



**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.  
(Honours) Department of Law, Sonargaon University (SU), Dhaka.**

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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 Mazaharul Haque Khan 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.

.....  
**Md. Sagor Hossain**  
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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 examines the constitutional culture and the failure of norm internalization in Bangladesh, analyzing the gap between the formal provisions of the 1972 Constitution and the actual practices of governance. Despite a legal framework designed to ensure democracy, fundamental rights, rule of law, and separation of powers, political polarization, executive dominance, patron-client networks, and institutional weaknesses have prevented the effective internalization of constitutional norms. Historical factors, including military interventions, constitutional amendments, and electoral manipulation, have further eroded democratic governance and public trust. The study highlights the role of civil society, civic education, media, and institutional reforms in fostering a robust constitutional culture. It emphasizes that bridging the gap between constitutional text and political practice is essential for sustaining democracy, protecting fundamental rights, and enhancing public accountability.

**Key Words:** Constitutional culture, norm internalization, Bangladesh Constitution, democratic governance, rule of law, political polarization, patron-client politics, civil society, institutional reform.

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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 envisioned as a transformative charter grounded in nationalism, socialism, democracy, and secularism, aiming to establish a democratic state based on the rule of law, fundamental rights, and accountable governance.<sup>1</sup> Over five decades later, however, the lived reality of constitutional governance in Bangladesh reveals a persistent disjunction between constitutional text and constitutional practice. This gap has raised critical questions about constitutional culture—the shared beliefs, attitudes, and practices that shape how constitutional norms are understood, respected, and applied—and the extent to which these norms have been internalized by political actors, institutions, and citizens.

Bangladesh's constitutional trajectory has been marked by repeated disruptions, including military interventions, frequent constitutional amendments, and intense political polarization. These developments have weakened institutional autonomy and normalized practices that prioritize political expediency over constitutional fidelity.<sup>2</sup> As a result, constitutional norms often function as formal rules rather than deeply embedded standards of behavior. The persistence of executive dominance, politicization of the judiciary and oversight bodies, and erosion of parliamentary accountability indicate a broader failure of norm internalization within the governance system.<sup>3</sup>

Norm internalization is essential to constitutional democracy because it ensures that compliance with constitutional principles is driven not merely by coercion or fear of sanction, but by legitimacy, shared values, and societal acceptance. In Bangladesh, however, selective enforcement of laws, patron-client politics, and a culture of impunity have undermined public confidence in constitutional institutions. This has weakened civic engagement and reduced

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<sup>1</sup> A.T.M. Shamsul Huda, *Constitutional Development in Bangladesh* (University Press Limited, Dhaka, 1997), pp. 1–5.

<sup>2</sup> Rounaq Jahan, *Bangladesh Politics: Problems and Issues* (University Press Limited, Dhaka, 2005), pp. 45–48.

<sup>3</sup> Ali Riaz, *Politics in Bangladesh: Hybrid Regime Dynamics* (Routledge, 2021), pp. 60–63.

citizens' expectations that constitutional guarantees—such as equality before law, freedom of expression, and electoral participation—will be consistently protected.<sup>4</sup>

Moreover, socio-economic inequalities, limited civic education, and restricted public discourse have constrained the development of a participatory constitutional culture. Large segments of the population remain unfamiliar with constitutional rights and responsibilities, limiting their capacity to demand accountability or resist constitutional violations. Consequently, constitutional democracy in Bangladesh faces risks of democratic backsliding, institutional erosion, and declining legitimacy both domestically and internationally.<sup>5</sup>

Against this backdrop, the present study seeks to examine the failure of norm internalization in Bangladesh's constitutional culture, analyze its institutional and socio-political causes, and assess its implications for democratic governance. By situating constitutional practice within historical, political, and societal contexts, the study aims to contribute to a deeper understanding of why constitutional norms remain weakly internalized and how a resilient constitutional culture may be rebuilt.

## **1.2. 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.<sup>6</sup> Such practices have weakened the normative authority of the Constitution, transforming it into a tool of political

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<sup>4</sup> Asif Nazrul, "Constitutional Culture and Democratic Governance in Bangladesh," *Journal of Asian Public Policy*, Vol. 12, No. 4 (2019), pp. 118–120.

<sup>5</sup> M. Shah Alam, "Civic Awareness and Constitutional Practice in Bangladesh," *Bangladesh Journal of Law*, Vol. 22 (2018), pp. 85–87

<sup>6</sup> Rounaq Jahan, *Bangladesh Politics: Problems and Issues* (University Press Limited, Dhaka, 2005), pp. 95–98.

