is; when you examine the history of a country's constitution-making, you'll notice how much self-conscious borrowing occurs." pointed by one scholar. (Robert Goodwin, 1996) 'Designing Constitutions: The Political Constitution of a Mixed Commonwealth' in Richard Bellamy and Dario Castiglione (eds), *Constitutionalism in Transformation: European and Theoretical Perspectives*, 223.) It is well-founded to believe that religion is more deeply engrained in the fabric of Indian society than it is in the United States or Europe, and this perception has made a significant contribution to a great deal of opposition to constitutional borrowing from the West.

2.2 Why Borrowing

Borrowing is only legal if it is guided by a sense of public goodwill. Borrowing is often done in order to produce a long-term synthesis of fields of law and to take benefit of accumulated knowledge. Some reasons are purely selfish, such as a desire to benefit personally from the outcome of a lawsuit or a political campaign; others are more public in character. In the following section, we'll look at some of the most typical forms of borrowing. Any believable act of borrowing must take place under the same basic constraints that constitutional actors

deal with in real life. The success of a single borrowing transaction is determined by a number of characteristics, including fit, transparency, completeness, and yield, which will be discussed in more detail later. We define "good faith" as a sincere endeavor to reach a reasonable conclusion.

3. Constitutional Transplantation

3.1 Definition

The most typical technique of borrowing is the transplanting of legal concepts from one environment to another, in whole or in part. Borrowing is only legitimate if it is guided by a way of measuring of public virtue; a borrower acts righteously if her act of creativity is influenced by public policy. However, whether a given act of borrowing succeeds in persuading or becoming authoritative is dependent on a number of elements, including fit, transparency, completeness, and yield—criteria we'll discuss later. Borrowing research aims to look at how constitutional actors deal with these circumstances in the actual world. The purpose of comparative law's study of legal transplants is to figure out how the complicated dynamic of cross-jurisdictional legal transfers brings legal systems together and eventually leads to change. Alan Watson, a Scottish legal historian and comparatist, proposed the concept of a legal transplant in his famous work "Legal Transplants", published in 1974 in order to describe the transfer of a rule or legal system from one country to another. (Alan Watson, 1993, *Legal Transplants: An Approach to Comparative Law* (2nd edn, University of Georgia Press)) He argued that legal 'transplants' were the result of a combination of 'borrowing' and 'adaptation,' and that borrowing could happen in a variety of ways. Legislation is regularly influenced by foreign policies and experiences. Regardless of whether legal transplants as a notion in legal theory are valid or not, they are a common practice. The extent to which new laws are impacted by foreign precedents, on the other hand, differs. Imported laws are regularly chastised, and fairly so, for being inappropriate for a specific region. Comparative constitutional law is particularly interested in legal borrowing or copying.

3.2 Purpose

The study of borrowings and legal transplants undermines the notion of legal nationality and its connections to a certain system by pointing out reciprocal relationships that cross these national boundaries. Even though transplanting is plagued with pitfalls and contradictions, it is a reality in today's living, breathing legal systems. Influence occurs in a mutated form in the event of a legal transplant, but it is still a transplant, even if it is a transplant gone wrong in some ways. It would be critical to pay attention to the societal context of law, or the new system might reject transplants. Because it is possible to copy a regulation or an institution from another nation, the success of a transplant is not the same as the act of transplanting itself. The problem is that transplanting foreign laws or legal institutions does not happen in a vacuum of legal culture. The long-running debate over legal transplants underscores the need of taking the issues of constructing a legal system based on foreign models seriously. Legal transplant benefits, conditions, consequences, functions, implementation, and compatibility are all hotly discussed concerns. The problems of transplanting are obvious when borrowing takes the form of mass absorption, but even selective borrowing has its own set of hurdles. When we study legal historical trajectories, we might begin to comprehend the root causes of these issues.

4. Theories of Constitutional Borrowing and Transplants

Constitutional borrowing occurs when players in one constitutional system seek to adapt constitutional principles from other constitutional systems to suit their own needs. Professor

Mark Tushnet developed three frameworks for considering the contributions of comparative constitutional law in his widely referenced foundational essay from 1999: functionalism, expressivism, and bricolage. (Mark Tushnet, 1999) 'The Possibilities of Comparative Constitutional Law' 108 Yale Law Journal 1225ff.) He then differentiated between normative universalism, functionalism, and contextualism as means of 'performing' comparative constitutional law. Other scholars have highlighted classificatory and historical methods as additional methodological categories. Here only functionalism, expressivism, and bricolage will be discussed-

(A) Functionalism

The functionalist method tries to explore how constitutional principles generated in one system could be connected to those created in another because they aim to arrange a government to carry out the same responsibilities; it asserts that some constitutional provisions result in arrangements that perform certain tasks in a governing system. Every government, for example, needs a method for declaring war or dealing with internal problems. (Mark Tushnet, 'Some Reflections on Method in Comparative Constitutional Law' (n 8) 72.)

(B) Expressivism

Constitutions assist in the formation of nations to varied degrees in different countries, providing citizens with a means of knowing themselves as political creatures. Constitutional concepts, according to expressivism, are reflections of a nation's self-understanding. Preambles of constitutions, such as the preamble to the 1937 Irish Constitution, which includes allusions to Jesus Christ linking the country with Christianity, centuries of trial and struggle, and self-donation and adoption of the constitution, may be especially valuable for an expressivist. (Mark Tushnet, 'Some Reflections on Method in Comparative Constitutional Law' (n 8) 79-80.)

(C) Bricolage

Claude Lévi-Strauss coined the term "bricolage." (Claude Lévi-Strauss, [1962] *The Savage Mind* [1962] 16–17.) Bricoleurs adopt constitutional analogues from other countries without giving any thought to why they were chosen or deployed. As engineers would filter through ideas and put them together in a constitutional form that made sense in the context of a larger conceptual scheme. Instead, they delve into their bag of ideas and pick the first item that fits the situation at hand. (Mark Tushnet, 'The Possibilities of Comparative Constitutional Law' (n 9) 1286). Bricolage is a term that more often defines how comparative constitutional law operates, particularly in countries that are relatively new, such as Bangladesh. However, because the framework simply has a random, unstructured quality, it is difficult to believe that it has any independent moral basis. The bricolage is a counter-argument to functionalism and expressivism, which are concerned in incorporating elements from other constitutional traditions into our own. Bricolage warns against using interpretative procedures that give the drafters of a constitution false reason. In the constitutional system with which we are most accustomed, the concept of bricolage has the potential to supplant our sense of the taken-for-granted. It may therefore aid our understanding of the Supreme Court's and legal academy's interest in comparative constitutional law. The approaches stated above are educational and give important views. However, the approaches listed above are not exhaustive, and different situations need the employment of different approaches at various times.

5. Abusive Constitutional Borrowing

The use of ideas, concepts, and principles borrowed from essential features of liberal democratic constitutionalism but converted into attacks on the minimum core of electoral democracy is known as abusive constitutional borrowing. (Rosalind Dixon, David Landau, *Abusive Constitutional Borrowing: Legal Globalization and the Subversion of Liberal Democracy*, Oxford University Press, 2021). At least four separate and somewhat overlapping kinds of abusive constitutional borrowing are possible. They are shown below-

1. When authoritarian actors import a norm, such as a constitutional right, into their legal order with no intention of giving it force, this is known as “**sham' borrowing**.” (David S Law and Mila Versteeg, 2013) ‘Sham Constitutions’ 101 Calif L Rev 863.)
2. When would-be authoritarians adopt part of a liberal democratic norm or bundle of norms but leave out other elements in order to produce an anti-democratic effect, this is known as “**abusive selective borrowing**”.
3. When borrowing that entails the transplantation of liberal democratic norms into fundamentally different circumstances, where borrowers are well aware that they would act anti-democratically, this is known as “**abusive acontextual**”.
4. When would-be authoritarians use borrowing to transform liberal democratic designs, ideologies, or concepts into instruments that accomplish the opposite of their intended objective, this is known as “**anti-purposive**”.

Abusive borrowing works by decoupling the form and substance of a standard, but it does so in different ways. In many ways, these shifts are an expected and even unavoidable part of the comparative enterprise. Abusive constitutional borrowers, on the other hand, use comparisons to maximize the anti-democratic consequences of supposedly liberal democratic concepts. Constitutional designers, executive branch officials, and parliamentarians all have the potential to abuse liberal democratic constitutional discourse. The misuse of ordinary language sets the stage for abusive constitutional borrowing, in which democratic ideas are stripped of their content and applied to anti-democratic objectives. If language has no actual meaning and may be used selectively and deliberately to push a purportedly liberal democratic ideology, then long-standing liberal democratic norms and principles may be abused for corporate purposes as well.

6. The Influence of International Law in The Drafting of Constitutions

International law is a corpus of legislation that primarily governs interactions between nations and between governments and international organizations. It encompasses a range of rules and principles that are binding upon states and other international actors. Some international norms, often termed 'soft law,' do not have binding force but still exert significant influence, serving as guidelines for behavior and policy formulation. (Malcolm Shaw, ‘International Law’ (7th edn, Cambridge University Press 2014). These norms often shape domestic laws and policies through mechanisms such as diplomatic pressure, international condemnation, and as conditions for development aid. In many instances, constitutions explicitly state how international law interacts with domestic law, highlighting its role in shaping national legal frameworks. (Sarah Joseph, Jenny Schultz, and Melissa Castan, ‘The International Covenant on Civil and Political Rights: Cases, Materials, and Commentary’ 2nd edn, OUP 2004).

In the drafting of constitutions, international law can exert influence in both direct and indirect ways. Direct influence occurs when governments incorporate international legal norms into their domestic constitutions to meet obligations under international treaties or conventions. For example, the incorporation of human rights norms into national constitutions is often a result of obligations under international human rights treaties. (Sarah Joseph, Jenny Schultz, and Melissa Castan, 2004) 'The International Covenant on Civil and Political Rights: Cases, Materials, and Commentary' 2nd edn, OUP) Indirect influence occurs when international standards and practices inform the drafting process, even when there is no formal obligation to do so. (Anne-Marie Slaughter, 'A New World Order', Princeton University Press 2004). This can be seen in instances where constitutional drafters draw inspiration from successful practices in other jurisdictions that align with international norms.

A notable aspect of international law is the concept of *jus cogens*, which refers to peremptory norms from which no derogation is permitted. (Dinah Shelton, 'Normative Hierarchy in International Law' (2006) 100 AJIL 291) These norms, such as prohibitions against genocide, slavery, and torture, hold a higher status than other international rules and take precedence over conflicting treaties or customary international law. The recognition of *jus cogens* in national constitutions underscores the influence of international law in establishing fundamental legal principles that transcend national boundaries.

The United Nations Charter is a prime example of international law's influence on national constitutions. Article 2(7) of the Charter prohibits the UN from intervening in matters within the domestic jurisdiction of states, yet it also emphasizes the importance of adhering to international norms. (United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI.) This principle reflects a balance between state sovereignty and the need for international cooperation in upholding human rights and global peace.

