

# Referendum, State Bias, and the Illegal and Unconstitutional Yunus Government

## A Dire Warning for Democracy in Bangladesh

### How a Referendum Should Work

### What Is Happening Now

#### ✓ Election Commission



#### ✓ Neutral Administration



#### ✓ Free & Fair Voting



**Article 7(1):** ⚠️  
People's Sovereignty

**Article 11** ⚠️  
Democratic Participation

**Article 21(1):** ⚠️  
State Officials' Duty

**Articles 118 & 126** ⚠️  
Election Commission  
Undermined

**Article 102** ⚠️  
Judicial Independence

### Who Controls the Referendum?



#### ✓ Govt Control



#### ✓ State Media



#### ✓ Biased Campaign



The People

Government





## EXECUTIVE SUMMARY

In any democratic system, a referendum is an expression of direct popular sovereignty. The state's obligation is to act as a neutral administrator—ensuring security, fairness, and free expression—while refraining from influencing the outcome. In present-day Bangladesh, however, this foundational principle has been gravely violated. An illegal and constitutionally questionable Yunus government has transformed the referendum into a partisan political instrument, undermining the Constitution, eroding judicial independence, and placing the democratic framework of the state in existential danger.

## 1. THE DEMOCRATIC STANDARD: WHAT A REFERENDUM REQUIRES

A legitimate referendum rests on two non-negotiable pillars: - Direct participation of the people as the sole sovereign authority - Absolute neutrality of the state in administering the process. The state's role is limited to organizing polling, guaranteeing voter safety, protecting freedom of expression, and ensuring equal opportunity for all views. Any deviation from neutrality constitutes an assault on democratic legitimacy.

## 2. THE CURRENT REALITY IN BANGLADESH

Contrary to democratic norms, the present Yunus government has openly campaigned for the "Yes" side of the referendum. State resources, administrative machinery, official authority, and media platforms have been mobilized to advance a predetermined political outcome. This behavior represents not governance, but the conversion of public power into partisan propaganda—an extreme violation of constitutional principles.

## 3. CONSTITUTIONAL VIOLATIONS

### ARTICLE 7(1): POPULAR SOVEREIGNTY

"All powers in the Republic belong to the people."

In a referendum, this power is exercised directly by citizens. When the state itself becomes an interested political actor, it effectively confiscates the people's sovereign authority.

### ARTICLE 11: DEMOCRATIC PARTICIPATION

"The Republic shall be a democracy... effective participation of the people shall be ensured."

Effective participation requires equality, free expression, and administrative impartiality. Executive interference, state-sponsored propaganda, and biased media coverage nullify these conditions.

### ARTICLE 21(1): DUTIES OF PUBLIC SERVANTS

"All persons in the service of the Republic shall be bound to observe the Constitution and the law."

By deploying the administration for political objectives, the government has abandoned constitutional loyalty and weakened the foundations of democratic governance.

## 4. SUBVERSION OF THE ELECTION COMMISSION

### ARTICLES 118(1) AND 126

The Constitution establishes the Election Commission as the sole authority responsible for electoral and referendum processes, with executive bodies required only to assist—not influence—its work.

"Assistance" means logistical support, security, and coordination. It does not permit campaigning for a specific outcome. The government's actions have directly undermined the neutrality and authority of the Election Commission.

## 5. STATUTORY FRAMEWORK IGNORED

The Referendum Ordinance, 1978, and the Representation of the People Order (RPO), 1972, explicitly prohibit the political use of state resources. The current administration has disregarded these safeguards entirely.

What appears superficially as legal non-compliance is, in substance, a coordinated effort to devalue constitutional governance and subvert the state itself.

## 6. JUDICIAL INDEPENDENCE UNDER THREAT

### ARTICLE 102: CONSTITUTIONAL REMEDIES

The High Court Division is constitutionally empowered to remedy actions inconsistent with the Constitution and the law.

Yet the dismissal of a writ petition challenging state bias in the referendum—amid interference by BNP–Jamaat–aligned lawyers and the Office of the Attorney General—signals a dangerous erosion of judicial independence. When courts cease to function as neutral arbiters, democracy loses its final line of defense.