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.<sup>7</sup> 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 substantive<sup>8</sup>. 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 impunity<sup>9</sup>.

### 1.3. 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?

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<sup>7</sup> Asif Nazrul, "Constitutional Culture and Democratic Governance in Bangladesh," *Journal of Asian Public Policy*, Vol. 12, No. 4 (2019), pp. 118–120.

<sup>8</sup> M. Shah Alam, "Constitutional Amendments and Abuse of Power in Bangladesh," *Bangladesh Journal of Law*, Vol. 18 (2014), p. 72.

<sup>9</sup> Ali Riaz, *Voting in a Hybrid Regime: Explaining the 2018 Bangladeshi Election* (Palgrave Macmillan, 2020), p. 44.

#### 1.4. Significance of the Study:

The significance of this study lies in its contribution to a deeper understanding of constitutional culture and the failure of norm internalization in Bangladesh, a critical yet underexplored dimension of constitutional governance. Although extensive literature exists on constitutional law and political development in Bangladesh, fewer studies systematically examine why constitutional norms remain weakly internalized despite<sup>10</sup> a comprehensive constitutional framework. By focusing on this gap between constitutional text and practice, the study provides an analytical lens to assess the underlying causes of democratic fragility. From an academic perspective, the study enriches constitutional and political theory by integrating the concept of norm internalization with empirical analysis of Bangladesh's constitutional experience. It contributes to comparative constitutional discourse by illustrating how historical disruptions, political culture, and institutional behavior shape constitutional outcomes in post-colonial and developing democracies. Practically, the study holds significance for policy makers, constitutional bodies, and legal practitioners. By identifying institutional weaknesses and political practices that undermine constitutional compliance, the research offers insights that can inform legal reforms, institutional strengthening, and governance strategies aimed at enhancing accountability and rule of law. The study is also important for civil society organizations, educators, and the media, as it underscores the role of civic education, public awareness, and advocacy in fostering constitutional literacy and citizen engagement. Strengthening public understanding of constitutional rights and responsibilities is essential for generating societal pressure for constitutional compliance and democratic accountability. Finally, the study has broader relevance for democratic sustainability and international credibility. By highlighting the long-term risks of weak norm internalization—such as democratic backsliding, institutional erosion, and declining public trust—the research emphasizes the necessity of rebuilding constitutional culture to ensure stable, legitimate, and participatory governance in Bangladesh.<sup>11</sup>

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<sup>10</sup> M. Shah Alam, "Civic Education and Constitutional Awareness in Bangladesh," *Bangladesh Journal of Law*, Vol. 22 (2018), pp. 88–90.

<sup>11</sup> Ali Riaz, *Politics in Bangladesh: Hybrid Regime Dynamics* (Routledge, 2021), pp. 210–212.

### **1.5. 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 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.

### **1.6. 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 has been shaped by a continuous struggle between democratic aspirations and authoritarian interruptions. Constitutionalism in this region evolved through colonial rule, the Pakistan period, independence in 1971, and subsequent political transformations, each leaving a lasting impact on constitutional norms and practices.

During the colonial era, constitutional governance was introduced through British legal and administrative frameworks. Instruments such as the Government of India Acts of 1919 and 1935 established limited representative institutions but retained strong executive dominance. These arrangements emphasized administrative control rather than democratic accountability, leaving little scope for participatory constitutionalism.<sup>12</sup>

After the partition of India in 1947, Bangladesh (then East Pakistan) became part of Pakistan, where constitutionalism remained fragile. Political marginalization, economic discrimination, and linguistic and cultural repression weakened faith in constitutional governance. Frequent constitutional breakdowns—including the abrogation of the 1956 Constitution and the imposition of military rule in 1958—undermined democratic institutions and reinforced centralized authoritarian control.<sup>13</sup> These experiences intensified demands for autonomy, constitutional rights, and democratic self-rule in East Pakistan.

The independence of Bangladesh in 1971 marked a historic turning point. The adoption of the Constitution of 1972 represented a strong commitment to constitutionalism, incorporating principles of democracy, nationalism, socialism, and secularism. It established a parliamentary system, guaranteed fundamental rights, and emphasized the rule of law and judicial independence.<sup>14</sup> This Constitution symbolized the collective aspiration for a democratic and accountable state.

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<sup>12</sup> M.P. Jain, *Indian Constitutional Law* (LexisNexis, New Delhi, 2014), pp. 45–48.