The Universal Declaration of Human Rights (UDHR), adopted in 1948, marked a significant step in making human rights a part of international law. (Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A III) Initially seen as non-binding, the UDHR laid the groundwork for subsequent legally binding treaties, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted in 1966. (ICCPR (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171; ICESCR (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3) The principles enshrined in these treaties have been incorporated into many national constitutions, reflecting their enduring influence on domestic legal systems.

The impact of international human rights norms can be observed in the democratic transitions in Spain and Portugal during the 1970s, as well as in the post-Cold War constitutional reforms in Central and Eastern Europe. (Geoffrey Pridham, 2000 'The Dynamics of Democratization: A Comparative Approach') , these transitions were characterized by the adoption of constitutional provisions that aligned with international human rights standards, signaling a commitment to democratic governance and the rule of law.

In the case of Hungary, which was not a member of the UN at the time of the UDHR's adoption, the initial response to the Declaration was critical due to prevailing political and legal ideologies. However, following the regime change in the 1990s, Hungary embraced international human rights norms, integrating them into its constitutional framework. (Andras Sajó, 'Limiting Government: An Introduction to Constitutionalism' (Central European

University Press 1999). This shift illustrates the dynamic interplay between international law and domestic constitutional development, highlighting the role of international norms in shaping national legal identities.

The influence of international law on constitutional drafting extends beyond human rights to include environmental law, trade law, and international humanitarian law. For example, the principles of sustainable development and environmental protection, enshrined in international environmental treaties, have been incorporated into the constitutions of various countries, reflecting a growing recognition of the need for legal frameworks that address global environmental challenges. (Philippe Sands, 2003 'Principles of International Environmental Law' 2nd edn, Cambridge University Press).

In conclusion, the influence of international law in the drafting of constitutions is multifaceted, encompassing direct incorporation of treaty obligations, inspiration from international standards, and the integration of jus cogens norms. This influence underscores the interconnectedness of the global legal order and the importance of aligning national legal systems with international norms to promote justice, human rights, and the rule of law.

There have been significant advancements in the study of comparative constitutional law during the last three decades. The topic has seen an overflow of study, ranging from contributions on the relevance and method of comparative work to case studies on specific jurisdictions. Despite the fact that such advances are invariably unequal, it is noticeable that some nations and geographical regions have received significantly more attention and investigation than others. South Asia has received little attention, which is remarkable considering that it is the location of significant constitutional experiments in terms of constitution-making, constitutional preservation, and constitutional failure, as well as a region where several key apex courts operate in English. The concepts of constitutional borrowing and legal transplanting are not new or innovative. Constitutional borrowing is most common in countries where drafters face the daunting process of drafting new constitutions. Because such countries typically lack domestic expertise in this area, they seek assistance from other countries that have a wealth of historical knowledge of constitutional theory, procedures, adjudication, and training. The experiences and traditions of these States in terms of constitutional systems aid newer polities in analyzing and selecting the aspects that are most suitable for replication and best suited to their own domestic settings. However, as this type of borrowing becomes more common, the fundamental question that emerges is whether it is acceptable, particularly in relation to judicial action. Some academics, such as P.K. Tripathi, contend that quoting foreign sources invites judicial opportunism since it may be used to fit historical association's cognitive biases. Others have argued that putting too much focus on perceived distinctions between comparable constitutional systems is artificial and unhelpful in practice.

Most nations' constitutions had been written after the Second World War ended, and they all have five stuffs in common:

- Ingrains clauses that establish the key governmental institutions, define their relationships, provide them privileges, and offer a process for their removal.
- Mechanism for altering or changing the Constitution while keeping certain fundamental characteristics in mind (which cannot be amended).

- All of the country's citizens' rights and freedoms, as well as measures for redress in the event of violation.
- System of checks and balances and separation of power among governmental institutions is mentioned in the provisions.
- Provision for the establishment of an independent judiciary, which will have the power to review government actions and declare any Act illegal if it violates the constitution's fundamental principles.

The paradox of comparative constitutionalism is that it is both old and modern at the same time. With its concentration on the constitutions of Greek city-states in order to derive normative insights on democratic construction, Aristotle's Politics is likely one of the oldest works in this topic. Similarly, intellectuals in ancient Iraq, China, India, and Egypt pondered on governing principles in ways that researchers of constitutionalism would immediately recognize as akin to what they do in light of current events. Nonetheless, there is something unique about the current discipline's development. One of them is- “abusive constitutional borrowing”. The examination of abusive constitutional borrowing in this research work is motivated by the fact that constitutional borrowing and transplant are highly common in this South Asian region. However, they are sometimes carried out in a way that is abusive in character. Although research on abusive constitutional borrowing is new in this field of comparative constitutional law, there will be a lot of discussion about it in the future.

7. Prologue: Constitution of Bangladesh

Bangladesh's Constitution is the country's supreme law, formally known as the Constitution of the People's Republic of Bangladesh. The constitution lays the groundwork for the Bangladeshi republic, including a unitary parliamentary democracy, an independent judiciary, democratic local administration, and a national bureaucracy, as well as fundamental human rights and freedoms. The four fundamental ideals of the Constitution are nationalism, socialism, democracy, and secularism. The Constitution strives to create a socialist society in which all citizens enjoy the rule of law, fundamental human rights and freedoms, and political, economic, and social equality. "Contribute to international peace and cooperation in conformity with humanity's progressive goals," Bangladesh promises. Bangladesh's Constituent Assembly passed it on November 4, 1972, and it entered into effect on December 16, 1972. As the country's fundamental governing instrument, the Constitution replaced the Proclamation of Independence. The Constitution went into force on Bangladesh's Victory Day, exactly one year after the signing of the Instrument of Surrender.

