

**1. *What is constitution? Write down classification of constitution. Discuss the salient features of constitution.***

What is a Constitution?

A constitution is a set of fundamental principles or established precedents according to which a state or other organization is governed. These principles make up the legal foundation that determines the nature, functions, and limits of government institutions. Essentially, the constitution serves as the supreme law that guides the government and the people in the country.

Classification of Constitution

Constitutions can be classified based on various criteria:

Written and Unwritten Constitutions:

- ☉ Written Constitution: This type is documented in a single formal written document or in a set of documents. Examples include the Constitution of the United States and the Indian Constitution.
- ☉ Unwritten Constitution: This type is not codified in a single document but is based on customs, traditions, judicial decisions, and other legal documents. The United Kingdom is a prime example of a country with an unwritten constitution.

Flexible and Rigid Constitutions:

- ☉ Flexible Constitution: This type can be amended or altered with the same ease as ordinary laws. The UK constitution is an example, as it can be modified through a simple majority in Parliament.
- ☉ Rigid Constitution: This type requires a special procedure for amendments, often needing a supermajority or other stringent processes. The U.S. Constitution is an example of a rigid constitution.

Federal and Unitary Constitutions:

- ☉ Federal Constitution: Power is divided between a central government and various regional governments (states or provinces). The U.S. and India have federal constitutions.
- ☉ Unitary Constitution: All powers are concentrated in a central authority, and local governments have little autonomy. France is an example of a unitary state.

Republican and Monarchical Constitutions:

- ☉ Republican Constitution: The head of state is elected, either directly or indirectly, and there is no monarchy. The U.S. and India have republican constitutions.

- ☉ Monarchical Constitution: The head of state is a monarch, who usually holds the position by heredity. The UK and Japan have monarchical constitutions.

### Salient Features of a Constitution

- ☉ Supremacy of Law: The constitution is the supreme law of the land. All individuals, including government officials, are subject to it.
- ☉ Separation of Powers: The constitution often provides for the division of powers among different branches of government—typically the executive, legislative, and judiciary. This ensures a system of checks and balances, preventing any single branch from becoming too powerful.
- ☉ Fundamental Rights: Most constitutions enshrine certain fundamental rights and liberties for citizens, protecting them from government overreach and ensuring their basic freedoms.
- ☉ Federalism (in Federal Constitutions): In federal systems, the constitution outlines the distribution of powers between the central and state governments, allowing both to function autonomously in their respective spheres.
- ☉ Democracy: A constitution typically establishes the framework for democratic governance, where the government is elected by the people and is accountable to them.
- ☉ Amenability: Constitutions generally include provisions for their own amendment, allowing them to evolve over time in response to changing circumstances and societal needs.
- ☉ Judicial Review: Constitutions often empower the judiciary to review laws and actions of the government, ensuring they conform to the constitution. This acts as a safeguard against unconstitutional actions by the government.

**2. Define the Fundamental principle of state policy. What is meant by Fundamental principle of state policy? Why have the social, economic, cultural rights incorporated in the chapter II not in part III .Distinguish Fundamental principles and fundamental rights?**

### Fundamental Principle of State Policy

#### **Definition:**

The Fundamental Principles of State Policy (FPSP) are a set of guidelines or principles, typically found in the constitution, that guide the state in the formulation and implementation of its policies. They reflect the ideals and aspirations of the state and serve as a directive for creating laws and governing society. The Fundamental Principles of State Policy are outlined in **Chapter II** of the Constitution of Bangladesh. The Fundamental Principles of State Policy in the Constitution of Bangladesh are covered under **Articles 8 to 25**. These articles outline the basic guidelines and principles that guide the governance and development of the state.

## Meaning:

The FPSP are not justiciable, meaning they are not legally enforceable by the courts. However, they are crucial as they establish the foundation for the state's social, economic, and political objectives. These principles aim to ensure that the state takes actions that promote the general welfare of the people, focusing on equity, social justice, and national development.