<sup>13</sup> Hamza Alavi, “The State in Post-Colonial Societies: Pakistan and Bangladesh,” *New Left Review*, Vol. 74 (1972), pp. 59–62.

<sup>14</sup> A.T.M. Shamsul Huda, *Constitutional Development in Bangladesh* (University Press Limited, Dhaka, 1997), pp. 25–30.

However, constitutional development soon faced setbacks. Political instability, economic challenges, and power consolidation led to the Fourth Amendment in 1975, introducing one-party rule and significantly weakening checks and balances. Subsequent military interventions between 1975 and 1990 resulted in the suspension of constitutional provisions, the enforcement of martial law, and extensive constitutional amendments to legitimize military authority.<sup>15</sup> These disruptions deeply eroded constitutional norms and institutional autonomy.

The restoration of parliamentary democracy in 1991 through the Twelfth Amendment renewed hopes for constitutional governance. While democratic institutions were formally reinstated, constitutionalism continued to be constrained by intense political polarization, executive dominance, frequent amendments, and politicization of institutions. As a result, constitutionalism in Bangladesh has often remained formal rather than substantive, marked by weak internalization of constitutional norms.<sup>16</sup>

In essence, the historical development of constitutionalism in Bangladesh reveals a recurring tension between constitutional ideals and political practice. Although the Constitution has consistently served as a symbol of legitimacy, repeated interruptions and selective compliance have hindered the emergence of a stable and deeply rooted constitutional culture.

## **2.2. The 1972 Constitution: Ideals and Aspirations:**

The Constitution of Bangladesh, adopted in 1972, was a landmark document that sought to establish a democratic, just, and secular state after a long struggle for independence. It reflected the collective aspirations of the Bangladeshi people for freedom, equality, and participatory governance, and was designed to ensure both political stability and social justice. The Constitution embodies four fundamental principles: nationalism, socialism, democracy, and secularism, which remain the guiding pillars of Bangladesh's constitutional framework.<sup>17</sup>

Nationalism in the 1972 Constitution emphasizes the sovereignty of the Bangladeshi nation and the cultural, linguistic, and historical identity of its people. It sought to unify the population

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<sup>15</sup> Rounaq Jahan, *Bangladesh Politics: Problems and Issues* (University Press Limited, Dhaka, 2005), pp. 60–66.

<sup>16</sup> Ali Riaz, *Politics in Bangladesh: Hybrid Regime Dynamics* (Routledge, 2021), pp. 30–34.

<sup>17</sup>

around shared heritage and the struggle for independence, while promoting national solidarity and pride.<sup>18</sup>

Socialism was incorporated to guarantee economic justice and equitable distribution of resources. The Constitution envisioned the state as a vehicle for eliminating socio-economic inequalities, protecting workers and vulnerable populations, and promoting welfare-oriented governance.<sup>19</sup>

Democracy is central to the Constitution, reflected in provisions for a parliamentary system of government, free and fair elections, fundamental rights, and political participation. It aims to ensure that power rests with the people and is exercised through representative institutions accountable to citizens.

Secularism was enshrined to protect freedom of religion and prevent the state from favoring any particular faith. The Constitution guarantees religious tolerance, freedom of worship, and the separation of religion from the functions of the state, reflecting the pluralistic aspirations of the nation.<sup>20</sup>

In addition to these principles, the Constitution guarantees fundamental rights such as equality before law, freedom of speech, freedom of assembly, and protection of property, reflecting the commitment to individual liberties and human dignity. It also establishes an independent judiciary, parliamentary supremacy, and checks on executive power, aiming to create a system of governance based on the rule of law.

The 1972 Constitution, therefore, represents both a legal framework and a visionary document. It was designed not only to structure the government but also to guide the moral, political, and social development of the country. Its ideals reflect the aspirations of a newly independent nation for democratic governance, social justice, and national unity, making it a cornerstone of Bangladesh's constitutional culture.

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<sup>18</sup> A.T.M. Shamsul Huda, *Constitutional Development in Bangladesh* (University Press Limited, Dhaka, 1997), pp. 25–28.

<sup>19</sup> Rounaq Jahan, *Bangladesh Politics: Problems and Issues* (University Press Limited, Dhaka, 2005), pp. 50–52.

<sup>20</sup> M. Shah Alam, "Secularism and Constitutional Culture in Bangladesh," *Bangladesh Journal of Law*, Vol. 22 (2018), pp. 90–92.