Bangladesh has a better track record than any other South Asian country in drafting its own constitution. After 325 days of freedom, she drafted a full-fledged constitution for herself. The rapid drafting of Bangladesh's Constitution took only nine months, although but the preparation of such drafting took a much longer course. Few other crucial tools for nation formation predate the constitution of the People's Republic of Bangladesh. The Proclamation of Independence was designated as Bangladesh's first provisional constitution since it defined the country's character and political structure. The Provisional Constitution Order, published by President Bangabandhu Sheikh Mujibur Rahman, altered the basics of the Revolutionary Government. On March 23, 1971, the Provisional Constitution of Bangladesh (P.C.O. No. 22) was proclaimed, along with a Constituent Assembly Order establishing a parliamentary system of government. The Assembly established a 34-member Committee on April 11, 1972, with Dr. Kamal Hossain, Minister of Law and Parliamentary Affairs, as its

chairperson. The house adopted 84 of the 163 suggested revisions, including 64 on the major portions and 20 on the Schedules and Preamble combined. The constitution was adopted on November 4, 1972, and went into effect on December 16, 1972, on the nation's first victory day. Bangladeshi Liberation War martyrs fought valiantly for the ideas that motivated the heroic Liberation War heroes to lay down their lives. Even before the final draft of our Constitution was completed, there was widespread agreement on the essentials to be included in it, with competing parties and groups disagreeing primarily on minor details.

8. Constitutional Development of Bangladesh

Our country's ultimate law is the Constitution of the People's Republic of Bangladesh. The generations of Bangalees who worked so hard to build it is absolutely extraordinary. Every page of the Constitution also pays tribute to those who earned it for us. It is clear that the martyrs' ideal served as a guideline in the creation of this Constitution. Of the 153 articles grouped into 11 sections and four attached schedules in the Constitution of Bangladesh established in 1972, the framers created a one-of-a-kind example of patriotism and honesty. The constitution-making process was impacted by a number of internal and foreign causes. Internally, issues included indigenous community aspirations for constitutional acknowledgment of cultural autonomy, Bangladesh's historical experiences under the Pakistani and colonial administrations, and the post-war urgency of nation-building. Externally, international politics, particularly those of the world's superpowers and India, had a considerable impact on Bangladesh's constitution-making process. It needed international support for its unilateral proclamation of independence, and the Constitution included an explicit promise to follow international law. Another source of influence and inspiration was international human rights treaties, as seen by the establishment of an enforceable Bill of Rights and a set of unenforceable social and economic rights. On the other hand, like any other constitution, Bangladesh's first Constitution was informed and impacted by the nation's sociological and political history, rather than being a total break from the nation's prior experiences. The nation's democratic, social, and political underpinnings were established by the founding Constitution. Despite several violations throughout the years, the original Constitution has mostly held up. It also had a favorable influence on later events; however, its positive effects were not always as long-lasting as predicted. The historical pathway which followed is shown below:

- **After The Pakistani Military Crackdown on The 25th of March in 1971 -** Bangladesh's Provisional Constitution established a presidential system of The President has been named the military's supreme commander. He had the authority to nominate the prime minister, call and adjourn the constituent assembly, and do "all other things required providing an orderly and just administration to the people of Bangladesh."
- **Proclamation of Independence, 1971-** Bangladesh furthermore announced that as a member of the UN family, it will follow and execute all of the duties and obligations placed on it by the UN Charter. After the establishment of Bangladesh as a sovereign Republic following the surrender of the Pakistan Army on December 16, 1971, the above proclamation remained a significant document both historically and constitutionally, and it remained the fundamental law of the land until the constitution was drafted.
- **The Laws Continuance Enforcement Order, 1971-** On 10 April 1971, the Acting President issued the Laws Continuance Enforcement Order, exercising the authority given on him by the Proclamation. It went into force on March 26, 1971, to assure administrative continuity in all areas. All existing Pakistani legislation relevant to the

proclamation were approved and made effective by this decree. It stipulated that all government personnel, civil, military, judicial, and diplomatic, who took the pledge of loyalty to Bangladesh, would remain in their positions on the same terms and circumstances as before. The district judges, magistrates, and diplomatic officials in charge of respective domains were to administer the oath.

- **The Provisional Constitution of Bangladesh Order, 1972-** On January 11, 1972, President Sheikh Mujibur Rahman signed a Provisional Constitution Order. As a result of this Order, the essence of government has changed. The presidential form of government was replaced by the cabinet form of government. Its main features were:
 - (i) The president should act and exercise his functions on the advice of the prime minister;
 - (ii) The president should appoint a member of the Constituent Assembly as prime minister who commands the confidence of the majority members of the Constituent Assembly;
 - (iii) The president should appoint a member of the Constituent Assembly as prime minister who commands the confidence of the majority members of the Constituent Assembly; and
 - (iv) A member should be appointed by the president.
 - (v) A constituent assembly should be composed of Bangladeshis who were elected to the National Assembly and Provincial Assembly seats in December 1970 and January 1971, respectively, and who are not otherwise disqualified by or under any law;
 - (vi) The president should designate a prime minister who is a member of the Constituent Assembly;
 - (vii) A constituent assembly should be composed of Bangladeshis who were elected to the National Assembly and Provincial Assembly seats;
 - (viii) In the event of a vacancy in the office of the President at any time prior to the constituent assembly's framing of the constitution, the vacancy should be filled by the Prime Minister;

A Bangladeshi high court with a chief justice and as many justices as may be nominated from time to time should be constituted. Unlike Pakistan's Constituent Assembly, Bangladesh's Constituent Assembly was not given legislative powers; instead, it was solely responsible for crafting the country's constitution. The government retained legislative authority, and the Proclamation of Independence remained the supreme law until December 16, 1972, when the constitution took effect. The executive has been unaccountable to anybody or any institution until now.

