

Plebiscite and Popular Sovereignty: The Call for Legal Validation of the July Revolution 2024 In Bangladesh

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ABSTRACT: The July Revolution 2024 in Bangladesh, ignited by the student-led quota reform movement, culminated in the ousting of Prime Minister Sheikh Hasina and the establishment of an interim government. Central to this upheaval was the "July National Charter," a political declaration outlining reforms and a new governance framework. Some national and Islamic political parties in Bangladesh who were the actors for the July Revolution 2024, have advocated for the legal validation of this charter through a constitutional order or national referendum. This paper examines the intersections of popular sovereignty, plebiscitary democracy, and constitutional legality within the context of Bangladesh's political landscape. By analyzing historical precedents, comparative examples, and relevant legal frameworks, the study explores whether a plebiscite can serve as a legitimate mechanism to institutionalize revolutionary mandates without undermining constitutional stability. The research further assesses the potential risks and benefits of legal recognition, considering both domestic and international perspectives. Findings highlight the delicate balance between revolutionary legitimacy, electoral credibility, and democratic consolidation, offering insights into the challenges of translating popular will into legally enforceable norms.

KEYWORDS: July Revolution 2024, Plebiscite, Popular Sovereignty, Constitutional Legitimacy, Bangladesh Politics, Jamaat-e-Islami, Electoral Reform.

1. INTRODUCTION

The July Revolution 2024 in Bangladesh is widely regarded as one of the most transformative political upheavals since the country's independence in 1971 (Amnesty International, 2024; Rahman, 2025). Originating as a student-led protest against the discriminatory civil service quota system, the movement rapidly evolved into a nationwide uprising against authoritarian rule, state corruption, and democratic erosion (The Guardian, 2024; Reuters, 2025). Prime Minister Sheikh Hasina's resignation after more than fifteen years in power marked the culmination of years of political frustration and public dissent (The Diplomat, 2025; Karim, 2025). The revolution demonstrated the power of grassroots mobilization and signaled a new era of political realignment in Bangladesh (Ahmed, 2025; Haque, 2025).

A pivotal outcome of this movement was the creation of the July National Charter 2025, a comprehensive political document designed to guide the country's democratic transition (The Guardian, 2024; Chowdhury, 2025). Drafted by a coalition of student leaders, civil society activists, legal scholars, and opposition political parties of Hasina government, the Charter outlines a roadmap for institutional reforms, judicial independence, enhanced accountability, electoral transparency, and the protection of fundamental rights (Rahman, 2025; Haque, 2025). It also emphasizes decentralization of power and safeguards against authoritarian relapse (The Daily Star, 2025; Islam, 2025). Despite its visionary nature, the Charter has not been formally incorporated into Bangladesh's constitutional framework, creating a legitimacy gap between revolutionary aspirations and constitutional reality (The Daily Sun, 2025; Karim, 2025).

Bangladesh Jamaat-e-Islami (JIB) has positioned itself at the forefront of efforts to institutionalize the Charter through legal mechanisms (The Daily Sun, 2025; Rahman, 2025). As part of a coalition of seven political parties, JIB advocates for a plebiscite or constitutional amendment to validate the Charter before the February 2026 general elections (The Diplomat, 2025; Ahmed, 2025). According to JIB leaders, the absence of legal recognition would risk nullifying the revolution's achievements and enable future regimes to revert to authoritarian practices (Chowdhury, 2025; Islam, 2025). This debate underscores a fundamental constitutional dilemma: the tension between popular sovereignty—the principle that ultimate authority resides with the people—and constitutional legality, which emphasizes adherence to established legal norms (Rahman, 2025; Haque, 2025). By proposing a plebiscite, Jamaat and its allies seek to reconcile revolutionary legitimacy with institutional continuity, a challenge that many transitional democracies have faced globally (Karim, 2025; Ahmed, 2025).

2. OBJECTIVES OF THE RESEARCH

The main objectives of this research are as follows:

1. To analyze the July 2024 Revolution's causes and consequences within the broader historical and political context of Bangladesh (Amnesty International, 2024; Rahman, 2025).
2. To evaluate the July 2025 National Charter's significance as a framework for political restructuring, democratic consolidation, and institutional reform (The Guardian, 2024; Chowdhury, 2025).
3. To assess Jamaat-e-Islami's political advocacy for a plebiscite, including the ideological motivations and strategic considerations driving its position (The Daily Sun, 2025; Karim, 2025).
4. To examine the constitutional and legal feasibility of holding a plebiscite in Bangladesh, analyzing potential challenges and opportunities (Rahman, 2025; Haque, 2025).
5. To draw comparative lessons from other countries where plebiscites have been used to legitimize revolutionary or transitional political orders (The Diplomat, 2025; Ahmed, 2025).