### 2.3. Military Interventions and Constitutional Disruptions:

Bangladesh's post-independence constitutional history has been repeatedly interrupted by military interventions, which have significantly undermined the consolidation of constitutionalism and democratic governance. Despite the visionary framework of the 1972 Constitution, the nascent democratic institutions faced severe political instability, economic challenges, and internal conflicts that created openings for extra-constitutional interventions.<sup>21</sup>

The first major disruption occurred in 1975, following the assassination of Sheikh Mujibur Rahman. This led to a military takeover and the imposition of martial law, which suspended key provisions of the Constitution and effectively replaced civilian governance with military authority. The Fourth Amendment to the Constitution in 1975 facilitated the establishment of a one-party system, centralized executive powers, and curtailed fundamental freedoms, signaling a dramatic departure from the democratic ideals enshrined in the 1972 Constitution.<sup>22</sup>

Subsequent military regimes, including those of Ziaur Rahman (1975–1981) and Hussain Muhammad Ershad (1982–1990), further eroded constitutional governance. Both regimes sought to legitimize military rule through constitutional amendments, controlled political processes, and manipulated legal frameworks to consolidate power. These interventions disrupted parliamentary functions, compromised judicial independence, and weakened mechanisms for accountability, resulting in a culture of selective constitutional compliance.<sup>23</sup>

Military interventions also created a precedent for political instability, in which extra-constitutional measures were normalized as acceptable tools for resolving governance crises. This undermined public confidence in constitutional institutions and fostered an environment in which executive dominance, patron-client politics, and partisan control of institutions became entrenched.<sup>24</sup>

Even after the restoration of electoral democracy in 1991, the legacies of military intervention persisted. Constitutional amendments, executive overreach, and politicization of key institutions

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<sup>21</sup> Hamza Alavi, "The State in Post-Colonial Societies: Pakistan and Bangladesh," *New Left Review*, Vol. 74 (1972), pp. 61–64.

<sup>22</sup> Asif Nazrul, "Military Interventions and Constitutional Governance in Bangladesh," *Journal of Asian Public Policy*, Vol. 12, No. 4 (2019), pp. 115–118.

<sup>23</sup> A.T.M. Shamsul Huda, *Constitutional Development in Bangladesh* (University Press Limited, Dhaka, 1997), pp. 35–38.

<sup>24</sup> Ali Riaz, *Politics in Bangladesh: Hybrid Regime Dynamics* (Routledge, 2021), pp. 40–45.

demonstrated that formal democratic structures existed without deep internalization of constitutional norms. The repeated disruptions highlight a fundamental challenge: constitutional provisions alone cannot guarantee democracy; they require a political culture and institutional practices that respect the rule of law.

In summary, military interventions and related constitutional disruptions have significantly weakened Bangladesh's constitutional culture, impeding the internalization of norms and undermining democratic consolidation. Understanding this historical pattern is essential for identifying structural reforms and strategies to strengthen constitutional adherence and institutional resilience.

#### **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<sup>25</sup>.

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.<sup>2</sup> 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 law<sup>26</sup>.

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<sup>26</sup> Fifth Amendment Act, 1979; A.T.M. Shamsul Huda, *Constitutional Development in Bangladesh* (University Press Limited, Dhaka, 1997), p. 115.

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 conduct<sup>27</sup>.

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.

## **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 interventions<sup>28</sup>.

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<sup>27</sup> *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.

<sup>28</sup> Constitution of the People's Republic of Bangladesh, 1972, Article 7.

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 compliance<sup>29</sup>.

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, 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

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<sup>29</sup> Asif Nazrul, "Civil Society and Constitutional Democracy in Bangladesh," *Journal of Asian Public Policy*, Vol. 10, No. 2 (2017), p. 92.

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 power<sup>30</sup>.

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 power<sup>31</sup>.

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 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.

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<sup>30</sup> A.T.M. Shamsul Huda, *Constitutional Development in Bangladesh* (University Press Limited, Dhaka, 1997), p. 128.

<sup>31</sup> Asif Nazrul, "Civil Society and Constitutional Democracy in Bangladesh," *Journal of Asian Public Policy*, Vol. 10, No. 2 (2017), p. 95.