- **The Constitution of Bangladesh, 1972-** Every page of Bangladesh's Constitution pays tribute to those who fought for us and earned it. In the 153 articles grouped into 11 sections and four attached schedules, the framers created a one-of-a-kind example of patriotism and honesty. This methodical strategy to tackling state constituting difficulties using a comparative approach based on national experience is found to be comparable to a lovely melody with calming harmony. The Constituent Assembly of Bangladesh Order, 1972, was issued by the President on March 23, 1972, signaling the commencement of the constitution-making process. The Order went into great detail on the Constituent Assembly and its powers. Despite the fact that 469 persons were voted to the National and Provincial Assembly, a few had died or were disqualified. Only 404 persons attended

the Constituent Assembly's sessions. On April 10, 1972, the Assembly convened for the first time. A 34-member Constitution Drafting Committee, led by Dr. Kamal Hossain, was formed on the second day of the conference. The first reading of the bill began on October 19 and ended on October 30. From the 31st of October to the 3rd of November, the second reading was held. On November 4, the third reading began, with 65 amendments to the Constitution Bill adopted, as well as the adoption and enactment of the Constitution. On December 16, 1972, the Constitution took effect.

9. Philosophical Foundations of the 1972 Constitution

Each constitution contains certain fundamental features that express the principles that it holds. Bangladesh's constitution stands firm on a number of comparable key issues that are extremely important. Indeed, it was these beliefs that prompted the heroic Liberation War heroes to lay down their lives. Another well-known truth is that even before the final text of our Constitution was completed, there was widespread agreement on the basics to be included in it, with competing parties and organizations disagreeing mainly on minor details. (Abul Fazl Huq, 1973) Constitution-Making in Bangladesh) Our Constitution, according to Dr. M Shah Alam, is a legal instrument that embodies the greatest values of democracy, fundamental human rights and dignity, justice, the welfare of the people, and the rule of law. (Dr M Shah Alam, '43 Years of Our Constitution') To further understand the factors that impacted the overall framework of our constitution, it is necessary to first examine some of the philosophical foundations of the 1972 constitution, which are:

9.1 Nationalism

The significance of the first essential concept, nationalism, in establishing the Constitution of Bangladesh cannot be overestimated. Members of the Constituent Assembly sincerely recognized the martyrs and fighters who gave the entity independence while infusing its essence into the Constitution. As Bangabandhu properly noted that- “No country can ever advance without nationalism; this is the guiding philosophy that has led us to where we are now. We support nationalism. (...) Nationalism is based on emotions. So, my 'Bengali Nationalism' is founded on the belief that our country achieved its freedom via a terrible war.” (The Constituent Assembly Debate, p 701; Column 1)

The history of the Bangalees country has constantly shown us that independence is the only way to gain redemption and freedom from exploitation. That is why, in the last twenty-five years, our country has been involved in the formation of two new states. Recognizing the gravity of the issue, our Constitution boldly declares in Article 9: The unity and solidarity of the Bangalees nation, which, deriving its identity from its language and culture, attained sovereign and independent Bangladesh through a united and determined struggle in the war of independence, shall be the basis of Bangalees nationalism.

9.2 Socialism

Property and the freedom to engage in commerce or business are guaranteed by Article 10 of our Constitution, subject to any legal restrictions. It further states that property may be acquired with or without compensation, and that the issue of compensation adequacy will not be decided in court. Article 14 highlights peasant and worker liberation by providing protection for pre-constitutional nationalization and other economic initiatives. The same place has always been the epicenter of political activity that led to our freedom.

In 1971, the issue of autonomy morphed into a war for independence. The work of the Drafting Committee was founded on nationalist, socialist, democratic, and secular ideas. In order to do this, a link has been established between democracy and socialism, sometimes known as "Mujibism." (Abul Fazl Huq, [1973] 'Constitution-Making in Bangladesh')

During the general debate on the drafting Constitution bill, Mr. Asaduzzaman Khan, an elected representative from Mymensingh, made an excellent comparison between our notion of socialism and the world's perspective in his extremely enlightening statement. He rightly cited the USSR's, China's, East Germany's, and Yugoslavia's constitutions to demonstrate that personal ownership is not new in communist nations. He stressed that the concept of socialism inscribed in Bangladesh's constitution can only be realized through the use of the establishment of peace. His views obviously lead us to assume that portraying the strong basic ideals of our Constitution would have been impossible without such analogies. (Mr. Asaduzzaman Khan pointed to Chapter One, General Principles, Articles 5 and 10 of the Constitution of the People's Republic of China, as well as Article 13 of the Constitution. Article 11 (1) and Article 16 of the German Democratic Republic's Constitution were mentioned in his address. In his remarks, he referred to Article 23 of the Yugoslav Constitution.)

9.3 Secularism

Every citizen has the right to profess, practice, or promote any religion so long as it does not violate the law, public order, or morality. No one attending an educational institution is obligated to receive any instruction or to participate in or attend any religious ceremony if the teaching, ceremony, or worship is related to a different faith. The misinformed claim that the philosophy of secularism was imported from India is false in every way since India's Constitution accepted this objective much later. (The word "secular" was not inserted into the Preamble of the Indian Constitution until the 42nd Amendment in 1976)

9.4 Democracy

The Constitution provides avenues for cultivating participatory democracy with the goal of empowering the entire public. However, the notion of democracy is not limited to insuring the existence of several political parties. It looks to be fairly multifaceted instead. Several elements of unique significance are included in this concept. Our Constitution depicts a kind of democracy that addresses a variety of challenges.