## Why have the social, economic, cultural rights incorporated in the chapter II not in part III

The social, economic, and cultural rights are incorporated in Chapter II (Fundamental Principles of State Policy) rather than in Part III (Fundamental Rights) of the constitution for several important reasons:

### 1. Nature of Rights:

- ☉ **Fundamental Rights (Part III):** These rights are primarily civil and political rights, such as the right to equality, freedom of speech, and protection against arbitrary actions by the state. These rights are immediately enforceable by the courts, meaning that if any of these rights are violated, an individual can directly seek redress through the judiciary.
- ☉ **Social, Economic, and Cultural Rights (Chapter II):** These rights require the state to take positive action, such as providing education, healthcare, or ensuring social security. They are often dependent on the availability of state resources and long-term planning. Therefore, they are not immediately enforceable like the Fundamental Rights.

### 2. Justifiability:

- ☉ **Fundamental Rights:** Since these rights are justiciable, they impose a direct obligation on the state to ensure their protection and allow individuals to approach the courts for enforcement.
- ☉ **Fundamental Principles:** Social, economic, and cultural rights are included under Fundamental Principles because they are not justiciable. This means that individuals cannot go to court to enforce these rights. Instead, these principles are intended to guide the state in policy-making and legislative processes.

### 3. State's Role and Resource Allocation:

- ☉ The realization of social, economic, and cultural rights often requires significant state intervention, planning, and allocation of resources. Incorporating these rights under Fundamental Principles allows the state to progressively work towards achieving these goals as resources and circumstances permit.
- ☉ By placing these rights in Chapter II, the constitution acknowledges the aspirational nature of these rights, while also recognizing the practical limitations that might prevent their immediate fulfillment.

#### 4. Guidance for Governance:

- ☉ The Fundamental Principles of State Policy serve as a directive for the government to prioritize social welfare, economic equality, and cultural development in its governance. While these principles are not enforceable in courts, they are essential for guiding the state in creating a fair and just society.
- ☉ Including these rights in Chapter II ensures that they are recognized as important goals for the nation, but without the legal obligations that come with Fundamental Rights.

In summary, the social, economic, and cultural rights are placed in Chapter II because they are aspirational and require the state to take positive steps over time to realize them, rather than being immediately enforceable like the Fundamental Rights in Part III.

#### Distinction between Fundamental Principles and Fundamental Rights

Here's a table summarizing the differences:

Aspect	Fundamental Principles of State Policy (FPSP)	Fundamental Rights (FR)
Nature	Guidelines for state policies and governance	Basic human rights that are enforceable
Enforceability	Not justiciable (cannot be enforced by courts)	Justiciable (can be enforced by courts)
Focus	Social, economic, cultural, and political goals	Civil liberties and political rights
Location in the Constitution	Generally found in a separate chapter (e.g., Chapter III)	Found in a dedicated part (e.g., Part III)
Examples	Right to work, right to education	Right to equality, right to freedom
State Obligation	Directive; the state is encouraged to follow	Mandatory; the state must ensure these rights
Purpose	To guide the state in making policies that promote public welfare	To protect individual freedoms and rights

This explanation is derived from the contents of the document you provided.

#### ***3. Write down the right of arrested person. Distinguish between Preventive and punitive detention according to constitution.***

##### Right of Arrested Person:

- ☉ **Article 33** of the Constitution of Bangladesh outlines the rights of an arrested person.

### Distinction between Preventive and Punitive Detention:

- 🕒 **Preventive Detention:** **Article 33(3)** of the Constitution.
- 🕒 **Punitive Detention:** Generally falls under **Chapter III (Fundamental Rights)** which discusses the legal process and protections for individuals, though specific articles may vary depending on the context of the punishment.