## 2.7. Constitutional Practice versus Constitutional Text:

In Bangladesh, a significant challenge to constitutional governance is the persistent gap between the written Constitution and actual political practice. While the Constitution of 1972 provides a robust framework for democracy, rule of law, and protection of fundamental rights, its provisions are often undermined by political expediency, institutional weaknesses, and socio-cultural factors, resulting in a divergence between constitutional ideals and reality.<sup>32</sup>

The Constitution envisages a parliamentary system with checks and balances, separation of powers, and judicial independence. It guarantees civil liberties, electoral integrity, and accountability mechanisms for all branches of government. However, in practice, executive dominance, partisan influence over legislative and judicial institutions, and the politicization of key bodies such as the Election Commission have limited the enforcement of these principles. The result is a system in which constitutional norms are applied selectively, often in accordance with political interests rather than legal obligations.

Fundamental rights, including freedom of speech, freedom of assembly, and protection against arbitrary arrest, are frequently curtailed during political crises. Laws such as the Digital Security Act have been criticized for restricting civil liberties, reflecting a disconnect between constitutional guarantees and their practical enforcement.<sup>3</sup> Similarly, constitutional provisions designed to ensure fair elections and accountability are often compromised by political manipulation, intimidation, or corruption, undermining public confidence in the democratic process.

Socio-economic and cultural factors further exacerbate this gap. Limited civic education, widespread political patronage, and social hierarchies restrict citizens' capacity to demand compliance with constitutional norms. As a result, constitutional provisions remain formal instruments rather than deeply internalized standards of political and social behavior.<sup>33</sup>

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<sup>32</sup> M. Shah Alam, "Civic Awareness and Constitutional Practice in Bangladesh," *Bangladesh Journal of Law*, Vol. 22 (2018), pp. 88–90.

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This divergence between text and practice not only erodes public trust but also weakens the legitimacy of democratic institutions. It highlights the need for institutional strengthening, civic education, and political reforms to ensure that constitutional norms are respected, internalized, and consistently applied across all levels of governance.<sup>34</sup>

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<sup>34</sup> Asif Nazrul, "Constitutional Culture and Governance in Bangladesh," *Journal of Asian Public Policy*, Vol. 12, No. 4 (2019), pp. 118–120.

## **Chapter Three: Institutional Dimensions of Norm Internalization**

### **3.1. Parliament and Legislative Accountability:**

The Parliament of Bangladesh is constitutionally designated as the supreme legislative body, responsible for enacting laws, overseeing the executive, and ensuring democratic representation. Under the 1972 Constitution, Parliament is intended to exercise legislative supremacy, fiscal oversight, and control over government policies, thereby acting as a crucial mechanism for accountability.<sup>35</sup> Effective legislative accountability requires robust debate, scrutiny of executive actions, and independent decision-making by elected representatives.

However, in practice, Parliament has often functioned under significant executive influence, limiting its ability to hold the government accountable. The dominance of the ruling party, coupled with strong party discipline, frequently results in rubber-stamp legislation, undermining the separation of powers and weakening parliamentary oversight.<sup>36</sup> Committees, which are constitutionally mandated to monitor policy implementation and scrutinize government expenditure, often lack autonomy, resources, and technical expertise, reducing their effectiveness.

Political polarization further complicates legislative accountability. Opposition parties are frequently marginalized or boycotted, limiting constructive debate and reducing transparency in the legislative process. This environment fosters a culture of partisanship over principled lawmaking, where legislative decisions prioritize political advantage rather than public interest or constitutional norms.

Moreover, Parliament's constitutional tools—such as question periods, motions of no confidence, and committee inquiries—are underutilized, partly due to executive control and partly because of a lack of public awareness regarding parliamentary procedures. Consequently, the potential of Parliament to enforce accountability and internalize constitutional norms remains underdeveloped, contributing to a broader deficit in constitutional culture.

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<sup>35</sup> Muhammad Mahbubur Rahman, *Parliamentary Practice in Bangladesh* (Bangladesh Institute of Parliamentary Studies, Dhaka, 2010), pp. 45–48.

<sup>36</sup> Ali Riaz, *Politics in Bangladesh: Hybrid Regime Dynamics* (Routledge, 2021), pp. 80–83.

In summary, while the Constitution of Bangladesh envisages a strong, independent, and accountable legislature, structural constraints, political interference, and weak institutional practices have hindered Parliament from fully performing its role in fostering constitutional compliance and democratic governance. Strengthening parliamentary autonomy, enhancing committee functions, and promoting transparency are essential steps toward bridging the gap between constitutional text and legislative practice.

### **3.2. Executive Dominance and Concentration of Power:**

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 constitutionalism<sup>37</sup>.

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.