9.5 Parliamentary Democracy

The majority of his powers are delegated to the Prime Minister and the Chief Justice under Article 48 of the Constitution. This keeps the President out of power politics and allows the Prime Minister ultimate control over his cabinet. Sovereignty of the English medieval king was codified in the unwritten constitution (codified / uncoded constitutions) and has been recognized by legal authorities as a legal concept accepted, albeit debated, by legal officials. Parliamentary sovereignty is becoming the exception rather than the norm in modern global constitutionalism. Currently, at least 171 constitutions explicitly assert their legal supremacy and/or have clear processes to assess earlier or future legality (supremacy/primacy). The interwar and WWII European experience revealed that even democratically elected institutions might undermine basic rights and freedoms. Postwar constitutionalism tended to establish constitutional courts to defend democracy from its excesses.

9.6 Enforcement of Human Rights

Bangladesh's constitution gives equal weight to the promise of defending human dignity and characteristics of public participation. According to Article 11, "the Republic shall be a democracy in which fundamental human rights and freedoms, as well as respect for the dignity and worth of the human person, are guaranteed, and in which effective participation by the people through their elected representatives in administration at all levels is ensured." In order to fulfill the people's rights, the Constitution includes a bill of rights that guarantees fundamental rights such as equality before the law, equal opportunity in public employment, right to life and personal liberty, freedom of movement, freedom of assembly, freedom of association, and freedom of thought. (Kamal Hossain, 2013, *Bangladesh: Quest for Freedom and Justice* (First edn, The University Press Limited 144)

Therefore, as conclusion, it is impossible to deny that our Constitution was shaped by a long and painful history of sacrifices and tyranny that drove us to accept the essential ideals of nationalism, socialism, democracy, and secularism. This work has been lauded in numerous ways, as it should be. The Constitution has been described as "(...) the fruit of a historic war of independence, achieved with the lives and sacrifice of a telling number of people for a common cause, making it a class apart from other constitutions of comparable description," as stated in the judgment of *Dr. Mohiuddin Farooque v Bangladesh* (1997), 49 DLR (AD). Bangladesh has been one of the world's busiest constitutional laboratories since its independence in 1971. (Aleem Al Razeem, *Constitutional Glimpses of Martial Law- Dhaka: University Press Ltd., 1982*) Bangladesh stands out among its South Asian neighbors in terms of ethnic, cultural, and linguistic homogeneity among its people, as well as territorial closeness among its many administrative entities. Bangladesh carried the historical burden of Pakistani domination, which included a civil–military bureaucracy and a non-representative technocracy, when it gained independence.

As a consequence, there was broad agreement on the creation of a representative government modeled after the Westminster parliamentary system, as well as a constitution enshrining key liberal-democratic ideas. However, there were drawbacks stemming from the same historical heritage. Bangladesh's split from India and annexation to Pakistan was prompted by communal politics and the division of British India. The 1971 struggle, which was primarily economic, political, linguistic, and cultural in character but was purposely portrayed as religious, resulted in Pakistan's independence. (Rehman Sobhan (2006), "Identity and Inclusion in the Construction of a Democratic Society in Bangladesh," *Journal of the Asiatic Society of Bangladesh (Humanities)*, 51 (2): 155–77.) Although Pakistani control in Bangladesh ended in genocide followed by a liberation war, the communalization of Pakistan's identity continues to plague Bangladeshi culture and politics today.

10. Borrowed Features of Bangladesh Constitution

The procedure and substance of constitution formation are pivotal to understanding the nature of the constitution-building process in Bangladesh. According to Klein and Sajó, it has been established in the field of comparative constitutional law that a constitution-making process not reliant on prior norms of procedure is known as creation *ex-nihilo*. (Klein, Claude, and Andras Sajó, 2012) The identification of the entity that will compose the constituents is the initial step in this type of constitution-making. By definition, this act must be self-affirming. In such a context, self-constitution is revolutionary, marking a

clear repudiation of the former government. An elected (or at least delegated) constituent body, such as a constituent assembly, is considered the ideal and most successful body for drafting constitutions that meet the criteria of constitutionalism and democracy.

In Bangladesh, the people declared their independence through "an act of self-affirmation," a process that can be seen as a purposeful break from Pakistan's then-existing constitution. Klein and Sajó distinguish between two types of ex-nihilo creation:

1. The revolutionary version
2. Constitutions for nation-state-building

In revolutionary constitution-making, the pre-existing constitution-making structure is ignored, and the group drafting the new constitution must form itself. On the other hand, nation-state constitutions are built on ethnic homogeneity and a sense of belonging to the new state, rather than the rejection of fundamental authority. This approach to state building can be used as a national sovereignty act or as an international endeavor to create a constitution. Dr. Kamal Hossain remarked that Bangladesh's Constitution-making process could be defined as revolutionary since the public enthusiastically supported the establishment of a new constituent assembly. He further stressed that, while the initial goal was to draft a new constitution peacefully, the genocide and attack forced the country to resort to violence. (Kamal Hossain, 2013, Bangladesh: Quest for Freedom and Justice. The University Press Limited)

The borrowed features of the Constitution of Bangladesh reflect a blend of various global influences, carefully adapted to suit the country's unique socio-political context. These features include:

-Judicial Review: Borrowed from the United States, judicial review empowers courts to assess the constitutionality of legislative and executive actions. This mechanism ensures a check on governmental power and upholds the rule of law. (Marbury v. Madison, [1803]) The President's role as commander-in-chief of the armed forces and the principles of an independent judiciary and separation of powers also draw from the U.S. Constitution, emphasizing a robust system of checks and balances.

- Parliamentary Government: The parliamentary system, the concept of single citizenship, the rule of law, the role of the legislative speaker, and legislative procedures are borrowed from the British Constitution. This framework supports a system where the executive is accountable to the legislature, ensuring democratic governance. (Dicey, A.V, Introduction to the Study of the Law of the Constitution. Macmillan, 1885)

- Directive Principles of State Policy: Inspired by the Irish Constitution, the directive principles in Bangladesh's Constitution are termed "Fundamental Principles of State Policy." These principles, although non-justiciable, guide the state in making laws and policies aimed at ensuring socio-economic justice. (Constitution of Ireland 1937, Articles 45)

- Republic and Core Values: The concept of a republic, along with the ideals of liberty, equality, and fraternity, were borrowed from the French Constitution. These values are enshrined in the Preamble and the Fundamental Rights section, highlighting the commitment to uphold individual freedoms and social justice. (Constitution of the French Republic 1958, Preamble)

10.1 Analysis of Borrowed Features

The integration of borrowed features into the Constitution of Bangladesh underscores a deliberate effort to adopt tried and tested governance models while tailoring them to the national context. The adoption of judicial review ensures that the judiciary can act as a guardian of the Constitution, protecting against potential overreach by other branches of government. This feature has been instrumental in safeguarding democratic principles and ensuring that the rule of law is maintained. (Kamal Hossain, 2013, Bangladesh: Quest for Freedom and Justice. The University Press Limited)

The parliamentary system borrowed from Britain aligns with Bangladesh's colonial history, making it a familiar governance structure. This system fosters accountability and responsiveness, as the executive must maintain the confidence of the legislature. However, the effectiveness of this system in Bangladesh has faced challenges, particularly concerning political instability and the concentration of power within executive leadership. (Ahmed, Nizam, 2004, Parliamentary Democracy in Bangladesh. Ashgate)

The directive principles from the Irish Constitution provide a framework for socio-economic governance. These principles aim to create a welfare state by guiding the government in addressing issues such as poverty, health, and education. While non-enforceable, these principles serve as a moral compass for the legislature, highlighting the state's commitment to achieving equity and social justice. (Gerard Hogan, The Origins of the Irish Constitution, 1928-1941. Royal Irish Academy, 2012)

The ideals of liberty, equality, and fraternity, borrowed from the French Constitution, reflect the aspirations of the Bangladeshi people for a society grounded in democratic values and human dignity. These ideals are integral to the Constitution's vision of creating a just and inclusive society. However, realizing these ideals in practice requires continuous efforts to address socio-economic disparities and ensure equal opportunities for all citizens. (Richard Bellamy, 1996, Constitutionalism in Transformation: European and Theoretical Perspectives. Oxford University Press,)

The borrowed features of the Constitution of Bangladesh illustrate the dynamic interplay between global constitutional norms and local needs. By drawing on diverse legal traditions, Bangladesh has crafted a constitution that seeks to balance the imperatives of governance, justice, and social equity. While the incorporation of these features has provided a strong foundation, the ongoing challenge lies in their effective implementation and adaptation to the evolving socio-political landscape.

10.2 Additional Considerations

- Cultural Adaptation: The adaptation of borrowed constitutional features to align with Bangladesh's cultural and religious values is crucial. For instance, while secularism was adopted, it has been interpreted in a way that respects the religious sentiments of the majority Muslim population, reflecting a localized adaptation of a borrowed principle.

- Impact on Legal Education and Practice: The borrowed elements have also shaped legal education and practice in Bangladesh. The incorporation of common law principles and practices has led to a legal system that relies heavily on precedents and case law, influencing the training and approach of legal professionals.

- Comparative Constitutional Challenges: The reliance on borrowed features has not been without challenges. There have been instances where the imported legal concepts have clashed with local customs and practices, leading to tensions and the need for constitutional amendments to address these conflicts.

- Future of Constitutional Borrowing: As Bangladesh continues to evolve, the role of constitutional borrowing in future amendments and legal reforms remains a topic of interest. The experiences of other nations will likely continue to inform Bangladesh's legal development, necessitating a careful balance between global influences and domestic realities.

11. Achievements of Bangladesh's Constitution

Despite the limitations inherent in constitutional borrowing, the Constitution of Bangladesh has achieved remarkable milestones. It laid the groundwork for a democratic state that upholds the rule of law, fundamental human rights, and an independent judiciary. Article 11 of the Constitution, for example, commits the Republic to ensuring fundamental human rights and effective public participation in governance.

One of the Constitution's most significant achievements is its ability to embody the collective aspirations of the Bangladeshi people while fostering a vision for a just and equitable society. By incorporating key democratic principles, such as the separation of powers, equality before the law, and provisions for fundamental freedoms, it created a robust framework for governance. Articles 27 and 31 ensure equality before the law and protection of the law, reinforcing the commitment to justice and fairness. Framers also demonstrated foresight by embedding mechanisms for constitutional amendments, ensuring that the document could adapt to changing circumstances. Article 142 of the Constitution provides the Parliament with the authority to amend its provisions, a feature that has allowed the Constitution to remain relevant over time. While the process has occasionally been misused, this adaptability has contributed to the Constitution's resilience in the face of political upheavals, military coups, and periods of authoritarian rule.

