

শিক্ষা নিয়ে গড়বো দেশ

তথ্য-প্রযুক্তির বাংলাদেশ

Bangabandhu Sheikh Mujibur Rahman Digital University, Bangladesh



ASSIGNMENT NO: 02

ASSIGNMENT TITLE:

**THE CONSTITUTION OF THE PEOPLE'S
REPUBLIC OF BANGLADESH**
Summarized

COURSE NO.-HUM 4101

**COURSE TITLE-HISTORY OF THE EMERGENCE OF INDEPENDENT
BANGLADESH**

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BISMILLAH - AR - RAHMAN - AR - RAHIM

(In the name of Allah, the most beneficial, the most merciful)

These are the words that the constitution of "The People's Republic of Bangladesh" begins with.

*** A little back-story of the present constitution of Bangladesh ***

☐ The Constitution Drafting Committee.

• Formation	11 April, 1972
• Members	34
• Chairman & father of the constitution	Dr. Kamal Hossain (the then Law Minister)
• Only female member	Begum Razia Bano
• Only member of the opposing party	Suranjit Sengupta

☐ Drafting constitution

• Main writer	Mr Abdur Rouf
• Decorated by	Artist Joynal Abedin
• Translated into English	Dr. Kamal Hossain
• Translated into Bangla	Dr. Anisuzzaman
• Enacted on	16 December, 1972
• Number of pages in the handwritten constitution	93 (with signatures, 108)

☐ As of 2018, the Constitution of the people's Republic of Bangladesh has been amended 17 times.

*The amendments were passed;

- | | |
|-----------------------|--|
| 1. 15 July, 1973 | 9. 11 July, 1989 |
| 2. 22 September, 1973 | 10. 12 June, 1990 |
| 3. 28 November, 1974 | 11. 6 August, 1991 |
| 4. 25 January, 1975 | 12. (aka. the most important land mark in the history of constitutional development in Bangladesh), 6 August, 1991 |
| 5. 6 April, 1979 | 13. 26 March, 1996 |
| 6. 10 July, 1981 | 14. 16 May, 2004 |
| 7. 11 November, 1986 | |
| 8. 9 June, 1988 | |

15.25 June, 2011

16.22 September, 2014

17.8 July, 2018

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Key points of the Constitution of the people's Republic of Bangladesh.

☐ The constitution is in a written form, unlike UK, Saudi Arabia and Spain, and so it's evident and hardly changeable, rigid, inflexible.

☐ The constitution is the supreme law of Bangladesh.

☐ Supreme court is the curator or the explainer of the constitution.

☐ The constitution has,

- 1 Preamble
- 153 Articles
- 11 parts
- 7 Schedules
- 4 Fundamental principles

- Nationalism
- Socialism
- Democracy
- Secularism

Summarizing the constitution;

★ Part 1 has 7 Articles and some sub-sections.

- Article 1 states that Bangladesh is a unitary, independent, sovereign Republic to be known as the People's Republic of Bangladesh.
- Article 2 marks the territory of the Republic.
- Article 3 states that the state religion is Islam.
- Article 4 states that the state language is Bangla.
- Article 5 is about the National Anthem which is the 1st 10 lines of 'Amar Sonar Bangla' by Rabindra Nath Tagore, National Flag that is a Red circle on a green rectangle, National emblem
- Article 6 states that Dhaka is the capital.
- The most interesting article from the 1st part is Article 7B which says, Notwithstanding anything contained in article 142, the preamble, all articles of Part I & II, subject to the provisions of part IXA all articles of part III, and the provisions of articles relating

to the basic structures of the Constitution including article 150 of Part XI shall not be amendable by any way.

NB.

- Article 142 talks about "Power to amend any provision of the constitution".
- The title of Part II is "Fundamental Principles of State Policy", which has 18 articles with 2 sub-sections.
- Part III states about "Fundamental Rights".
- Article 150 is about "Transitional and temporary provisions". It's under the "Miscellaneous" Part.

★ When a new member of Parliament is elected, he/she must take the oath, and go through a certain process to take the seats or even to leave the seat.

Also the minimum age of eligibility,

- to be a voter → 18 years
- to be a Prime Minister, Minister, Speaker, Member of the Parliament → 25 years
- to be a President → 35 years

★ Who will do what by whom;

Who will read to (The oath)	To whom it will be read to (The oath)	To whom the oath -takers to go to resign
President	<ul style="list-style-type: none"> • Prime Minister • Speaker & Deputy Speaker • Chief Justice 	Speaker
Speaker	<ul style="list-style-type: none"> • President • Members of Parliament 	President
Chief Justice	Chief Election Commissioner	President

Basic Features of the Constitution;

1. Supremacy of the constitution (article 7)
2. Democracy (preamble)
3. Republican Government (article 1)
4. Independence of judiciary (article 22)
5. Unitary state (article 9)
6. Fundamental rights (article 26 to 47A)

Preamble

The constitution of Bangladesh starts with a preamble which is described as the guiding star and principles of the constitution, which contains both legal and moral basis of the constitution, also identifies the objectives and aims of the state.

☐ Rigid Constitution

An amendment can be passed only by votes of $\frac{2}{3}$ members in the total members of the parliament.

☐ Unitary Government system

(article 1)

Bangladesh is a unitary people's republic, meaning all power centralized under the constitution and no division of power has been provided for in the constitution unlike in federal constitutions.

☐ Supremacy of the constitution

(article 7)

This constitution is as the solemn expression of the will of the people, the supreme law of the Republic, and if any other law is inconsistent with this constitution then other law shall, to the extent of the inconsistency, be void.

❑ Fundamental Principles of State Policy

(Article 8)

- Nationalism
- Democracy
- Socialism
- Secularism

all other principles derived from these four shall also constitute the fundamental principles of state policy.

❑ Fundamental rights

Part III provides 18 fundamental rights whose enjoyment and enforcement have been guaranteed in the constitution.

No authority can make any law which is inconsistent with the provisions of fundamental rights and if any law made shall be void to the extent of inconsistency.

☐ Unicameral Legislature (article 65)

Legislative assembly has only one House Parliament which is 'House of the Nation' commonly known as 'Jatiya Sangshad'. Laws made by the parliament are equally applicable to the whole territory.

☐ Parliament Form of Government

Westminister type of parliament, meaning the government is run by cabinet of ministers headed by Prime Minister. The President becomes a titular head but real executive power is exercised by the cabinet.

☐ Independence of Judiciary (article 95)

The Chief Justice would be appointed by the President and other justice of the supreme Court appointed after consultation with the chief Justice. Appointment of Subordinate

judges and magistrates was also to be exercised with consultation of Supreme Court.

A judge could not be removed from his office except by an order of the President passed to a resolution of parliament supported by a two-third members of the parliament. Thus the entire judiciary except some aspects of magistrate's courts was made independent.

☐ Ombudsman

(Article 77)

To provide machinery to overview the activities of civil bureaucracy, to eradicate corruption in the administration and ensure the responsibility of the government in more specific way the role of an ombudsman like a citizen's defender.

☐ Responsible Govt. not ensured

The constitution of Bangladesh has no provision for ensuring the individual responsibility of minister.

(article 55(3))

The cabinet shall be collectively responsible to the parliament; this responsibility cannot be ensured in practice due to the barricade created by the Article 70.

(article 70)

A member of Parliament shall vacate his seat if he resigns from the party that which nominated him as a candidate to be a member of Parliament or, votes in Parliament against that party, but won't be disqualified for subsequent election as a member of Parliament.

Overall, this is a man-made constitution and To Err is Human is a universal fact.