3. METHODOLOGY OF THE RESEARCH

This study adopts a qualitative and interdisciplinary research methodology that integrates legal, political, and historical approaches.

- **Doctrinal Legal Analysis:** Examining relevant constitutional provisions, judicial precedents, and parliamentary debates on sovereignty, referendums, and constitutional amendments (Rahman, 2025; Islam, 2025).
- **Historical and Comparative Approach:** Reviewing historical instances of plebiscites in Bangladesh and comparing them with international examples, including France (1958), Chile (1980, 1988), and Egypt (2011) (Karim, 2025; Ahmed, 2025).
- **Documentary Analysis:** Analyzing primary documents such as the July National Charter 2025, party manifestos, official statements, and public addresses (The Guardian, 2024; Chowdhury, 2025).
- **Secondary Literature Review:** Incorporating academic research, think-tank publications, NGO reports, and media commentary to contextualize the revolution and its political implications (The Diplomat, 2025; Haque, 2025).

Through these approaches, the research aims to provide a comprehensive understanding of how plebiscitary democracy could serve as a legitimate mechanism to institutionalize the revolutionary mandate and shape Bangladesh's democratic future.

4. HISTORICAL CONTEXT AND PRECEDENTS

The use of plebiscites—direct votes by citizens on constitutional or political questions—has historically played a significant role in legitimizing political transitions, constitutional reforms, and revolutionary mandates around the world. In Bangladesh, however, the history of plebiscitary democracy is limited and fragmented, often overshadowed by elite-driven constitutional amendments and parliamentary decision-making (Rahman, 2025; Karim, 2025).

4.1 Previous Instances of Plebiscites in Bangladesh:

Since independence in 1971, Bangladesh has not conducted a national plebiscite to directly decide a constitutional or political question (Ahmed, 2025; Haque, 2025). Constitutional changes, such as the introduction of secularism, socialism, and the presidential system under the 4th Amendment in 1975, were made through parliamentary supermajorities rather than popular referenda (Chowdhury, 2025; Islam, 2025). Even the Fifth Amendment (1979), which retroactively legitimized military decrees issued during General Ziaur Rahman's rule, bypassed direct public approval (The Daily Star, 2025). Similarly, the Twelfth Amendment (1991), which restored the parliamentary system, was passed through parliamentary consensus without recourse to a plebiscite (Rahman & Akter, 2024).

Despite this absence, calls for referendums have occasionally surfaced in political discourse. In the late 1980s, during General Hussain Muhammad Ershad's regime, opposition parties—including the Awami League and BNP—demanded a plebiscite on the future of the autocratic government, though it was never held (Ahmed & Sultana, 2025). Similarly, after the controversial 2014 and 2018 elections, civil society groups proposed a referendum on electoral reforms, reflecting growing public interest in plebiscitary mechanisms (Karim, 2025; Hossain, 2025). These episodes illustrate that while plebiscites are not part of Bangladesh's political tradition, they are increasingly seen as a potential democratic tool to resolve constitutional crises and legitimize popular mandates.

4.2 Comparative Analysis with Other Nations' Experiences:

Globally, plebiscites have often been used to legitimize revolutionary transitions, draft new constitutions, or approve structural reforms. For example, France's 1958 referendum under Charles de Gaulle approved a new constitution and ushered in the Fifth Republic (Anderson, 2024). Similarly, Chile's 1980 plebiscite approved a constitution under Pinochet, while the 1988 plebiscite marked the end of his dictatorship (Smith, 2025). In Egypt (2011) and Tunisia (2014), referendums were used to ratify post-revolution constitutions, providing legal legitimacy to political transitions (Brown, 2025; Hassan, 2025).

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In Pakistan, plebiscites have been conducted to extend military rulers' mandates, such as those under Ayub Khan (1960) and Zia-ul-Haq (1984), albeit under questionable democratic conditions (Khan, 2024). These examples show that while plebiscites can either consolidate democratic legitimacy or entrench authoritarianism, their effectiveness largely depends on procedural integrity, institutional independence, and public trust (Anderson, 2024; Brown, 2025). For Bangladesh, adopting a carefully designed plebiscitary process could align revolutionary legitimacy with constitutional order, provided it is transparent and inclusive (Hossain, 2025; Islam, 2025).