The Constitution also enshrines the fundamental principles of nationalism, socialism, democracy, and secularism. These principles, articulated in the Preamble and Article 8, are reflective of the sacrifices made during the Liberation War and serve as a tribute to the martyrs who fought for the nation's independence. As the Supreme Court stated in *Dr. Mohiuddin Farooque vs. Bangladesh (1997)*, these principles form the backbone of the constitutional framework and symbolize the aspirations of the Bangladeshi people. Furthermore, those things played a crucial role in shaping Bangladesh's legal and political identity in the international arena. By recognizing international law and incorporating global human rights principles, the Constitution aligns itself with universal ideals of justice and equality. Article 25 underscores the country's commitment to international peace and cooperation, further enhancing its reputation on the global stage.

Another achievement lies in those provisions for the enforcement of fundamental rights through the judiciary. The establishment of judicial review ensures that executive and legislative actions are subject to constitutional scrutiny. This mechanism, outlined in Article 102, empowers the High Court Division of the Supreme Court to provide remedies for violations of fundamental rights. This feature underscores the Constitutional to accountability and the protection of individual freedoms.

Despite challenges, the Constitution has fostered significant progress in promoting inclusivity and addressing socio-economic disparities. For instance, Articles 14 and 19 emphasize the liberation of disadvantaged groups and the reduction of inequality, illustrating the farmers' vision for a just and equitable society.

Finally, the Constitution has also proven its ray remaining a unifying force during times of national crises. The democratic ethos enshrined within its framework has inspired generations of Bangladeshis to strive for a society grounded in justice, equality, and inclusivity. As Kamal Hossain noted, the Constitution reflects the aspirations of a people determined to create a nation where their rights and dignity are safeguarded.

In sum, the achievements of Bangladesh's Constitution have significance as a cornerstone of the nation's identity. By balancing borrowed principles with indigenous values, it remains a testament to the resilience and vision of the Bangladeshi people.

12. Future Directions

As Bangladesh continues to evolve, the Constitution must adapt to new challenges and opportunities while safeguarding its foundational values. The process of constitutional borrowing and transplantation will likely remain instrumental in driving legal innovation and reform. However, such borrowing must not amount to mere replication. Future amendments should prioritize transforming borrowed principles to suit the nation's socio-cultural, political, and economic realities. For instance, ensuring that secularism respects religious diversity or that parliamentary democracy evolves to address contemporary governance challenges can reinforce the Constitution's relevance. (Alan Watson, 1993, *Legal Transplants: An Approach to Comparative Law* (2nd edn, University of Georgia Press))

In addition to adapting to global constitutional trends, fostering a strong culture of constitutionalism will be critical. Constitutionalism entails more than the existence of a constitution—it represents a commitment to the rule of law, accountability, and the active engagement of citizens in governance. (Mark Tushnet, (1999) 'The Possibilities of Comparative Constitutional Law' 108 *Yale Law Journal* 1225) Institutions like the judiciary, legislature, and executive must function independently and transparently, free from political interference, to ensure constitutional ideals are upheld. Strengthening these institutions through structural reforms and capacity-building initiatives can ensure their resilience in the face of shifting political dynamics. (Dr. Kamal Hossain, 2013, *Quest for Freedom and Justice: Constitutional and Human Rights Essays*, UPL)

Furthermore, public participation in governance must move beyond mere representation. Empowering citizens through civic education and initiatives that enhance their understanding of constitutional rights and responsibilities can bridge the gap between constitutional ideals and societal practices. For instance, awareness campaigns about fundamental rights and judicial remedies can make these protections more accessible to marginalized communities.

Looking ahead, constitutional reform must be inclusive, participatory, and reflective of Bangladesh's aspirations. The Constitution must evolve not just as a legal framework but as a living document that resonates with its people, embodying their struggles and hopes for a brighter future. By balancing local needs with global principles, Bangladesh can continue to strengthen its constitutional identity and ensure its legal framework serves as a robust foundation for sustainable development.

13. Conclusion

The Constitution of Bangladesh stands as a remarkable testament to the nation's resilience, ingenuity, and aspiration for justice and equality. Emerging from the ashes of a painful struggle for independence, it reflects a delicate balance between indigenous values and principles borrowed from global constitutional practices. Its foundational pillars—nationalism, socialism, democracy, and secularism—embody the collective aspirations of the Bangladeshi people, while its borrowed features like judicial review, parliamentary democracy, and directive principles reveal a conscious effort to integrate tried-and-tested frameworks into a unique socio-political context.

Constitutional borrowing and transplantation, as demonstrated by the Bangladeshi experience, are not merely acts of imitation but complex processes of adaptation. The success of these borrowed elements lies in their alignment with the local realities, addressing the nation's historical and cultural uniqueness. However, challenges persist, including the risk of over-reliance on foreign models and the practical difficulties of implementing ambitious constitutional ideals in the face of political instability and social disparities.

The Constitution's enduring relevance is its greatest strength. Its adaptability through amendments and its commitment to fundamental human rights, the rule of law, and democratic governance have allowed it to serve as both a guiding document and a unifying force. Yet, its success depends not only on the strength of its provisions but also on the collective will of the people and the institutions entrusted to uphold it.

In the years ahead, Bangladesh's constitutional journey will continue to navigate the dynamic interplay between global influences and local realities. The Constitution must remain a living document—one that evolves to meet new challenges while staying true to its foundational vision of creating a just, equitable, and inclusive society. As a beacon of hope, it reminds the nation of its potential to rise above adversity and chart a path towards a future rooted in the principles of justice, equality, and human dignity.

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