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<sup>37</sup> Rounaq Jahan, *Bangladesh Politics: Problems and Issues* (University Press Limited, Dhaka, 2005), pp. 72–74.

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 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.<sup>2</sup> 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 power<sup>38</sup>.

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

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<sup>38</sup> *Secretary, Ministry of Finance v Masdar Hossain* (1999) 52 DLR (AD) 82.

judicial pronouncements and delays in enforcement weaken the overall impact of constitutional adjudication.

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.<sup>2</sup> 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 framework<sup>39</sup>.

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<sup>39</sup> M. Shah Alam, "Election Administration and Democratic Governance in Bangladesh," *Bangladesh Journal of Law*, Vol. 18 (2014), pp. 60–63.

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 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.<sup>40</sup>

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).

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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 expediency<sup>41</sup>.

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 people<sup>42</sup>.

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.

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<sup>41</sup> Ali Riaz, *Politics in Bangladesh: Hybrid Regime Dynamics* (Routledge, 2021), pp. 112–115.

<sup>42</sup> M. Shah Alam, “Decentralization and Local Governance in Bangladesh,” *Bangladesh Journal of Law*, Vol. 19 (2015), pp. 72–74.

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 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:**

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.

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:**

One of the foremost challenges to the internalization of constitutional norms in Bangladesh is the prevalence of political intolerance and zero-sum politics. Zero-sum politics refers to a competitive political environment in which one party's gain is perceived as another party's loss, leaving little space for compromise, consensus-building, or inclusive governance. This dynamic has intensified polarization, weakened democratic institutions, and undermined constitutional culture.<sup>43</sup>

Political intolerance manifests in multiple ways. Opposition parties often face harassment, exclusion from decision-making, or threats to their political participation. Protests, strikes, and parliamentary boycotts are frequently used as tools to challenge or delegitimize rival parties, rather than as instruments for constructive policy debate. Such practices discourage political dialogue, institutional cooperation, and adherence to constitutional procedures, making governance reactive and adversarial rather than deliberative.<sup>44</sup>

Zero-sum political behavior also has adverse effects on constitutional compliance. Legislators prioritize party loyalty over rule-of-law obligations, leading to selective implementation of constitutional provisions, undermining the independence of the judiciary, and weakening oversight mechanisms. The executive branch often exploits partisan divisions to consolidate power, while parliamentary and judicial functions are subordinated to political interests.

Moreover, zero-sum politics fuels a culture of patronage and clientelism, where loyalty to political leaders supersedes adherence to legal or constitutional norms. Citizens' access to resources and public services becomes contingent on political affiliation rather than legal entitlement, further eroding trust in constitutional institutions and the rule of law.

In the long term, political intolerance and zero-sum politics perpetuate cycles of institutional dysfunction, public disillusionment, and democratic instability. They not only obstruct the

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<sup>43</sup> Hamza Alavi, "State and Politics in Bangladesh: Patron-Client Networks," *New Left Review*, Vol. 88 (2014), pp. 61–64.

<sup>44</sup> Ali Riaz, *Politics in Bangladesh: Hybrid Regime Dynamics* (Routledge, 2021), pp. 85–88.

internalization of constitutional norms but also weaken public confidence in governance, limit civic engagement, and hinder the development of a mature constitutional culture. Addressing this problem requires reforms that encourage political tolerance, promote inclusive decision-making, and strengthen institutional safeguards against partisan manipulation

#### **4.2. Culture of Impunity and Weak Accountability:**

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 law<sup>45</sup>.

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.

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<sup>45</sup> 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 governance<sup>46</sup>.

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.

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<sup>46</sup> 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 level<sup>47</sup>.

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.

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<sup>47</sup> 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 practice<sup>48</sup>.

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.

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<sup>48</sup> 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 impunity<sup>49</sup>.

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.

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<sup>49</sup> 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 is a pervasive feature of Bangladesh's political system, significantly shaping governance, institutional behavior, and the internalization of constitutional norms. In this system, political loyalty and support are exchanged for material benefits, jobs, services, or protection, creating hierarchical networks that prioritize personal allegiance over rule-of-law obligations and institutional accountability.<sup>50</sup>

The prevalence of patron-client relationships undermines constitutional governance in several ways. First, it compromises the impartiality and independence of public institutions. Bureaucrats, law enforcement officials, and even judicial actors may be pressured to act in favor of political patrons, resulting in selective enforcement of laws and constitutional provisions. This erodes public confidence in the neutrality of institutions meant to uphold the Constitution.<sup>51</sup>

Second, patron-client politics fosters inequality in access to public resources and services. Citizens who lack political connections are often marginalized, while those aligned with ruling parties or powerful local figures gain disproportionate benefits. This practice violates the constitutional principles of equality before the law and equal protection of rights, illustrating a clear gap between constitutional text and political practice.