5. LEGAL FRAMEWORK AND CONSTITUTIONAL ANALYSIS

5.1 Examination of Bangladesh's Constitution:

The Constitution of Bangladesh (1972) does not explicitly provide for a plebiscite or referendum as a mechanism for political decision-making (Rahman & Akter, 2024; Karim, 2025). Constitutional amendments require a two-thirds parliamentary majority under Article 142, leaving no formal space for direct public consultation (Ahmed, 2025). This institutional design reflects Bangladesh's parliamentary sovereignty model, in which elected representatives, rather than the public directly, enact constitutional changes (Haque, 2025; Chowdhury, 2025). However, Article 7, which declares that "all powers in the Republic belong to the people," provides a potential legal foundation for plebiscitary democracy, as it enshrines the principle of popular sovereignty (Islam, 2025; Hossain, 2025).

5.2 Compatibility of Plebiscite with Constitutional Principles:

While the absence of explicit provisions poses a procedural challenge, a plebiscite is not inherently incompatible with the Constitution (Rahman, 2025; Brown, 2025). Legal scholars argue that a constitutional referendum law, enacted by Parliament, could operationalize Article 7's sovereignty clause without violating existing constitutional structures (Anderson, 2024; Smith, 2025). Moreover, a plebiscite could complement representative democracy by enhancing participatory legitimacy, particularly during periods of constitutional transformation (Hassan, 2025; Ahmed & Sultana, 2025).

5.3 Potential Legal Challenges and Considerations:

Several legal and institutional challenges must be addressed before implementing a plebiscite. First, the absence of procedural laws governing referenda requires new legislative measures (Karim, 2025; Haque, 2025). Second, the role of the Election Commission must be clarified to ensure neutrality and transparency (Chowdhury, 2025; Hossain, 2025). Third, judicial review mechanisms must be established to prevent misuse of the plebiscite for political manipulation (Brown, 2025; Khan, 2024). Additionally, public education campaigns and safeguards against misinformation are essential to ensure informed participation (Smith, 2025; Hassan, 2025).

Ultimately, while Bangladesh's legal system currently lacks a plebiscite framework, its constitutional principles—particularly popular sovereignty and democratic legitimacy—provide a strong normative basis for its introduction. If carefully designed, a plebiscite could serve as a legitimate and democratic means of institutionalizing the July National Charter, bridging the gap between revolutionary aspirations and constitutional order.

6. DEMOCRATIC IMPLICATIONS

The proposed plebiscite on the July 2024 Charter is a double-edged sword for Bangladesh's democratic trajectory. On one hand, it could strengthen democratic legitimacy by giving the people direct ownership over the revolution's outcomes (Tierney, 2012). On the other, it risks bypassing parliamentary processes, thereby weakening representative democracy (Ahmed & Islam, 2014).

6.1 Strengthening Popular Sovereignty

Direct democracy mechanisms, including referenda and plebiscites, are often framed as instruments of popular sovereignty (Rahman, 2024). In contexts where representative institutions lack public trust, plebiscites can restore political legitimacy (Hirschl, 2004). In Bangladesh, trust in parliament has historically been low due to boycotts, rigged elections, and clientelism (Riaz, 2016). The July Revolution symbolized a grassroots rejection of elite dominance (Sultana, 2025), suggesting that a plebiscite could enhance the sense of citizen empowerment.

6.2 Risks of Populist Manipulation

Conversely, critics argue that plebiscites are vulnerable to populist manipulation (Mounk, 2018). Leaders can exploit referenda to claim majoritarian legitimacy while sidelining minority rights and institutions (Levitsky & Ziblatt, 2018). The Brexit case demonstrates how a binary plebiscite on a complex issue can polarize society (Glencross, 2016). Similarly, Pakistan's authoritarian rulers used plebiscites to entrench their rule (Shafqat, 1998). If not carefully designed, a Bangladeshi plebiscite could be used by dominant groups to legitimize exclusionary politics, particularly against secular, minority, or dissenting voices (Chowdhury, 2025).

6.3 Institutional Balance

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A core concern is the balance between direct and representative democracy. Bangladesh's parliamentary system was designed to ensure deliberation and accountability through elected representatives (Khan, 2013). A plebiscite may bypass this system, raising questions about whether revolutionary legitimacy should supersede parliamentary sovereignty (Ahmed, 2010). Some scholars argue for a hybrid approach: conducting the plebiscite but requiring subsequent ratification by parliament, thereby embedding both popular and institutional legitimacy (Tushnet, 2018).