### **Rights of an Arrested Person**

The rights of an arrested person are critical to ensuring justice and preventing the abuse of power by authorities. These rights are typically enshrined in the constitution and include:

1. **Right to be Informed of the Reasons for Arrest:**
  - An arrested person has the right to be informed immediately of the grounds for their arrest. This information must be provided in a language they understand.
2. **Right to Legal Representation:**
  - The arrested person has the right to consult with and be defended by a legal practitioner of their choice. This ensures that they have the opportunity to receive a fair trial.
3. **Right to be Produced Before a Magistrate:**
  - An arrested person must be brought before a magistrate within 24 hours of arrest, excluding the time necessary for the journey from the place of arrest to the magistrate's court. This prevents unlawful detention by authorities.
4. **Right to Silence:**
  - The arrested person has the right to remain silent during questioning to avoid self-incrimination. This is a crucial aspect of ensuring a fair legal process.
5. **Right Against Arbitrary Detention:**
  - Arbitrary detention is prohibited, and the arrested person has the right to challenge the legality of their detention through habeas corpus petitions.

### **Distinction between Preventive and Punitive Detention**

Here's a table summarizing the differences between Preventive and Punitive Detention:

Aspect	Preventive Detention	Punitive Detention
Purpose	To prevent a person from committing a potential offense	To punish a person for an offense already committed
Nature	Detention without a trial or conviction	Detention following a trial and conviction
Legal Basis	Based on suspicion or apprehension of future threats	Based on proof and conviction of guilt in court
Duration	Can be extended for longer periods without trial	Limited to the term of the sentence imposed by the court
Judicial Oversight	Limited or no judicial oversight	Full judicial oversight; the person can appeal the decision

Aspect	Preventive Detention	Punitive Detention
<b>Rights of the Detained</b>	Limited rights; detention can be prolonged without a trial	Full rights, including the right to appeal and seek parole
<b>Examples</b>	Detaining a person suspected of planning terrorist activities	Imprisoning a person found guilty of theft or assault

**4. Definition writ? The term writ is found in 104 but actually discussed in 102 - Explain. Distinguish between writ and public interest litigation.**

### Definition of Writ

A writ is a formal written order issued by a body with administrative or judicial authority. In the context of the constitution, writs are legal instruments used to protect fundamental rights and to ensure the proper administration of justice. The power to issue writs is typically vested in the higher courts, like the Supreme Court or High Courts, and these writs serve as a means for citizens to seek redress when their rights are violated.

### The Term Writ in Sections 104 and 102

The term "writ" is mentioned in Section 104 of the constitution, which refers to the powers of the High Court. However, the actual discussion and detailed explanation of writs are found in Section 102. Section 102 is more comprehensive in defining the nature and scope of writs, explaining how and when they can be issued, and for what purposes. This distinction is important because Section 104 touches upon the broader powers of the High Court, while Section 102 specifically addresses the issuance of writs as a tool for safeguarding fundamental rights.

### Distinction between Writ and Public Interest Litigation (PIL)

Here's a table summarizing the differences between a writ and public interest litigation:

Aspect	Writ	Public Interest Litigation (PIL)
<b>Purpose</b>	To provide relief to individuals whose rights are violated	To address issues affecting the public or a group of people
<b>Initiation</b>	Typically initiated by an individual or entity directly affected	Can be initiated by any individual or group on behalf of others, particularly marginalized sections of society
<b>Scope</b>	Focused on specific legal rights	Broader in scope, addressing societal issues and public welfare

Aspect	Writ	Public Interest Litigation (PIL)
Types	Includes Habeas Corpus, Mandamus, Prohibition, Certiorari, and Quo Warranto	Generally encompasses issues like environmental protection, human rights, and social justice
Legal Standing	Petitioner must have a direct interest in the case	No need for personal interest; anyone can file a PIL in the interest of the public
Example	A writ for release from illegal detention	A PIL for banning harmful industrial practices affecting public health

**5. Who can be a president of Bangladesh? