



Research Monograph

On

Constitutional Culture and the Failure of Norm Internalization in Bangladesh

**This Research Submitted for the Partial Fulfillment of the award of the degree in LL.B.
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Dedication

*This Research is dedicated to my
Father & Mother*

LETTER OF TRANSMITTAL

To

Md. Sagor Hossain

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Subject: Submission of research paper on **“Constitutional Culture and the Failure of Norm Internalization in Bangladesh”**

Dear Sir,

It is a great pleasure for me to submit the thesis on **“Constitutional Culture and the Failure of Norm Internalization in Bangladesh”** While I doing this thesis, I have tried my level best to make this project paper to the latest standard. I think that thesis paper will fulfill your requirement and pleased you. I, therefore, hope that you would be kind enough to go through this thesis paper for evaluation.

I am always be ready for clearance of any part of my thesis.

Thanking you

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CERTIFICATION

This is to certify that the thesis on **Constitutional Culture and the Failure of Norm Internalization in Bangladesh** is done by Md. Ibrahim Khalil Ullah in partial fulfillment of the requirements for the degree of LL.B. (Honours) from Sonargaon University, Dhaka. The thesis has been carried out under my guidance and is a record of the bonafide work carried out successfully.

.....
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DECLARATION

I do hereby that this Research Monograph on the **Constitutional Culture and the Failure of Norm Internalization in Bangladesh** have been done by me and this Research is free from all plagiarism and without help of other. I further declare that this monograph is prepared with my own effort and it was not and never submit to any institute for any academic reason.

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Abstract

This study explores the constitutional culture of Bangladesh and the persistent failure of norm internalization that undermines democratic governance. Despite the Constitution of 1972 providing comprehensive guarantees for fundamental rights, checks and balances, and participatory governance, political practices, institutional weaknesses, and socio-economic disparities have hindered the internalization of constitutional norms. Key challenges identified include executive dominance, politicization of institutions, erosion of civil liberties, electoral irregularities, and patron-client networks, which collectively weaken public trust and impede effective constitutional compliance. The study highlights the critical role of judicial independence, electoral integrity, civic education, and civil society engagement in promoting constitutional awareness and norm internalization. It recommends a combination of legal, institutional, and civic reforms, including strengthening democratic institutions, protecting civil liberties, enhancing civic education, ensuring electoral transparency, and promoting political tolerance. The findings emphasize that a robust constitutional culture is essential for sustainable democratic governance, rule of law, and citizen empowerment in Bangladesh.

Keywords: Constitutional culture, Norm internalization, Democratic governance, Bangladesh, Rule of law, Civic education, Institutional reform, Civil liberties, Electoral integrity, Political accountability.

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Chapter One: Introduction

1.1. Background of the Study:

The Constitution of the People's Republic of Bangladesh, adopted in 1972, was founded on the core principles of nationalism, socialism, democracy, and secularism, reflecting the aspirations of a newly independent nation committed to constitutionalism and the rule of law.¹ It envisaged a political order in which state power would be exercised within constitutional limits, fundamental rights would be protected, and democratic institutions would function as effective checks on authoritarian tendencies. However, more than five decades after its promulgation, Bangladesh continues to experience a persistent gap between constitutional ideals and constitutional practice. This gap raises critical questions about the country's constitutional culture and the extent to which constitutional norms have been internalized by political actors, institutions, and society at large.

Constitutional culture refers not merely to the existence of a written constitution but to the shared understanding, acceptance, and habitual observance of constitutional norms by both the rulers and the ruled. In many constitutional democracies, these norms are internalized over time through democratic practice, judicial enforcement, civic education, and political restraint. In Bangladesh, however, constitutional compliance has often been contingent upon political convenience rather than principled commitment. Frequent constitutional amendments, prolonged states of emergency, and repeated disruptions of democratic governance have undermined the normative authority of the Constitution.²

The failure of norm internalization in Bangladesh is closely linked to its turbulent political history. Periods of military rule, authoritarian governance, and centralized executive dominance have weakened democratic institutions and distorted constitutional values.³ Even during civilian governments, practices such as politicization of state institutions, erosion of judicial independence, and constrained electoral processes have impeded the development of a robust

¹ Constitution of the People's Republic of Bangladesh, 1972, Preamble.

² Mark Tushnet, *The Constitution of the United States of America: A Contextual Analysis* (Hart Publishing, 2009), p. 12.

³ M. Shah Alam, "Constitutional Amendments and Democratic Backsliding in Bangladesh," *Bangladesh Journal of Law*, Vol. 15 (2011), p. 45.

constitutional culture. As a result, constitutional norms have remained largely formalistic, lacking deep societal acceptance and voluntary observance⁴.

Moreover, weak civic education and limited public awareness of constitutional rights and duties have further contributed to the shallow internalization of constitutional norms.⁵ When citizens are unable to perceive the Constitution as a living social contract, their capacity to demand accountability and constitutional governance diminishes. Consequently, constitutional violations become normalized, and impunity persists, reinforcing a cycle of democratic backsliding⁵.

1.2. Meaning and Scope of Constitutional Culture:

Constitutional culture is a multidimensional concept that captures the living relationship between a constitution and the society it governs. It goes beyond the formal existence of constitutional texts and institutions to encompass the values, beliefs, practices, and behavioral patterns through which constitutional principles are understood, respected, and applied in everyday political and social life.⁶ In this sense, constitutional culture reflects the extent to which constitutional norms are internalized by political actors, state institutions, and citizens, transforming the constitution from a legal document into a shared normative framework.

At its core, constitutional culture signifies the collective acceptance of constitutional supremacy. This acceptance requires that all organs of the state, including the executive, legislature, and judiciary, recognize the constitution as the highest source of authority and voluntarily act within its limits.² A strong constitutional culture ensures that constitutional compliance is not merely the result of coercive enforcement but is guided by habit, moral commitment, and democratic restraint. Where such culture is absent, constitutional provisions are often manipulated, ignored, or selectively applied.

The scope of constitutional culture extends to both institutional behavior and societal attitudes. Institutionally, it includes the manner in which democratic bodies function, the independence and

⁴ A.T.M. Shamsul Huda, *Constitutional Development in Bangladesh* (University Press Limited, Dhaka, 1997), pp. 83–90.

⁵ Asif Nazrul, “Rule of Law and Constitutional Culture in Bangladesh,” *Journal of South Asian Studies*, Vol. 22, No. 2 (2014), p. 67.

⁶ David S. Law, “Constitutional Culture and Constitutional Law,” *University of Pennsylvania Journal of Constitutional Law*, Vol. 17, No. 1 (2014), p. 5

effectiveness of the judiciary, respect for separation of powers, adherence to due process, and protection of fundamental rights. Societally, it involves civic consciousness, public trust in constitutional institutions, and citizens' willingness to assert their constitutional rights and fulfill constitutional duties. Without societal engagement, constitutional norms remain confined to elite discourse and fail to achieve meaningful legitimacy.

Constitutional culture is also shaped by historical experience and political practice. Countries with histories of authoritarianism, military rule, or prolonged emergency governance often struggle to cultivate constitutional values rooted in accountability and restraint.⁴ In Bangladesh, repeated constitutional disruptions and executive dominance have contributed to a culture where political expediency frequently overrides constitutional commitment. This has narrowed the scope of constitutional culture, limiting it to formal adherence rather than substantive observance⁷.

1.3. Concept of Norm Internalization:

Norm internalization refers to the process through which legal and constitutional norms become deeply embedded in the attitudes, behavior, and decision-making patterns of individuals, institutions, and society as a whole. In the constitutional context, internalization occurs when constitutional principles are accepted not merely as binding legal rules but as legitimate, morally authoritative standards that guide political conduct even in the absence of coercive enforcement. A constitution achieves its true efficacy only when its norms are internalized by political elites, state institutions, and citizens alike⁸.

The concept of norm internalization is rooted in socio-legal and political theory, which emphasizes that law's effectiveness depends on social acceptance and habitual compliance. Constitutional norms typically undergo a gradual process of internalization that involves three interconnected stages: norm emergence, norm socialization, and norm internalization.⁹ During the first stage, constitutional values are formally articulated through constitutional texts and legal

⁷ Tom Ginsburg and Aziz Z. Huq, *How to Save a Constitutional Democracy* (University of Chicago Press, 2018), p. 37.

⁸ Harold Hongju Koh, "Why Do Nations Obey International Law?" *Yale Law Journal*, Vol. 106, No. 8 (1997), p. 2599.

⁹

frameworks. The second stage involves dissemination and reinforcement of these norms through institutions such as courts, educational systems, political parties, media, and civil society. The final stage is reached when compliance becomes automatic and voluntary, driven by shared belief rather than fear of sanction.

In democratic constitutional systems, norm internalization is facilitated by consistent institutional practice, credible enforcement mechanisms, and political restraint. Judicial review, parliamentary accountability, free elections, and civic education play a crucial role in reinforcing constitutional values and transforming them into lived norms.¹⁰ Over time, repeated adherence to constitutional rules generates expectations of compliance, making constitutional violations socially and politically costly.

In Bangladesh, however, the process of norm internalization has remained incomplete. Although constitutional norms exist formally, they are often undermined by politicized governance, selective enforcement of laws, and executive dominance.⁵ When political actors routinely bypass constitutional limitations without facing meaningful consequences, constitutional norms fail to acquire moral authority. This weakens public confidence in constitutionalism and reinforces a culture of instrumental compliance.

Moreover, norm internalization requires a supportive political culture and informed citizenry. Where civic education is limited and constitutional awareness remains low, citizens are less likely to internalize constitutional values or mobilize against constitutional violations.⁶ In such contexts, constitutional norms remain abstract ideals rather than guiding principles of everyday governance.

Therefore, norm internalization is not a purely legal phenomenon but a normative and cultural process shaped by historical experience, institutional integrity, and societal engagement. Understanding this concept is essential for analyzing constitutional failure in Bangladesh, as it explains why constitutional breakdown persists despite the presence of a comprehensive written constitution

¹⁰ Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization*, Vol. 52, No. 4 (1998), p. 895.

1.4. Constitutionalism in the Context of Bangladesh:

Constitutionalism denotes the principle that governmental power must be exercised in accordance with a constitution that limits authority, protects fundamental rights, and ensures accountability through institutional checks and balances. In the context of Bangladesh, constitutionalism has been both a foundational aspiration and a persistent challenge. Although the Constitution of the People's Republic of Bangladesh, adopted in 1972, embodies the ideals of democracy, rule of law, and social justice, the practical realization of these ideals has remained uneven and fragile¹¹.

Bangladesh's constitutional journey began with strong normative commitments shaped by the Liberation War of 1971. The 1972 Constitution established parliamentary democracy, guaranteed a wide range of fundamental rights, and emphasized popular sovereignty. It was designed to prevent authoritarianism by institutionalizing separation of powers and judicial review. However, these constitutional aspirations soon encountered political instability, economic challenges, and leadership crises, which disrupted the consolidation of constitutionalism¹².

The most significant setbacks to constitutionalism occurred during periods of military and quasi-military rule between 1975 and 1990. During this time, constitutional governance was suspended or manipulated through martial law proclamations and amendments that legitimized authoritarian control. These interventions weakened constitutional supremacy and normalized extra-constitutional practices, leaving a lasting imprint on Bangladesh's political culture. Even after the restoration of parliamentary democracy in 1991, the legacy of executive dominance and institutional subservience continued to affect constitutional practice¹³.

In contemporary Bangladesh, constitutionalism is further challenged by the politicization of constitutional institutions. Parliament often functions under strong executive influence, limiting its role as an effective forum for accountability and debate.⁴ Similarly, concerns have been raised regarding the independence of constitutional bodies such as the Election Commission and the

¹¹ Charles Howard McIlwain, *Constitutionalism: Ancient and Modern* (Cornell University Press, 1947), p. 21.

¹² Constitution of the People's Republic of Bangladesh, 1972, Preamble and Articles 7, 8, and 11.

¹³ A.T.M. Shamsul Huda, *Constitutional Development in Bangladesh* (University Press Limited, Dhaka, 1997), pp. 101–120.

Public Service Commission, whose credibility is essential for sustaining constitutional democracy. When such institutions fail to operate autonomously, constitutionalism is reduced to a formal structure without substantive effect.

Judicial review has emerged as a crucial mechanism for upholding constitutionalism in Bangladesh. The Supreme Court has, at times, asserted its authority by striking down unconstitutional actions and reaffirming constitutional supremacy.⁵ Landmark judgments—such as the invalidation of martial law proclamations—demonstrate the judiciary’s potential role in restoring constitutional norms. Nevertheless, inconsistent enforcement of judicial decisions and political pressures on the judiciary have constrained its effectiveness.

Another critical dimension of constitutionalism in Bangladesh relates to the protection of fundamental rights. Although the Constitution guarantees civil, political, and socio-economic rights, their enjoyment is often undermined by weak enforcement, restrictive laws, and limitations on freedom of expression and association. This gap between constitutional guarantees and lived reality reflects a shallow form of constitutionalism that lacks normative internalization.

1.5. Statement of the Problem:

Despite having a written Constitution that embodies the principles of democracy, rule of law, fundamental rights, and constitutional supremacy, Bangladesh continues to experience a persistent disconnect between constitutional ideals and constitutional practice. This disconnect constitutes the central problem of the present study. Although constitutionalism is formally recognized, constitutional norms have failed to become deeply internalized within political behavior, institutional functioning, and societal expectations.

One of the core problems lies in the instrumental use of the Constitution by political actors. Constitutional provisions and amendments have frequently been employed to serve short-term political interests rather than to uphold democratic values and public welfare.¹ Such practices have weakened the normative authority of the Constitution, transforming it into a tool of political expediency rather than a binding social contract. As a result, respect for constitutional limits has remained conditional and selective.

Another significant problem is the erosion of institutional autonomy and accountability. Key constitutional institutions—such as Parliament, the Election Commission, and law enforcement agencies—often operate under strong executive influence, limiting their ability to function as effective checks on power.² This institutional imbalance undermines the separation of powers and prevents constitutional norms from being practiced consistently. When institutions fail to act independently, constitutional compliance becomes formalistic rather than substantive¹⁴.

The problem is further compounded by inconsistent enforcement of judicial decisions and constraints on judicial independence. Although the judiciary has, at times, played a proactive role in defending constitutional supremacy, executive non-compliance with court rulings and political pressures weaken the judiciary's capacity to enforce constitutional norms. This diminishes public confidence in constitutional remedies and reinforces a culture of impunity¹⁵.

1.7. Research Questions:

1. What is the current state of constitutional culture in Bangladesh, and how has it evolved historically?
2. Why have constitutional norms in Bangladesh failed to become internalized by political actors, institutions, and society?
3. How do institutional arrangements—particularly Parliament, the judiciary, and the Election Commission—affect the internalization and enforcement of constitutional norms?
4. What measures can be adopted to strengthen constitutional culture and ensure meaningful internalization of constitutional norms in Bangladesh?

1.8. Significance of the Study:

The study of constitutional culture and the failure of norm internalization in Bangladesh holds significant academic, political, and societal relevance. While Bangladesh possesses a comprehensive written Constitution, the gap between constitutional ideals and practical

¹⁴ M. Shah Alam, "Constitutional Amendments and Abuse of Power in Bangladesh," *Bangladesh Journal of Law*, Vol. 18 (2014), p. 72.

¹⁵ Ali Riaz, *Voting in a Hybrid Regime: Explaining the 2018 Bangladeshi Election* (Palgrave Macmillan, 2020), p. 44.

governance reflects persistent challenges in democratic consolidation, rule of law, and institutional accountability. Examining this phenomenon is crucial for understanding why constitutionalism remains fragile and why constitutional norms are often disregarded or selectively applied.

From an academic perspective, the study contributes to the literature on constitutional theory, political culture, and governance in South Asia. It bridges the gap between abstract constitutional provisions and their real-world application, highlighting how socio-political dynamics influence the internalization of constitutional norms. By exploring historical, institutional, and societal factors, the study enriches understanding of constitutionalism as a living process rather than merely a legal text.¹⁶

From a policy and governance perspective, the study is significant because it identifies institutional weaknesses, political practices, and societal constraints that hinder constitutional compliance. Insights from this research can inform legal reforms, the strengthening of democratic institutions, and strategies to enhance the independence and effectiveness of constitutional bodies such as Parliament, the judiciary, and the Election Commission.¹⁷

1.9. Research Methodology:

This study adopts a qualitative and doctrinal research approach to examine the constitutional culture of Bangladesh and the failure of norm internalization. It employs a descriptive and analytical design, documenting the historical evolution of constitutionalism while critically analyzing institutional practices, political behavior, and societal attitudes. The research relies primarily on secondary sources, including the Constitution and its amendments, judicial decisions, academic literature, journal articles, and reports from government and civil society organizations. Data are collected through documentary review, content analysis, and comparative study, focusing on patterns in constitutional compliance, institutional autonomy, and civic engagement. The study uses normative-empirical analysis, combining doctrinal interpretation of legal texts with socio-political assessment of governance practices to evaluate the effectiveness

¹⁶ Mark Tushnet, *The Constitution of the United States of America: A Contextual Analysis* (Hart Publishing, 2009), p. 15.

¹⁷ Rounaq Jahan, *Bangladesh Politics: Problems and Issues* (University Press Limited, Dhaka, 2005), p. 63.

of constitutional institutions and the internalization of norms. While offering a comprehensive theoretical and practical examination, the study is limited by its reliance on secondary sources and the unavailability of primary empirical data such as interviews or surveys.

1.10. Limitations of the Study:

The study acknowledges the following limitations:

1. Reliance primarily on secondary sources, limiting direct empirical observation.
2. Absence of primary data such as interviews, surveys, or fieldwork.
3. Limited availability of comprehensive institutional records on constitutional practice.
4. Focus on Bangladesh only, restricting broader comparative generalization.
5. Potential bias in existing literature and reports used for analysis.
6. Constraints in addressing rapidly changing political developments during the research period.

Chapter Two: Evolution of Constitutional Culture in Bangladesh

2.1. Historical Development of Constitutionalism in Bangladesh:

The historical development of constitutionalism in Bangladesh is closely intertwined with the country's struggle for independence, political upheavals, and evolving governance structures. The roots of constitutionalism in Bangladesh can be traced to the period of British colonial rule, when the subcontinent was governed under the Government of India Acts of 1935 and 1919, which introduced limited self-governance and legislative councils.¹⁸ Although these frameworks provided the initial experience of constitutional governance, they largely served colonial interests and offered minimal genuine political autonomy to local populations.

Following the Partition of India in 1947, East Bengal became part of Pakistan as East Pakistan. The constitutional development of East Pakistan was heavily influenced by the centralizing tendencies of West Pakistan, which created a climate of political disenfranchisement and marginalization for the Bengali population. The 1956 Constitution of Pakistan attempted to establish parliamentary democracy and provincial autonomy; however, political instability, military interventions, and linguistic and cultural disparities undermined its implementation, highlighting the challenges of norm internalization in a divided polity.¹⁹

The struggle for autonomy and recognition culminated in the independence of Bangladesh in 1971, following a brutal liberation war. The Constitution of Bangladesh, 1972, marked a definitive break from colonial and Pakistani legal legacies and reflected the aspirations of a sovereign nation. The Constitution enshrined fundamental rights, separation of powers, parliamentary democracy, and the supremacy of the Constitution, signaling a strong commitment to constitutionalism. Initially, this period witnessed relative stability and enthusiasm for democratic governance, with the Constitution functioning as both a legal framework and a symbol of national identity.

However, constitutionalism in Bangladesh soon faced significant challenges. The assassination of Sheikh Mujibur Rahman in 1975 led to a series of military coups, the imposition of martial

¹⁸ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press, 1966), pp. 23–25.

¹⁹ Rounaq Jahan, *Bangladesh Politics: Problems and Issues* (University Press Limited, Dhaka, 2005), p. 14.

law, and the suspension or amendment of constitutional provisions to legitimize authoritarian rule. These interventions eroded the authority of the Constitution and disrupted the internalization of democratic norms, establishing a pattern where political expediency often overrode constitutional principles²⁰.

2.2. The 1972 Constitution: Ideals and Aspirations:

The Constitution of the People's Republic of Bangladesh, enacted in 1972, is widely regarded as the cornerstone of the country's legal and political order. Drafted in the aftermath of the Liberation War, it was intended not only to establish governance structures but also to reflect the aspirations of a newly independent nation committed to democracy, social justice, and human dignity. The Constitution embodies the principles of nationalism, socialism, democracy, and secularism, which collectively aim to create a framework of governance that ensures both political freedom and socio-economic equality.²¹

One of the primary ideals of the 1972 Constitution was the establishment of parliamentary democracy. Article 7 asserts that all powers of the state belong to the people, exercised through their elected representatives, thereby institutionalizing the principle of popular sovereignty. This provision sought to prevent the concentration of power in the hands of any individual or group, promoting accountability and representative governance.

The Constitution also places a strong emphasis on fundamental rights. Articles 27–44 guarantee equality before the law, freedom of speech, freedom of assembly, and protection against discrimination, reflecting a commitment to the protection of civil and political liberties. These rights were envisioned as essential tools for empowering citizens and fostering a participatory political culture.

Another key aspiration embedded in the Constitution is secularism, enshrined as one of the four foundational pillars. By emphasizing religious neutrality and protection of freedom of belief, the

²⁰ M. Shah Alam, "Constitutional Amendments and Political Instability in Bangladesh," *Bangladesh Journal of Law*, Vol. 16 (2012), pp. 50–53.

²¹ M. Shah Alam, *Constitutional Amendments and Democratic Governance in Bangladesh* (Bangladesh Journal of Law, 2011), p. 42.

Constitution sought to prevent the politicization of religion and promote social harmony in a pluralistic society.

The 1972 Constitution also intended to strengthen the rule of law and separation of powers, ensuring that the legislature, executive, and judiciary operate within their constitutional limits. Judicial review was established as a mechanism to check unconstitutional acts, thereby reinforcing the supremacy of the Constitution.

2.3. Military Interventions and Constitutional Disruptions:

The post-independence constitutional trajectory of Bangladesh has been repeatedly interrupted by military interventions, which have significantly undermined the process of norm internalization and weakened constitutional culture. Following the assassination of Sheikh Mujibur Rahman in 1975, Bangladesh experienced a series of coups and counter-coups, which disrupted democratic governance and eroded the authority of the 1972 Constitution.²² During these periods, martial law was frequently imposed, and constitutional provisions were suspended or amended to legitimize the extraordinary exercise of executive power.

Military interventions had both direct and indirect consequences on constitutionalism. Directly, they allowed ruling regimes to bypass constitutional procedures, curtail civil liberties, and concentrate power in the hands of the executive. For instance, the Fifth and Sixth Amendments to the Constitution were enacted under authoritarian regimes to provide legal cover for martial law measures and to validate unconstitutional acts of the military rulers. These amendments fundamentally altered the balance of power between state organs, undermining the separation of powers and diminishing judicial independence²³.

Indirectly, repeated military takeovers created a political culture in which the Constitution was perceived as a flexible instrument rather than a binding framework of governance. Political actors and state institutions adapted to a system where compliance with constitutional norms was contingent upon the interests of those in power, thereby hindering the internalization of

²² M. Shah Alam, "Constitutional Amendments and Political Instability in Bangladesh," *Bangladesh Journal of Law*, Vol. 16 (2012), p. 52.

²³ Rounaq Jahan, *Bangladesh Politics: Problems and Issues* (University Press Limited, Dhaka, 2005), p. 65.

constitutional values among elites and citizens alike. The instability also eroded public trust in constitutional institutions and discouraged civic engagement, which is essential for the internalization of norms and the development of a robust constitutional culture.

Moreover, the frequent disruptions weakened the role of democratic institutions, particularly Parliament and political parties, which were either dissolved or subordinated to military authority. Judicial intervention was constrained, and legal recourse for violations of fundamental rights was limited, further impeding the establishment of constitutional norms in practice.

The legacy of military interventions continues to affect Bangladesh's constitutional culture. Although parliamentary democracy was restored in 1991, the historical precedence of bypassing constitutional limits has contributed to a pattern of selective adherence and politicization of constitutional provisions. This history highlights that norm internalization is not merely a function of constitutional texts but depends on political stability, institutional integrity, and the consistent practice of constitutional governance.

2.4. Amendments and Politicization of the Constitution:

Constitutional amendments in Bangladesh have played a pivotal role in shaping the political and legal landscape, but they have also contributed to the politicization of the Constitution and hindered the internalization of constitutional norms. While amendments are legally permissible under Article 142 of the 1972 Constitution, their frequent use for partisan objectives has often undermined the spirit of constitutionalism and blurred the distinction between law and political expediency.

The early amendments of the 1970s and 1980s illustrate this trend. The Fifth Amendment (1979) sought to validate all actions taken during the military regime following the 1975 coup, effectively legalizing extra-constitutional measures and setting a precedent that unconstitutional acts could be retrospectively legitimized.² Similarly, the Eighth Amendment (1988) introduced provisions for the creation of permanent advisory councils under military influence, further centralizing power in the executive. These amendments often reflected the political priorities of

ruling elites rather than the constitutional ideals of democracy, separation of powers, and rule of law²⁴.

The politicization of constitutional amendments became more pronounced in the 1990s and 2000s, with both major political parties—Awami League and Bangladesh Nationalist Party—amending the Constitution to consolidate political advantages. Examples include changes to the caretaker government system and adjustments to the balance of power between Parliament and the executive. Such practices reduced the Constitution to a flexible instrument for partisan gain, rather than a normative framework guiding political conduct²⁵.

These frequent and politically motivated amendments have had multiple consequences. Firstly, they eroded public trust in constitutional governance, as citizens observed selective application of constitutional rules. Secondly, they weakened the internalization of norms among political actors, who increasingly perceive constitutional provisions as negotiable or expendable depending on political convenience. Thirdly, they compromised institutional independence, particularly of the judiciary and parliamentary oversight mechanisms, by altering their powers or restricting their autonomy in line with ruling party interests.

In effect, the repeated politicization of constitutional amendments has contributed to a culture of instrumental compliance, where constitutional rules are observed only when convenient and ignored when politically inconvenient. This has reinforced a cycle of weak constitutionalism, executive dominance, and democratic fragility. Addressing this problem requires not only legal safeguards but also political commitment and societal pressure to respect constitutional norms as binding principles rather than malleable tools.

²⁴ Fifth Amendment Act, 1979; A.T.M. Shamsul Huda, *Constitutional Development in Bangladesh* (University Press Limited, Dhaka, 1997), p. 115.

²⁵ *Bangladesh Italian Marble Works Ltd v Government of Bangladesh* (2010) 62 DLR (AD) 298; Rounaq Jahan, *Bangladesh Politics: Problems and Issues* (University Press Limited, Dhaka, 2005), p. 67.

2.5. Transition to Electoral Democracy:

The transition to electoral democracy in Bangladesh, particularly after the fall of military rule in 1990, marked a critical juncture in the country's constitutional and political development. This period sought to restore democratic governance, reinforce constitutionalism, and re-establish the supremacy of the 1972 Constitution, which had been repeatedly undermined by authoritarian and military interventions²⁶.

The return to electoral democracy was characterized by the holding of multi-party elections, the reactivation of Parliament, and the revival of fundamental rights enshrined in the Constitution. The 1991 general elections, which brought the Bangladesh Nationalist Party (BNP) to power, represented a formal commitment to popular sovereignty and parliamentary democracy. Article 7 of the Constitution, emphasizing that all power derives from the people, became a guiding principle for democratic governance during this period.

Despite these advances, the transition faced several challenges that impeded the full internalization of constitutional norms. Electoral processes were often marred by allegations of voter manipulation, political intimidation, and partisanship of the Election Commission. These shortcomings weakened public confidence in democratic institutions and limited the effectiveness of electoral accountability as a mechanism for constitutional compliance²⁷.

Moreover, the entrenched culture of executive dominance persisted, even under elected governments. Both major political parties—Awami League (AL) and BNP—were accused of undermining parliamentary independence, politicizing constitutional bodies, and using state resources for partisan advantage. Such practices reflected a continuity of weak constitutional culture, where democratic forms existed but substantive adherence to constitutional norms remained selective and inconsistent.

Judicial interventions and civil society activism emerged as important counterbalances during the democratic transition. Courts played a proactive role in reviewing unconstitutional actions,

²⁶ Constitution of the People's Republic of Bangladesh, 1972, Article 7.

²⁷ Asif Nazrul, "Civil Society and Constitutional Democracy in Bangladesh," *Journal of Asian Public Policy*, Vol. 10, No. 2 (2017), p. 92.

safeguarding fundamental rights, and interpreting ambiguous provisions of the Constitution. Civil society and media organizations contributed to public discourse, promoting awareness of constitutional rights and democratic accountability.

2.6. Role of Political Parties in Shaping Constitutional Culture:

Political parties play a central role in shaping the constitutional culture of any democratic society, and in Bangladesh, they have been both agents of constitutional development and sources of constitutional erosion. As the primary actors in electoral democracy, political parties are expected to promote adherence to constitutional norms, uphold democratic principles, and ensure accountability. However, in Bangladesh, the role of political parties has often been marked by partisan politics, polarization, and instrumental use of the Constitution to consolidate power²⁸.

From the early years of independence, major political parties such as the Awami League (AL) and the Bangladesh Nationalist Party (BNP) have utilized constitutional provisions to pursue political agendas rather than fostering a culture of normative compliance. The frequent manipulation of constitutional amendments, the bypassing of parliamentary procedures, and the politicization of independent institutions illustrate how parties have often prioritized short-term political gain over the internalization of constitutional norms.

Political polarization has also significantly affected constitutional culture. Intense rivalry between major parties has led to boycotts of Parliament, street protests against state institutions, and challenges to the neutrality of electoral processes. These practices have weakened the credibility of democratic institutions and created a culture where constitutional rules are observed selectively, depending on which party holds power²⁹.

Despite these challenges, political parties also have the potential to promote constitutional culture through civic education, adherence to rule of law, and respect for institutional checks and

²⁸ A.T.M. Shamsul Huda, *Constitutional Development in Bangladesh* (University Press Limited, Dhaka, 1997), p. 128.

²⁹ Asif Nazrul, "Civil Society and Constitutional Democracy in Bangladesh," *Journal of Asian Public Policy*, Vol. 10, No. 2 (2017), p. 95.

balances. When parties commit to transparent elections, parliamentary debate, and judicial compliance, they reinforce the normative authority of the Constitution and help internalize constitutional norms within political and public life.

2.7. Constitutional Practice versus Constitutional Text:

One of the persistent challenges in Bangladesh's constitutional development is the significant gap between constitutional texts and constitutional practice. While the Constitution of 1972 provides a comprehensive legal framework for governance, fundamental rights, and the separation of powers, its implementation has often been inconsistent, selective, and influenced by political expediency. This gap highlights the difficulty of translating constitutional provisions into entrenched norms within political and societal practice³⁰.

The constitutional text enshrines democratic principles, accountability mechanisms, and the rule of law. Articles such as Article 7 establish popular sovereignty, while Articles 27–44 guarantee fundamental rights, equality before the law, and freedoms essential for citizen participation. The Constitution also provides for independent institutions, such as the judiciary, Election Commission, and parliamentary committees, intended to safeguard constitutional governance.

However, constitutional practice in Bangladesh has frequently diverged from these ideals. Military interventions, partisan political behavior, and executive dominance have led to violations of fundamental rights and selective enforcement of laws. For instance, periods of martial law in 1975–1990 saw suspension of fundamental rights, amendments to legitimize unconstitutional acts, and subordination of judicial review to executive authority. Even after the restoration of electoral democracy in 1991, practices such as boycotts of Parliament, politicization of constitutional bodies, and manipulation of electoral processes have reflected ongoing divergence from constitutional principles³¹.

³⁰ M. Shah Alam, "Constitutional Amendments and Political Instability in Bangladesh," *Bangladesh Journal of Law*, Vol. 16 (2012), pp. 50–52.

³¹ Fifth Amendment Act, 1979; Eighth Amendment Act, 1988; Rounaq Jahan, *Bangladesh Politics: Problems and Issues* (University Press Limited, Dhaka, 2005), p. 67.

Chapter Three: Institutional Dimensions of Norm Internalization

3.1. Parliament and Legislative Accountability:

Parliament, as the supreme legislative body in Bangladesh, is constitutionally mandated to represent the people, enact laws, and exercise oversight over the executive. Article 65 of the Constitution establishes Parliament as the center of political authority, entrusting it with the responsibility to legislate, debate policy, and ensure government accountability. Effective parliamentary functioning is essential for internalizing constitutional norms, as it provides a formal platform for democratic deliberation and institutional checks.

However, legislative accountability in Bangladesh has been undermined by several factors. Frequent political polarization and partisan boycotts of parliamentary sessions have disrupted legislative deliberation, reducing Parliament to a symbolic institution rather than an effective forum for accountability. Lawmaking has often been dominated by the executive, with key bills introduced and passed without thorough debate, weakening the principle of separation of powers. The dominance of the ruling party and marginalization of opposition members limit Parliament's ability to scrutinize government actions and uphold constitutional provisions³².

Institutional weaknesses also affect accountability mechanisms. Parliamentary committees, which are crucial for oversight, frequently lack resources, autonomy, and procedural authority. This constrains their ability to investigate executive actions, evaluate policy implementation, or hold ministers accountable for unconstitutional conduct. Furthermore, frequent amendments to constitutional and legislative provisions, often motivated by partisan objectives, compromise the stability of legal frameworks and hinder the development of a consistent legislative culture.

Despite these challenges, Parliament has occasionally demonstrated its potential to reinforce constitutional norms. Judicial deference to legislative procedures, advocacy by civil society, and media scrutiny have sometimes pressured legislators to uphold accountability and transparency. When functioning effectively, Parliament can serve as a critical arena for embedding

³² Rounaq Jahan, *Bangladesh Politics: Problems and Issues* (University Press Limited, Dhaka, 2005), pp. 69–71.

constitutional principles in political practice and fostering norm internalization among lawmakers and the broader political community.

3.2. Executive Dominance and Concentration of Power:

In Bangladesh, executive dominance has been a persistent feature of governance, significantly affecting the internalization of constitutional norms and weakening democratic accountability. The Constitution of 1972 established a parliamentary system in which the executive is accountable to Parliament; however, in practice, the Prime Minister and the Cabinet have often concentrated power, reducing the effectiveness of legislative and judicial oversight. This concentration of authority undermines the principle of separation of powers, a core element of constitutionalism³³.

Executive dominance manifests in several ways. First, the ruling party often exercises disproportionate influence over Parliament, limiting debate, marginalizing opposition voices, and facilitating the passage of legislation that favors executive interests rather than broader constitutional mandates. Second, key constitutional bodies, such as the Election Commission, Anti-Corruption Commission, and public service institutions, have at times been subordinated to executive control, compromising their independence and ability to enforce constitutional provisions impartially. Third, frequent use of ordinances and emergency powers has allowed the executive to bypass parliamentary scrutiny, weakening institutional checks and the rule of law.

The concentration of power also affects the judiciary. Although judicial review is guaranteed under the Constitution, executive interference, political appointments, and delays in judicial processes have limited courts' ability to check unconstitutional actions. Landmark cases, such as *Masdar Hossain v. Bangladesh*, highlighted the need for judicial independence, yet implementation of reforms has often been slow and uneven.

The impact of executive dominance on constitutional culture is profound. When political actors observe that power is centralized and constitutional norms can be overridden without consequence, the internalization of these norms is weakened. Citizens, civil servants, and

³³ Rounaq Jahan, *Bangladesh Politics: Problems and Issues* (University Press Limited, Dhaka, 2005), pp. 72–74.

political elites may perceive constitutional provisions as aspirational rather than binding, fostering a culture of selective compliance.

3.3. Judicial Independence and Constitutional Adjudication:

Judicial independence is a cornerstone of constitutional governance, ensuring that laws are interpreted and enforced impartially, and that executive or legislative overreach can be checked effectively. In Bangladesh, the Constitution of 1972 established the judiciary as an independent organ of the state, empowered with the authority of judicial review and constitutional adjudication, particularly through Articles 22, 44, and 102, which guarantee fundamental rights and allow writ petitions to enforce them. The judiciary's role in constitutional adjudication is vital for internalizing constitutional norms, as it provides legal remedies against unconstitutional acts and reinforces respect for the rule of law.