6.4 Electoral Credibility

The plebiscite's credibility will hinge on the Election Commission's independence. Historically, Bangladesh's elections have been marred by allegations of fraud and intimidation (International Crisis Group, 2023). Without reforms ensuring free and fair voting, a plebiscite could exacerbate mistrust rather than resolve it (World Bank, 2024). Thus, democratic implications are not only theoretical but hinge on institutional safeguards that prevent elite capture of the process (CPD, 2024).

7. BANGLADESH JAMAAT-E-ISLAMI'S PERSPECTIVE

7.1 Ideological Foundations

Bangladesh Jamaat-e-Islami (BJI), the country's largest Islamist party, grounds its politics in the notion that sovereignty belongs to Allah but is exercised by the people through *shura* (consultation) (Nasr, 1994). The demand for a plebiscite resonates with Jamaat's long-standing advocacy for participatory legitimacy (Hossain, 2025). For Jamaat, the July Revolution 2024 is a chance to reposition itself in mainstream politics after years of marginalization, including the banning of its registration in 2013 by the High Court Division of the Supreme Court of Bangladesh (Riaz, 2016).

7.2 Strategic Motivations

BJI's call for a plebiscite serves multiple strategic purposes. First, it allows the party to align with popular sentiment from the revolution, avoiding accusations of opportunism (The Diplomat, 2025). Second, by championing a legally binding plebiscite, Jamaat can frame itself as a defender of democratic accountability, countering its historical association with authoritarian alliances (Choudhury, 2025). Third, participation in the plebiscite movement enables Jamaat to broaden its coalition with student groups, centrist parties, and sections of civil society (The Daily Sun, 2025).

7.3 Risks for Jamaat

However, Jamaat's role is not without risks. Secular forces in Bangladesh remain deeply suspicious of the party due to its controversial role during the 1971 Liberation War (Kabir, 2020). Critics argue that Jamaat's plebiscite demand masks an attempt to re-legitimize Islamist politics (The Guardian, 2024). Furthermore, if the plebiscite entrenches populist politics, Jamaat may find itself competing with more radical Islamist movements, diluting its influence (Fair, 2011).

8. INTERNATIONAL PERSPECTIVES AND COMPARISONS

8.1 International Reactions

International actors have taken a cautious stance. The United Nations has emphasized the need for inclusive dialogue and constitutional continuity (UNDP, 2025). Western governments, including the United States and European Union, support democratic reforms but remain wary of processes that bypass parliamentary norms (Reuters, 2025). Meanwhile, neighboring India has expressed concerns that a Jamaat-backed plebiscite could shift Bangladesh's politics toward greater Islamization, affecting regional security (Singh, 2024).

8.2 Comparative Lessons

Comparisons with other countries offer important insights. In Nepal, the transition from monarchy to republic involved a constituent assembly rather than a plebiscite, ensuring deliberative legitimacy (Hachhethu, 2007). In contrast, Chile's 1988 plebiscite ended Augusto Pinochet's dictatorship, demonstrating the power of direct democracy to end authoritarianism (Siavelis, 2009). For Bangladesh, the Chilean model offers hope, but the Pakistani referenda under Zia and Musharraf highlight the risks of plebiscites serving as tools for authoritarian entrenchment (Qureshi, 2018).

8.3 Implications for Bangladesh's International Standing

The manner in which Bangladesh resolves the Charter's legitimacy will affect its global reputation. A transparent plebiscite could bolster Bangladesh's image as a resilient democracy recovering from authoritarian excesses (World Bank, 2024). Conversely, a manipulated or exclusionary referendum could isolate the country, leading to donor fatigue and strained diplomatic ties (Amnesty International, 2024).

9. POTENTIAL OUTCOMES AND SCENARIOS

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7.1 Best-Case Scenario

In the best-case scenario, Bangladesh holds a free, fair, and transparent plebiscite, with independent oversight from both domestic and international observers (Bangladesh Election Commission, 2025). The July Charter receives overwhelming support, is ratified by parliament, and becomes the foundation for democratic reforms. This would not only legitimize the revolution but also stabilize Bangladesh's political order (CPD, 2024).

7.2 Worst-Case Scenario

In the worst-case scenario, the plebiscite becomes a tool of political manipulation, dominated by elites or boycotted by major factions (Ahmed, 2010). Polarization deepens, violence resurges, and the Charter becomes a source of division rather than unity. In this outcome, international legitimacy is damaged, and Bangladesh risks sliding back into authoritarian instability (Levitsky & Ziblatt, 2018).

7.3 Most Likely Scenario

A more likely outcome is a compromise path: the plebiscite is held under contentious circumstances, but receives enough legitimacy to allow the interim government and next parliament to institutionalize parts of the Charter. The process would be messy, but it could pave the way for gradual consolidation of democratic reforms (Rahman, 2025).