## 7. INTERNATIONAL COMPARISON

In other democracies where governments participate in referendum debates, strict regulations ensure: - Equal funding for opposing positions - Balanced media access - Transparent oversight mechanisms

Bangladesh lacks these protections. Instead, unchecked state intervention has converted the referendum into a fundamentally biased exercise, destroying public trust and the rule of law.

## 8. A STATE IN CRISIS

The cumulative effect of administrative bias, constitutional violations, judicial compromise, and media manipulation reveals a deliberate strategy to hollow out the democratic state from within. This is no longer a routine political contest. It is a direct assault on Bangladesh's constitutional order and democratic existence.

## CONCLUSION: A CALL TO DEMOCRATIC CONSCIENCE

Democracy survives on neutrality, trust, and the rule of law. A referendum retains legitimacy only when the state steps back, the people step forward, and the judiciary remains independent.

Silencing popular sovereignty, weaponizing public resources, and allowing judicial collapse are equivalent to breaking democracy's spine.

You do not need to belong to any political party. But if you believe in Bangladesh's independence, sovereignty, and democratic future, this farcical election and theatrical referendum must be rejected.

This is no longer a vote. It is a conspiracy to dismantle the Bangladeshi state.



# REFERENDUM AT RISK

## State Neutrality Replaced by Partisan Control

### HOW A REFERENDUM SHOULD WORK



Neutral  
Administration

Election  
Commission

Security  
Forces



### WHAT IS HAPPENING



State  
Media



Biased  
Officials



Public Funds for  
Campaigning



### CONSTITUTIONAL SAFEGUARDS VIOLATED

- ✓ Article 7(1) People's Sovereignty
- ✓ Article 11 Democratic Participation
- ✓ Article 21(1) Duty of Public Servants
- ✓ Article 118 & 126 Election Commission Authority
- ⚠ Article 102 Judicial Remedy



### WHO CONTROLS THE REFERENDUM?



### ELECTION COMMISSION

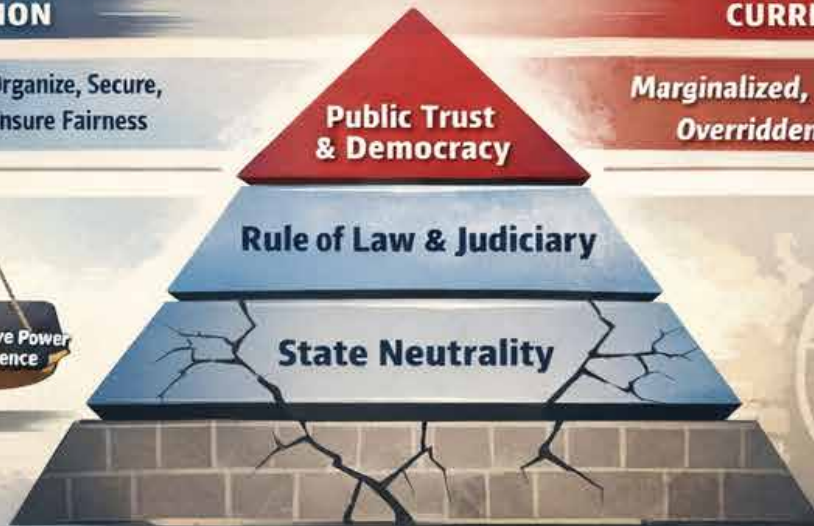
**MANDATED ROLE!** ✓ Organize, Secure,  
✓ Ensure Fairness

### CURRENT REALITY

Marginalized,  
Overridden,  
✓ Overridden,  
✓ Politicized



*When courts bend,  
democracy breaks.*



### BANGLADESH vs INTERNATIONAL STANDARDS

Equal Campaign Funding	✓	✗
Media Balance	✓	✗
Transparent Rules	✓	✗
Independent Oversight	✓	✗

### DEMOCRACY AT RISK



**“This is no longer a vote. It is a conspiracy to dismantle the Bangladeshi state.”**