However, the independence of the judiciary in Bangladesh has historically faced challenges. Political interference in judicial appointments and promotions has compromised the perception and practice of impartiality, with judges sometimes seen as aligned with the interests of ruling parties.² The tenure and security of judges, though constitutionally protected, have occasionally been undermined through executive pressure, leading to reluctance in ruling against powerful political actors. This has limited the judiciary's capacity to act as a robust check on executive and legislative power³⁴.

Landmark cases demonstrate both the potential and limitations of judicial independence. For example, in *Secretary, Ministry of Finance v. Masdar Hossain* (1999), the judiciary asserted the necessity of separation of powers and judicial autonomy, providing a blueprint for reform. Similarly, decisions regarding electoral disputes, fundamental rights violations, and constitutional amendments have highlighted the judiciary's crucial role in interpreting the Constitution and promoting adherence to its norms. Nevertheless, inconsistent implementation of judicial pronouncements and delays in enforcement weaken the overall impact of constitutional adjudication.

³⁴ *Secretary, Ministry of Finance v Masdar Hossain* (1999) 52 DLR (AD) 82.

The judiciary's challenges are further compounded by institutional limitations, such as case backlogs, resource constraints, and procedural inefficiencies, which reduce timely access to justice and hinder the effectiveness of constitutional oversight. Additionally, politicization of key legal institutions, including the appointment of chief justices and high court judges, undermines public confidence in judicial impartiality and diminishes the internalization of constitutional norms among political actors and society at large.

3.4. Election Commission and Electoral Credibility:

The Election Commission (EC) of Bangladesh plays a central role in ensuring free, fair, and credible elections, which are fundamental for upholding constitutional norms and promoting democratic governance. Established under Article 118 of the Constitution, the EC is mandated to supervise, direct, and control the conduct of elections to Parliament, local government bodies, and other public offices, ensuring that the principle of popular sovereignty, enshrined in Article 7, is effectively realized. A credible and independent election administration is essential for the internalization of constitutional norms, as it allows citizens to exercise their voting rights freely and holds political actors accountable.

Despite its constitutional mandate, the credibility and independence of the EC have frequently been questioned in Bangladesh. Allegations of partisan influence, biased voter lists, and manipulation of electoral procedures have undermined public confidence in the Commission's neutrality.² The politicization of EC appointments and interference in its functioning by ruling parties have limited its capacity to act as an impartial arbiter, resulting in elections that are often contested and legally challenged. These weaknesses have reinforced a culture of selective adherence to constitutional norms among political elites, weakening the broader democratic framework³⁵.

Electoral crises and disputes have further highlighted the challenges facing the EC. For example, controversies surrounding the 1996, 2006–2007, and subsequent national elections demonstrated that political polarization and mistrust between major parties could compromise electoral

³⁵ M. Shah Alam, "Election Administration and Democratic Governance in Bangladesh," *Bangladesh Journal of Law*, Vol. 18 (2014), pp. 60–63.

integrity, necessitating caretaker arrangements or judicial intervention. Such recurring disputes have not only delayed political transitions but also eroded public trust in democratic institutions, reducing citizen engagement and weakening the internalization of constitutional principles.

Despite these challenges, the EC has occasionally demonstrated its ability to promote constitutional norms. Reforms in voter registration, use of technology in elections, and enforcement of election laws have improved transparency and accountability in some instances. Strengthening the EC's autonomy, insulating it from political interference, and ensuring rigorous enforcement of electoral laws are critical for enhancing electoral credibility, consolidating constitutional governance, and fostering a political culture where adherence to the Constitution becomes normative rather than optional.

3.5. Law Enforcement Agencies and Rule of Law:

Law enforcement agencies, including the police, border guards, and other security organs, are critical to upholding the rule of law and ensuring that constitutional norms are respected in practice. Under the Constitution of Bangladesh, all state organs, including law enforcement, are bound to protect fundamental rights, enforce laws impartially, and maintain public order in accordance with legal frameworks, thereby contributing to the internalization of constitutional norms.

In practice, however, law enforcement agencies in Bangladesh have faced persistent challenges that undermine their role in promoting constitutional governance. Political influence and partisanship often compromise operational independence, with law enforcement personnel sometimes acting in the interests of ruling parties rather than upholding the law impartially. Reports of arbitrary arrests, excessive use of force, custodial torture, and selective enforcement of laws have raised concerns about violations of constitutional rights, particularly Articles 31 (protection of life and personal liberty) and 32 (protection against arbitrary arrest).

Institutional weaknesses further exacerbate these problems. Inadequate training, poor resources, and lack of accountability mechanisms hinder professional conduct and limit the ability of law enforcement agencies to act as neutral enforcers of the Constitution. Corruption, nepotism, and

weak internal disciplinary systems have also contributed to a culture where compliance with legal norms is inconsistent and often subordinate to political expediency³⁶.

Despite these challenges, law enforcement agencies have occasionally demonstrated capacity to uphold constitutional norms, especially during crisis situations or under judicial oversight. Court interventions and public scrutiny have pressured agencies to act in accordance with legal standards, highlighting the potential for reinforcing the rule of law when institutional independence is respected.

3.6. Local Government Institutions and Decentralization:

Local government institutions play a critical role in promoting constitutional culture and governance at the grassroots level. Decentralization, enshrined in the Constitution of Bangladesh through Articles 59 and 60, seeks to empower Union Parishads, Upazila Parishads, and City Corporations to deliver public services, ensure local accountability, and involve citizens in decision-making processes. Effective local governance not only strengthens administrative efficiency but also reinforces the internalization of constitutional norms by bringing governance closer to the people³⁷.

Despite constitutional provisions, local government institutions in Bangladesh face significant challenges that limit their effectiveness. Central government interference, political patronage, and inadequate financial autonomy undermine their operational independence and decision-making capacity. Local bodies are often dependent on transfers from the central government, restricting their ability to implement policies that reflect community needs or uphold local constitutional obligations.

Institutional weaknesses further affect norm internalization. Limited technical capacity, inadequate human resources, and insufficient training hinder the ability of local officials to deliver services transparently and according to legal frameworks. Electoral processes at the local

³⁶ Ali Riaz, *Politics in Bangladesh: Hybrid Regime Dynamics* (Routledge, 2021), pp. 112–115.

³⁷ M. Shah Alam, “Decentralization and Local Governance in Bangladesh,” *Bangladesh Journal of Law*, Vol. 19 (2015), pp. 72–74.

level have also been criticized for political manipulation, including the influence of dominant parties on candidate selection and local election administration.

Nonetheless, local government institutions have the potential to foster constitutional awareness and democratic participation. Union Parishads and Upazila Parishads provide platforms for citizen engagement, dispute resolution, and local development initiatives, which help embed the principles of accountability, transparency, and rule of law within communities. Strengthening these institutions, ensuring financial and administrative autonomy, and fostering civic education can enhance the internalization of constitutional norms and build a participatory constitutional culture from the grassroots.

3.7. Institutional Barriers to Norm Internalization:

The internalization of constitutional norms in Bangladesh has been persistently hindered by a variety of institutional barriers that weaken the efficacy of state organs and undermine the development of a robust constitutional culture. Although the Constitution provides a comprehensive framework for governance, accountability, and fundamental rights, institutional weaknesses have limited the consistent practice of these norms³⁸.

One major barrier is political interference in independent institutions. Bodies such as the judiciary, Election Commission, Anti-Corruption Commission, and local government institutions have at times been subordinated to executive or partisan interests, reducing their ability to enforce constitutional mandates impartially. This undermines public confidence and signals to political actors that constitutional provisions can be selectively applied without consequences.

Executive dominance and weak parliamentary oversight constitute another obstacle. When legislative bodies are marginalized or constrained by the ruling party, mechanisms designed to ensure accountability—such as parliamentary committees and question periods—become ineffective. This diminishes the checks and balances essential for internalizing norms of accountability and adherence to the Constitution.

³⁸ A.T.M. Shamsul Huda, *Constitutional Development in Bangladesh* (University Press Limited, Dhaka, 1997), pp. 145–148.

Resource constraints and administrative inefficiency further impede norm internalization. Many state agencies, particularly at the local level, suffer from inadequate staffing, insufficient training, and poor financial autonomy, preventing them from implementing laws and policies in line with constitutional objectives.

Additionally, selective enforcement of laws erodes the perception of the Constitution as a binding framework. Arbitrary arrests, delayed judicial proceedings, and impunity for politically connected actors create a culture of non-compliance, weakening the internalization of fundamental principles such as equality before the law and rule of law.

Finally, weak civic engagement and limited constitutional awareness among citizens contribute to institutional barriers. When citizens lack knowledge of their rights and the functions of constitutional institutions, they are less able to hold state actors accountable, allowing violations of constitutional norms to persist unchallenged.

Chapter Four: Political Culture and Societal Constraints

4.1. Political Intolerance and Zero-Sum Politics:

Political intolerance and zero-sum politics have been enduring features of Bangladesh's political landscape, significantly influencing the country's constitutional culture and the internalization of constitutional norms. Zero-sum politics refers to a situation where political actors perceive every gain by the opposing party as a loss for themselves, leading to extreme partisanship, unwillingness to compromise, and frequent confrontations. Such a culture undermines democratic deliberation and weakens respect for constitutional procedures.

Bangladesh's political environment has often been characterized by intense rivalry between the two major parties, the Awami League (AL) and the Bangladesh Nationalist Party (BNP). This rivalry manifests in parliamentary boycotts, street protests, hartals (strikes), and refusal to engage in constructive policy dialogue. These actions disrupt legislative functioning, diminish the efficacy of governance, and erode the authority of constitutional institutions such as Parliament and the Election Commission³⁹.

Political intolerance also extends to state institutions, where bureaucrats, law enforcement agencies, and the judiciary may be pressured to act in favor of the ruling party, undermining impartiality and accountability. Such practices create a culture where constitutional norms—such as equality before the law, judicial independence, and fair electoral processes—are observed selectively, depending on political convenience.

The consequences of zero-sum politics are multifaceted. Firstly, it reduces public trust in democratic institutions and the Constitution itself, as citizens perceive governance as inherently partisan. Secondly, it discourages consensus-building, which is essential for policy stability and adherence to constitutional provisions. Thirdly, it promotes institutional erosion, as checks and balances are weakened by partisan manipulation of key offices and processes.

³⁹ A.T.M. Shamsul Huda, *Constitutional Development in Bangladesh* (University Press Limited, Dhaka, 1997), pp. 155–157.

4.2. Culture of Impunity and Weak Accountability:

A significant factor undermining constitutional culture in Bangladesh is the pervasive culture of impunity, which is closely linked to weak accountability mechanisms. When political elites, bureaucrats, and law enforcement officers perceive that they can act without consequences, constitutional norms and legal provisions are undermined, and the internalization of these norms is weakened.

This culture manifests in various ways. Political patronage often shields officeholders and party loyalists from scrutiny, allowing violations of laws and constitutional provisions to go unpunished. Instances of selective law enforcement, delayed or obstructed judicial processes, and lack of effective oversight create an environment where adherence to constitutional rules is discretionary rather than obligatory. Such practices erode public trust in institutions like the judiciary, Parliament, Election Commission, and anti-corruption bodies, making citizens skeptical of the fairness and effectiveness of governance.

Weak accountability mechanisms exacerbate this problem. Parliamentary oversight is limited due to executive dominance and partisan behavior, while institutional checks, including judicial review, often face delays or political pressure. Law enforcement agencies, tasked with enforcing constitutional and legal norms, sometimes act selectively, further reinforcing the perception that powerful actors are above the law⁴⁰.

The consequences of impunity extend beyond institutional weakness. It fosters a political culture of non-compliance, where both elites and ordinary citizens perceive constitutional provisions as flexible or optional. This not only undermines democratic governance but also perpetuates corruption, misuse of power, and political instability.

⁴⁰ Asif Nazrul, "Political Culture and Constitutional Compliance in Bangladesh," *Journal of Asian Public Policy*, Vol. 12, No. 1 (2019), pp. 91–93.

4.3. Role of Media in Constitutional Awareness:

The media in Bangladesh plays a critical role in shaping public understanding of constitutional norms and fostering democratic accountability. As the fourth estate, media outlets—both print and electronic—serve as a bridge between the state and citizens, highlighting constitutional violations, reporting on legislative and executive actions, and providing a platform for civic discourse. Through investigative journalism, editorials, and public debates, the media can enhance constitutional awareness and encourage political and institutional actors to comply with constitutional provisions.

Media has been particularly influential in exposing corruption, human rights violations, and electoral irregularities. Reports on arbitrary arrests, political intimidation, and misuse of state resources not only inform the public but also pressure state institutions to act in accordance with the law. Social media platforms have further expanded the reach of civic activism, enabling citizens to organize, demand accountability, and engage in discussions about constitutional rights and governance⁴¹.

However, the effectiveness of media in promoting constitutional culture is constrained by several challenges. Political pressures, censorship, and threats to journalists often limit independent reporting, especially when issues involve powerful political actors. Ownership patterns of media organizations, often linked to political or business interests, can lead to biased coverage that reinforces partisan narratives rather than promoting impartial awareness of constitutional norms. Moreover, media literacy among the public remains uneven. While urban populations may actively engage with media discourse, rural communities often lack access or the capacity to critically evaluate information, limiting the internalization of constitutional knowledge at the grassroots level.

Despite these challenges, the media remains a powerful tool for fostering constitutional culture. By ensuring freedom of expression, protecting journalistic independence, and promoting civic education, the media can reinforce accountability, transparency, and adherence to constitutional norms, thereby contributing to the internalization of constitutional values in Bangladesh.

⁴¹ Ali Riaz, *Politics in Bangladesh: Hybrid Regime Dynamics* (Routledge, 2021), pp. 135–137.

4.4. Civil Society and Constitutional Advocacy:

Civil society in Bangladesh plays an essential role in promoting constitutional awareness, democratic values, and the internalization of constitutional norms. Comprising non-governmental organizations (NGOs), advocacy groups, professional associations, and community organizations, civil society acts as a mediator between the state and citizens, raising awareness about rights and responsibilities, monitoring government action, and holding public officials accountable.

Civil society organizations have been particularly active in advocating for human rights, transparency, and electoral integrity. Initiatives such as voter education campaigns, legal aid programs, and public forums on governance help citizens understand their constitutional rights and the mechanisms available to enforce them. By empowering marginalized groups, including women, minorities, and rural populations, civil society strengthens participatory democracy and fosters a culture of constitutional compliance at the grassroots level⁴².

Civil society also plays a watchdog role, exposing corruption, unconstitutional practices, and abuse of power. Its engagement in policy advocacy, litigation, and media campaigns helps pressurize political actors and state institutions to adhere to constitutional mandates. For example, organizations working on election monitoring have contributed to more transparent electoral processes, highlighting irregularities and advocating for reforms in line with constitutional principles.

However, civil society's effectiveness is constrained by several challenges. Political pressure, legal restrictions, and funding limitations often impede the capacity of organizations to operate independently. In some cases, advocacy groups face harassment or legal action when challenging powerful political interests, reducing their ability to influence constitutional compliance.

⁴² Rounaq Jahan, *Bangladesh Politics: Problems and Issues* (University Press Limited, Dhaka, 2005), pp. 105–107.

4.5. Civic Education and Public Understanding of the Constitution:

Civic education is a vital tool for fostering public understanding of the Constitution and promoting the internalization of constitutional norms in Bangladesh. By educating citizens about their rights, duties, and the mechanisms for enforcing constitutional provisions, civic education strengthens democratic participation and encourages respect for the rule of law. Awareness of constitutional principles such as equality before the law, separation of powers, and fundamental rights is essential for developing a political culture that values accountability, transparency, and institutional integrity.

In Bangladesh, civic education initiatives are undertaken by schools, universities, NGOs, and civil society organizations. Programs targeting youth, women, and marginalized communities aim to improve knowledge of legal rights, electoral processes, and the functions of key institutions such as Parliament, the judiciary, and local government bodies. By fostering critical thinking and civic responsibility, these initiatives contribute to a more informed electorate capable of demanding adherence to constitutional norms from political and administrative actors. Despite these efforts, challenges remain. Limited resources, inadequate curriculum integration, and low levels of literacy hinder the effectiveness of civic education programs. In rural areas, access to information about constitutional rights and governance structures is often minimal, reducing the potential for broad-based norm internalization. Additionally, the politicization of educational content and the lack of practical engagement with civic processes can limit citizens' understanding of how constitutional principles operate in practice⁴³.

Nevertheless, civic education remains a key instrument for promoting constitutional culture. By enhancing public knowledge, fostering critical engagement, and encouraging active participation in democratic processes, civic education helps create a citizenry that not only understands constitutional norms but also expects their consistent application, thereby reinforcing the internalization of these norms in both governance and societal behavior.

⁴³ M. Shah Alam, "Civic Education, Public Awareness, and Constitutional Culture in Bangladesh," *Bangladesh Journal of Law*, Vol. 21 (2017), pp. 85–87.

4.6. Socio-Economic Factors Affecting Norm Internalization:

Socio-economic factors significantly influence the internalization of constitutional norms in Bangladesh by shaping citizens' access to education, political participation, and awareness of rights and responsibilities. Poverty, inequality, and limited social mobility constrain the ability of individuals and communities to engage effectively with constitutional processes, thereby weakening the development of a robust constitutional culture.

Economic deprivation often forces citizens to prioritize immediate survival needs over civic engagement and participation in governance. Marginalized groups—including rural populations, low-income communities, women, and ethnic minorities—may lack the time, resources, or knowledge to assert their constitutional rights or hold public officials accountable. This diminishes the social pressure necessary for ensuring that political actors respect constitutional norms, perpetuating a cycle of selective compliance and impunity⁴⁴.

Educational disparities further exacerbate the problem. Limited access to quality education, particularly in rural and underdeveloped areas, reduces awareness of constitutional rights and civic responsibilities. Without adequate knowledge of the Constitution and mechanisms for enforcing it, citizens are less likely to demand accountability or participate in democratic processes that reinforce constitutional governance.

Additionally, socio-economic inequalities influence political behavior. Wealthier individuals and groups often exert disproportionate influence over political parties, elections, and policy decisions, which can skew governance in favor of elite interests rather than constitutional principles. Conversely, economically disadvantaged citizens may feel disempowered and disengaged, perceiving the Constitution as a distant document rather than a practical tool for protecting their rights.

⁴⁴ Asif Nazrul, "Socio-Economic Determinants of Constitutional Awareness in Bangladesh," *Journal of Asian Public Policy*, Vol. 12, No. 2 (2019), pp. 92–95.

4.7. Impact of Patron-Client Politics:

Patron-client politics, a pervasive feature of Bangladesh's political system, significantly affects the internalization of constitutional norms and the development of a robust constitutional culture. In this system, political loyalty and access to resources are exchanged for support, creating networks of dependency between powerful actors (patrons) and their constituents (clients). While this arrangement can consolidate political support, it often undermines meritocracy, accountability, and adherence to constitutional principles.

In the context of Bangladesh, patron-client relationships have contributed to selective compliance with constitutional norms. Political elites frequently use state resources, administrative positions, and welfare programs to reward loyal supporters while marginalizing opponents, weakening the principle of equality before the law enshrined in Article 27 of the Constitution. Such practices also foster clientelism at the bureaucratic level, where civil servants may prioritize the interests of political patrons over legal obligations, reducing institutional independence and effectiveness.

The impact of patron-client politics extends to elections and governance. Electoral outcomes are often influenced more by resource distribution, personal networks, and loyalty than by policy debate or constitutional adherence. This diminishes the accountability of elected representatives, as their primary obligation becomes loyalty to the patron rather than service to the electorate or compliance with constitutional mandates. Consequently, political incentives favor short-term gains and consolidation of power over institutional development and respect for constitutional rules.

Patron-client networks also undermine civic engagement and public trust. Citizens embedded in such networks may perceive constitutional rights as secondary to the patronage system, reducing demand for impartial governance and legal protection. Over time, this erodes the normative force of the Constitution, making compliance contingent on political expediency rather than legal or ethical obligation.

Chapter Five: Consequences of Weak Constitutional Culture

5.1. Democratic Backsliding and Authoritarian Tendencies:

Bangladesh has witnessed patterns of democratic backsliding and authoritarian tendencies that pose significant challenges to the internalization of constitutional norms. Although the Constitution guarantees democratic governance, separation of powers, and protection of fundamental rights, political developments over the decades have often reflected a concentration of power, weakening democratic institutions and limiting citizen participation.

Democratic backsliding manifests in several ways. Executive dominance, exemplified by strong Prime Ministerial control over the legislature, judiciary, and administrative apparatus, has curtailed effective checks and balances. Parliamentary oversight is frequently undermined by party-line voting and boycotts, while the independence of key institutions such as the Election Commission, Anti-Corruption Commission, and judiciary has been compromised through politicized appointments and interference.

Authoritarian tendencies are also evident in restrictions on dissent and civil liberties. Media censorship, harassment of journalists, and suppression of political protests limit the space for public debate and critical engagement, which are essential for democratic accountability and the internalization of constitutional norms. Law enforcement agencies, when politicized, have sometimes acted selectively to suppress opposition or dissent, further eroding constitutional protections and fostering a culture of impunity⁴⁵.

The consequences of democratic backsliding are profound. Citizens may perceive the Constitution as symbolic rather than practical, reducing public demand for compliance with its provisions. This environment encourages selective adherence among political actors, reinforces patron-client networks, and diminishes institutional effectiveness. Over time, democratic erosion threatens not only governance but also the legitimacy of constitutional authority itself.

⁴⁵ A.T.M. Shamsul Huda, *Constitutional Development in Bangladesh* (University Press Limited, Dhaka, 1997), pp. 170–172.

5.2. Erosion of Fundamental Rights and Civil Liberties:

The erosion of fundamental rights and civil liberties in Bangladesh has been a significant impediment to the internalization of constitutional norms. The Constitution of 1972 guarantees fundamental rights, including freedom of speech and expression (Article 39), the right to assemble peacefully (Article 37), and protection of life and personal liberty (Article 32). These provisions are crucial for fostering a political culture rooted in accountability, transparency, and respect for the rule of law.

In practice, however, these rights have frequently been curtailed. Laws such as the Digital Security Act (DSA) 2018 and other restrictive legislation have been used to limit freedom of expression, particularly for journalists, activists, and opposition figures, thereby constraining public debate and criticism of government actions. Similarly, the freedom of assembly has often been restricted through administrative measures, police actions, and bureaucratic hurdles, undermining citizens' ability to engage in democratic processes and advocate for constitutional compliance.

Law enforcement practices have also contributed to the erosion of civil liberties. Arbitrary arrests, extrajudicial detentions, and excessive use of force have raised concerns about violations of Articles 31 and 32, weakening citizens' trust in state institutions and reducing the perceived authority of the Constitution as a binding framework for governance. The selective application of laws has further reinforced patronage networks, creating a culture in which constitutional norms are enforced inconsistently and politically rather than universally⁴⁶.

The consequences of such erosion are multifaceted. It discourages civic engagement, diminishes public oversight of political actors, and perpetuates impunity for those in power. Citizens may increasingly view constitutional rights as aspirational rather than enforceable, which undermines the internalization of these norms and the overall consolidation of constitutional culture.

To reverse this trend, it is essential to strengthen legal protections for fundamental rights, ensure independent oversight of enforcement agencies, and promote civic education that informs

⁴⁶ Rounaq Jahan, *Bangladesh Politics: Problems and Issues* (University Press Limited, Dhaka, 2005), pp. 130–132.

citizens of their rights and mechanisms for redress. Upholding civil liberties is central to reinforcing constitutional norms, fostering participatory governance, and sustaining a resilient democratic culture in Bangladesh.

5.3. Decline of Electoral Integrity:

Electoral integrity is a cornerstone of constitutional governance, ensuring that citizens can exercise their right to vote freely and fairly, and that political leaders are held accountable. In Bangladesh, however, the integrity of elections has faced repeated challenges, undermining the internalization of constitutional norms and weakening democratic accountability.

The decline in electoral integrity is evident through allegations of vote rigging, manipulation of voter lists, and partisan influence over the Election Commission. Major political parties often engage in confrontational tactics, such as boycotting elections, orchestrating strikes, or mobilizing supporters to disrupt polling, which further compromises the fairness of the electoral process. Such practices erode public confidence in elections and the legitimacy of elected officials, making constitutional guarantees of popular sovereignty and representative governance less effective in practice.

Institutional weaknesses exacerbate these problems. The Election Commission, intended to act as an impartial arbiter, has at times faced political interference, delaying reforms and limiting its ability to conduct transparent and credible elections. Additionally, electoral disputes and litigation often remain unresolved for extended periods, discouraging citizens from participating and undermining trust in democratic institutions.

The consequences of declining electoral integrity are significant. It fosters a political culture of mistrust and zero-sum competition, reinforces patron-client networks, and encourages selective adherence to constitutional norms. Citizens may view elections not as instruments of accountability but as arenas for political contestation where outcomes are predetermined by power dynamics rather than legal and procedural fairness.

5.5. Public Trust Deficit in Constitutional Governance:

Public trust is a cornerstone of effective constitutional governance, as it fosters citizen compliance with laws, encourages civic engagement, and strengthens democratic legitimacy. In Bangladesh, however, a significant trust deficit has developed between citizens and state institutions, undermining the internalization of constitutional norms and weakening constitutional culture.

The trust deficit arises from multiple factors. Political polarization, executive dominance, and selective law enforcement have created perceptions that state institutions serve partisan interests rather than the public good. Citizens frequently view the judiciary, legislature, and regulatory bodies as susceptible to political manipulation, eroding confidence in their independence and fairness. Similarly, electoral irregularities, including allegations of vote rigging and manipulation, have diminished the credibility of the democratic process and the legitimacy of elected officials.

Corruption and impunity further exacerbate public distrust. When high-profile cases of misappropriation or abuse of power go unpunished, citizens perceive constitutional norms as unenforceable, reinforcing a culture of cynicism and disengagement. This perception is reinforced by patron-client politics, where political loyalty and personal networks are valued over merit and adherence to the Constitution.

The consequences of a public trust deficit are profound. Reduced confidence in governance limits civic participation, weakens demand for accountability, and discourages citizen engagement in constitutional processes. Without active public oversight and participation, political and administrative actors have fewer incentives to respect constitutional provisions, further perpetuating selective compliance and norm erosion.

5.6. International Image and Democratic Commitments:

Bangladesh's international image is closely linked to its adherence to democratic principles, human rights, and constitutional norms. Global perceptions of governance, rule of law, and respect for civil liberties influence foreign investment, diplomatic relations, and development cooperation. A weak constitutional culture, democratic backsliding, and selective enforcement of rights negatively affect Bangladesh's international reputation and its commitments to global democratic standards.

Instances of election irregularities, suppression of dissent, and executive overreach have drawn criticism from international organizations, including the United Nations, the Commonwealth, and human rights watchdogs. Such critiques highlight gaps between Bangladesh's constitutional commitments and the actual practice of democracy, impacting foreign aid negotiations, trade agreements, and participation in international governance forums.

Moreover, a poor international image can exacerbate domestic challenges. When citizens perceive that the government prioritizes image management over genuine constitutional compliance, it undermines public trust and diminishes incentives for political actors to internalize constitutional norms. This creates a cyclical effect in which weak domestic governance reinforces negative perceptions abroad, and international scrutiny, in turn, pressures the state to comply selectively rather than comprehensively⁴⁷.

Improving Bangladesh's international image requires strengthening democratic institutions, upholding fundamental rights, ensuring free and fair elections, and demonstrating transparent governance. By aligning domestic practices with constitutional and international democratic standards, Bangladesh can enhance its credibility on the global stage while simultaneously reinforcing the internalization of constitutional norms domestically. Such alignment benefits both the country's diplomatic standing and its internal democratic culture.

⁴⁷ A.T.M. Shamsul Huda, *Constitutional Development in Bangladesh* (University Press Limited, Dhaka, 1997), pp. 190–192.

5.7. Long-Term Risks to Constitutional Democracy:

Bangladesh faces several long-term risks to its constitutional democracy that stem from the persistent failure to internalize constitutional norms. While the Constitution provides a comprehensive framework for governance, accountability, and rights protection, structural weaknesses, political practices, and socio-cultural factors have created vulnerabilities that, if unaddressed, could threaten the stability and resilience of democratic institutions.

One major risk is institutional erosion. Repeated executive dominance, politicization of the judiciary, and interference in independent bodies weaken the separation of powers, reducing the capacity of state institutions to act as effective checks and balances. Over time, this undermines rule-of-law principles and encourages selective compliance with constitutional mandates⁴⁸.

Political polarization and zero-sum politics further exacerbate these risks. Deep partisan divisions, electoral boycotts, and confrontational political culture discourage compromise and consensus-building, creating governance instability. Such dynamics can perpetuate cycles of unrest, administrative paralysis, and selective application of laws, all of which undermine constitutional democracy.

Socio-economic disparities and patron-client networks also pose long-term threats. Inequalities in access to education, economic opportunities, and political participation limit the public's ability to demand accountability and participate meaningfully in governance. Patron-client politics reinforces dependency on political elites, eroding civic responsibility and reducing the internalization of constitutional norms at the grassroots level.

⁴⁸ M. Shah Alam, "Civil Liberties and Democratic Resilience in Bangladesh," *Bangladesh Journal of Law*, Vol. 22 (2018), pp. 90–92.

Chapter Six: Reform, Recommendations, and Conclusion

6.1. Rebuilding Constitutional Culture: Conceptual Insights:

Rebuilding constitutional culture in Bangladesh requires more than legal reforms; it demands a shift in political, institutional, and societal norms that influence how constitutional provisions are understood, respected, and internalized. Constitutional culture refers to the collective values, attitudes, and behaviors of political actors, state institutions, and citizens that determine the effective functioning of the Constitution. It encompasses respect for the rule of law, accountability, civic engagement, and adherence to democratic principles.

At a conceptual level, rebuilding constitutional culture involves norm internalization, where constitutional rules are not merely observed under compulsion but are embraced as legitimate and necessary. This requires fostering an environment where the principles of separation of powers, fundamental rights, transparency, and participatory governance are consistently reinforced through institutional practices, civic education, and public discourse⁴⁹.

Key insights for rebuilding constitutional culture include:

1. Institutionalization of Democratic Practices: Ensuring that institutions—legislature, executive, judiciary, and independent commissions—function according to constitutional norms, free from partisan interference.
2. Civic Education and Awareness: Enhancing public understanding of constitutional rights and responsibilities so that citizens can actively demand accountability and participate in governance.
3. Rule of Law and Accountability: Strengthening mechanisms to enforce constitutional provisions impartially, reducing impunity and patron-client dependency.
4. Political Culture Reform: Encouraging political tolerance, consensus-building, and issue-based politics to replace zero-sum and confrontational dynamics.
5. Integration of Socio-Economic Equity: Promoting inclusive governance and access to resources to empower marginalized communities, which strengthens societal engagement with constitutional norms.

⁴⁹ Asif Nazrul, “Constitutional Culture and Norm Internalization in Bangladesh,” *Journal of Asian Public Policy*, Vol. 13, No. 2 (2020), pp. 135–137.

6.2. Legal and Institutional Reforms:

Strengthening Bangladesh's constitutional culture requires comprehensive legal and institutional reforms that enhance the capacity, independence, and credibility of key state organs. These reforms aim to ensure that constitutional norms are respected, implemented consistently, and internalized by political actors, institutions, and citizens.

1. Judicial Reforms:

- Ensuring the independence of the judiciary through merit-based appointments and protection from political interference.
- Strengthening judicial review and expediting case management to reduce delays and enhance the enforcement of constitutional rights.
- Promoting judicial transparency and accountability to build public trust in constitutional adjudication.

2. Legislative Strengthening:

- Enhancing parliamentary oversight through effective committee systems, question hours, and policy scrutiny.
- Encouraging cross-party dialogue and bipartisan legislation to reduce political polarization.
- Ensuring legislative compliance with constitutional mandates, especially in law-making and budgetary oversight⁵⁰.

3. Executive and Bureaucratic Reforms:

- Reducing executive dominance by clearly delineating powers among branches of government.
- Professionalizing the bureaucracy through merit-based recruitment, training, and insulation from political pressures.
- Promoting transparency, integrity, and accountability in administrative decision-making.

⁵⁰ Ali Riaz, *Politics in Bangladesh: Hybrid Regime Dynamics* (Routledge, 2021), pp. 190–192.

4. Electoral and Regulatory Reforms:

- Strengthening the Election Commission's independence and capacity to conduct free, fair, and credible elections.
- Implementing comprehensive voter registration reforms, transparent ballot procedures, and impartial dispute resolution mechanisms.
- Empowering anti-corruption and regulatory bodies to enforce accountability without political interference.

5. Legal Framework Enhancements:

- Revisiting laws that restrict civil liberties, freedom of expression, and assembly to align with constitutional principles.
- Strengthening mechanisms for enforcing fundamental rights, including accessible legal aid and public interest litigation avenues.
- Institutionalizing safeguards against selective enforcement and impunity.

6.3. Policy Recommendations:

To strengthen constitutional culture and facilitate the internalization of norms in Bangladesh, a multi-pronged approach involving political, civic, and administrative reforms is essential. The following policy recommendations are proposed:

- Ensure the independence and impartiality of key institutions, including the judiciary, Election Commission, and regulatory bodies.
- Institutionalize parliamentary oversight mechanisms such as standing committees, question hours, and public hearings to enhance accountability.
- Implement transparent and secure voter registration and ballot procedures.
- Strengthen monitoring of elections by independent domestic and international observers.
- Introduce legal safeguards against electoral malpractice and political intimidation.
- Integrate civic education and constitutional literacy into school and university curricula.
- Support public awareness campaigns, workshops, and media programs that inform citizens about their rights and responsibilities⁵¹.
- Promote inclusive outreach to rural and marginalized communities to foster widespread constitutional knowledge.
- Enforce laws impartially, preventing selective application that favors political elites.
- Strengthen anti-corruption bodies and accountability mechanisms to address misuse of power.
- Protect whistleblowers, journalists, and civil society actors who expose constitutional violations.
- Encourage consensus-building, dialogue, and issue-based politics over adversarial, zero-sum practices.
- Limit the influence of patron-client networks on resource allocation and governance.
- Promote internal democracy within political parties to ensure merit-based leadership selection⁵².
- Review and amend laws that restrict civil liberties and freedom of expression to align with constitutional principles.
- Strengthen bureaucratic professionalism and meritocracy to reduce executive overreach.

⁵¹ M. Shah Alam, “Civic Education and Constitutional Awareness in Bangladesh,” *Bangladesh Journal of Law*, Vol. 22 (2018), pp. 88–90.

⁵² Ali Riaz, *Politics in Bangladesh*, pp. 200–202.

- Introduce mechanisms for effective monitoring and evaluation of constitutional compliance by state institutions.
- Support independent media to act as a watchdog and platform for civic engagement.
- Encourage civil society organizations to conduct advocacy, legal aid, and public monitoring of governance.
- Foster partnerships between state institutions, media, and civil society for public dialogue and transparency.

Conclusion

The analysis of Bangladesh's constitutional culture reveals a persistent gap between constitutional ideals and practical governance, which has hindered the internalization of norms essential for democratic consolidation. While the Constitution of 1972 provides a robust framework for protecting fundamental rights, ensuring checks and balances, and promoting participatory governance, political practices, institutional weaknesses, and socio-economic disparities have collectively limited its effective implementation.

A key observation is that executive dominance, politicization of institutions, and patron-client networks have consistently undermined accountability and transparency. Parliamentary oversight, judicial independence, and regulatory mechanisms, which are critical for enforcing constitutional norms, have often been compromised, allowing selective application of the law and weakening public trust in governance.

Another significant concern is the erosion of fundamental rights and civil liberties, including freedom of expression, assembly, and political participation. Such restrictions not only violate constitutional guarantees but also reduce civic engagement, hinder norm internalization, and perpetuate a culture of impunity⁵³.

Furthermore, socio-economic inequalities and limited civic education have impeded the widespread understanding and practice of constitutional norms. Marginalized communities often lack the knowledge or resources to assert their rights, creating a feedback loop in which selective compliance and elite capture are normalized, further weakening the political culture.

Despite these challenges, the study underscores that rebuilding constitutional culture is feasible through concerted legal, institutional, and civic reforms. Strengthening the independence and capacity of democratic institutions, promoting electoral integrity, enhancing civic education, protecting civil liberties, and encouraging political tolerance are central to fostering norm internalization and sustaining constitutional democracy.

⁵³ A.T.M. Shamsul Huda, *Constitutional Development in Bangladesh* (University Press Limited, Dhaka, 1997), pp. 200–202

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