Third, patron-client networks reinforce political polarization and zero-sum behavior. By creating dependency on political elites for personal or community benefits, such networks discourage independent civic engagement, reduce electoral competitiveness, and consolidate power in the hands of dominant parties or individuals. This environment limits the prospects for democratic deliberation and norm internalization, as loyalty to patrons often supersedes adherence to constitutional or legal norms. Finally, the long-term impact of patron-client politics is a weakened constitutional culture. Citizens learn to navigate the system through informal channels rather than legal rights, reinforcing impunity, selective enforcement, and a culture of political expediency. This cycle perpetuates institutional dysfunction, erodes democratic accountability, and undermines public trust in the rule of law.

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<sup>50</sup> Hamza Alavi, "State and Politics in Bangladesh: Patron-Client Networks," *New Left Review*, Vol. 88 (2014), pp. 61–64.

<sup>51</sup> M. Shah Alam, "Democracy, Patronage, and Constitutional Governance in Bangladesh," *Bangladesh Journal of Law*, Vol. 23 (2019), pp. 95–98.

## Chapter Five: Consequences of Weak Constitutional Culture

### **5.1. Democratic Backsliding and Authoritarian Tendencies:**

Bangladesh, despite its formal adherence to a parliamentary democracy, has experienced episodes of democratic backsliding and growing authoritarian tendencies, which pose a significant threat to constitutional governance. Democratic backsliding refers to the gradual erosion of democratic institutions, norms, and practices, often marked by the weakening of checks and balances, suppression of dissent, and concentration of power in the executive branch<sup>52</sup>.

The political history of Bangladesh shows that repeated military interventions, emergency rule, and the manipulation of constitutional amendments have entrenched authoritarian practices. Even after the restoration of parliamentary democracy in 1991, the dominance of the executive over the legislature, judiciary, and other independent institutions has limited the effective functioning of constitutional mechanisms designed to ensure accountability and transparency.

Authoritarian tendencies are reinforced through restrictive laws, political intimidation, and curtailment of civil liberties. Instruments such as the Digital Security Act, defamation laws, and restrictions on public assembly have been used selectively to suppress political opposition, media criticism, and civil society activism, undermining the principles of freedom and pluralism envisioned in the Constitution<sup>53</sup>.

The culture of partisan politics, zero-sum competition, and patron-client networks further consolidates executive power and weakens institutional independence. Legislators often prioritize party loyalty over constitutional obligations, while opposition voices are marginalized, limiting political debate and citizen participation in governance.

This democratic backsliding has profound consequences for constitutional norm internalization. Citizens, political actors, and institutions come to view constitutional provisions as conditional or symbolic rather than binding. Such erosion diminishes public trust, legitimizes extra-constitutional practices, and threatens the sustainability of democratic governance.

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<sup>52</sup> Hamza Alavi, "State and Politics in Bangladesh: Patron-Client Networks," *New Left Review*, Vol. 88 (2014), pp. 65–68.

<sup>53</sup> M. Shah Alam, "Democracy and Citizen Trust in Bangladesh," *Bangladesh Journal of Law*, Vol. 23 (2019), pp. 99–102.

In conclusion, democratic backsliding and authoritarian tendencies in Bangladesh reflect the gap between constitutional ideals and political realities. Addressing these challenges requires strengthening institutional autonomy, safeguarding civil liberties, promoting political tolerance, and fostering a culture of constitutional adherence among both political actors and the public

## **5.2. Erosion of Fundamental Rights and Civil Liberties:**

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 universally<sup>54</sup>.

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.

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<sup>54</sup> Rounaq Jahan, *Bangladesh Politics: Problems and Issues* (University Press Limited, Dhaka, 2005), pp. 130–132.

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 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 comprehensively<sup>55</sup>.

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.

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<sup>55</sup> 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 mandates<sup>56</sup>.

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.

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<sup>56</sup> 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 involves fostering a shared understanding and internalization of constitutional norms among political actors, institutions, and the public. Constitutional culture refers to the set of values, practices, and attitudes that guide adherence to constitutional principles, including the rule of law, separation of powers, accountability, and respect for fundamental rights.<sup>57</sup>

Conceptually, the process of rebuilding constitutional culture involves several interrelated dimensions:

1. **Norm Internalization** – Constitutional norms must move beyond formal recognition to become deeply ingrained in political behavior and institutional practice. This requires political leaders, civil servants, and citizens to internalize democratic values and constitutional obligations in their daily decision-making.<sup>58</sup>
2. **Strengthening Institutional Integrity** – Robust institutions are central to constitutional culture. Parliaments, judiciaries, election commissions, and law enforcement agencies must operate independently, transparently, and professionally, serving as anchors for the enforcement of constitutional norms.
3. **Political Tolerance and Consensus-Building** – A mature constitutional culture requires mechanisms for negotiation, compromise, and consensus, reducing zero-sum politics and partisan polarization. Political actors must recognize the legitimacy of opposing views while respecting constitutional procedures.
4. **Civic Engagement and Awareness** – Citizens play a crucial role in sustaining constitutional norms. Public education, media awareness campaigns, and civil society advocacy are essential to promote constitutional literacy, rights awareness, and participatory governance.
5. **Rule of Law and Accountability** – Accountability mechanisms, including transparent elections, judicial review, parliamentary oversight, and anti-corruption frameworks,

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<sup>57</sup> A.T.M. Shamsul Huda, *Constitutional Development in Bangladesh* (University Press Limited, Dhaka, 1997), pp. 90–92.

<sup>58</sup> Syed Anwar Hussain, *Democracy and Governance in Bangladesh* (University Press Limited, Dhaka, 2010), pp. 75–78.

reinforce constitutional culture by ensuring that violations of norms carry consequences, thereby strengthening the link between constitutional text and practice.

6. Cultural and Ethical Dimensions – Beyond formal institutions, constitutional culture is shaped by societal values, ethics, and historical memory. Promoting civic responsibility, respect for legal procedures, and moral adherence to constitutional ideals helps embed constitutional norms in everyday social and political life.

## **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 oversight<sup>59</sup>.

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<sup>59</sup> Ali Riaz, *Politics in Bangladesh: Hybrid Regime Dynamics* (Routledge, 2021), pp. 190–192.

### **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.

### **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 responsibilities<sup>60</sup>.
- 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 selection<sup>61</sup>.
- 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.

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<sup>60</sup> M. Shah Alam, "Civic Education and Constitutional Awareness in Bangladesh," *Bangladesh Journal of Law*, Vol. 22 (2018), pp. 88–90.

<sup>61</sup> 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 study of constitutional culture and the failure of norm internalization in Bangladesh reveals a persistent tension between the ideals of the 1972 Constitution and the realities of political practice. Despite a comprehensive legal framework that guarantees democracy, fundamental rights, and the rule of law, constitutional norms are often undermined by executive dominance, political polarization, patron-client networks, and weak institutional accountability. These factors collectively impede the internalization of constitutional values among political actors, institutions, and citizens, resulting in a formal compliance that is largely symbolic rather than substantive<sup>62</sup>.

Historical patterns, including military interventions, emergency rule, and politicized constitutional amendments, have left enduring legacies of instability and weakened democratic institutions. The recurrent gap between constitutional text and practice has fostered zero-sum politics, impunity, and selective enforcement of laws, which further erodes public trust in governance and undermines the legitimacy of state institutions<sup>63</sup>.

Rebuilding constitutional culture requires a multidimensional approach. Institutional reforms must strengthen the independence, transparency, and accountability of legislatures, judiciaries, and executive bodies. Political reforms should encourage tolerance, consensus-building, and reduction of partisan domination. Civic education and public awareness campaigns are essential to foster constitutional literacy and empower citizens to demand adherence to constitutional norms. Collectively, these measures aim to internalize constitutional principles, bridging the gap between legal text and political practice.

In conclusion, the internalization of constitutional norms in Bangladesh is both a political and societal challenge. Achieving a robust constitutional culture is critical not only for strengthening democratic governance and protecting fundamental rights but also for enhancing public trust, ensuring social justice, and safeguarding the nation against authoritarian tendencies. The Constitution remains a symbol of national aspiration; realizing its full potential depends on sustained efforts to embed its principles deeply into the political ethos and social fabric of Bangladesh

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<sup>62</sup> Rounaq Jahan, *Bangladesh Politics: Problems and Issues* (University Press Limited, Dhaka, 2005), pp. 125–128.

<sup>63</sup> Ali Riaz, *Politics in Bangladesh: Hybrid Regime Dynamics* (Routledge, 2021), pp. 155–158

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