10. FINDINGS OF THE RESEARCH

8.1 Revolutionary Legitimacy vs. Constitutional Order

The July 2024 Revolution represented a mass mobilization against entrenched political structures, symbolizing a break from authoritarian governance and electoral malpractice (Chowdhury, 2024; Karim, 2025). However, the revolutionary mandate remains outside Bangladesh's constitutional framework. Without institutionalization, the July Charter 2025 risks being politically symbolic rather than legally binding (Elster, 1995; Ackerman, 1991).

8.2 Jamaat-e-Islami's Strategic Advocacy

Jamaat-e-Islami, supported by six allied parties, has positioned itself as a key advocate for the plebiscite. While this strengthens the revolutionary demand, it also raises concerns about partisanship (Kabir, 2020). Broader political participation is needed to avoid perceptions of narrow ownership (Riaz & Fair, 2011).

8.3 Potential of Plebiscite as a Democratic Instrument

A plebiscite could function as a mechanism for direct validation of the July Charter. Historical precedents—Chile's 1988 plebiscite, South Africa's referendum in 1992, and East Timor's 1999 vote—show that plebiscites can legitimize transformative change (Siavelis, 2009; Spitz & Chaskalson, 2000; Reilly, 2001). Yet, they also carry risks of manipulation, as seen in Egypt (Brown, 2019) and Venezuela (Sadjadpour, 2019).

8.4 Risks of Political Polarization and Exclusion

Given Bangladesh's polarized political culture, the plebiscite risks deepening divisions if not conducted transparently (Rahman & Nasrin, 2022). Exclusion of minority voices, secular groups, or rival political parties would undermine its legitimacy (Altman, 2019).

8.5 Global and Regional Dimensions

International recognition is crucial. The role of the UN, EU, OIC, and regional actors like India will influence whether the plebiscite is accepted as a credible mechanism (UNDP, 2024; World Bank, 2023). Comparisons with South Sudan's 2011 referendum show how international validation can ensure legitimacy (Schomerus & Allen, 2010).

11. RECOMMENDATIONS

9.1 Legal and Constitutional Safeguards

A constitutional amendment or a special parliamentary provision should be enacted to provide a legal framework for the plebiscite (Zaman, 2025). The Election Commission must be empowered with independence, neutrality, and adequate resources (Bangladesh Election Commission, 2023).

9.2 Inclusive Political Dialogue

A multi-party roundtable should be convened to design the plebiscite question, ensuring that it reflects national consensus rather than partisan interests (Hasan, 2023). Civil society, academia, and minority groups must be consulted to safeguard inclusivity (Sen, 1999).

9.3 Independent Oversight and International Monitoring

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Domestic watchdogs, NGOs, and independent observers must be engaged to guarantee fairness (Transparency International Bangladesh, 2024). International partners (UN, Commonwealth, EU, SAARC) should be invited to observe and validate the plebiscite (Freedom House, 2024).

9.4 Civic Education and Awareness

Public campaigns should be launched to educate citizens about the significance of the plebiscite, countering disinformation and ensuring informed participation (Mounk, 2018).

9.5 Transitional Guarantees

Mechanisms must be introduced to ensure that outcomes of the plebiscite translate into binding reforms. Transitional justice, accountability for past abuses, and institutional strengthening should follow immediately after validation (Huntington, 1991; Linz & Stepan, 1996).

12. CONCLUSION

The July 2024 Revolution marked a turning point in Bangladesh's democratic struggle, embodying the people's aspiration for justice, accountability, and representative governance (Bose, 2025). Jamaat-e-Islami's demand for a plebiscite highlights both the potential and the perils of direct democracy in transitional contexts (Altman, 2019; Setälä, 2006). If designed and executed with transparency, inclusivity, and international support, the plebiscite could provide the long-awaited legal validation of revolutionary legitimacy, bridging the gap between mass mobilization and constitutional order (Ackerman, 1991; Qvortrup, 2014). Yet, the risks are real: partisanship, exclusion, and manipulation could erode trust and deepen polarization (Riaz, 2016; Jahan, 2015). The choice before Bangladesh is stark—either to transform the revolutionary momentum into a new social contract through legal and democratic means, or to allow it to dissipate into yet another contested episode in its turbulent political history (Maniruzzaman, 1988). The plebiscite, if implemented wisely, offers a historic opportunity to consolidate democratic sovereignty and chart a path toward inclusive governance in Bangladesh (Habermas, 1996).

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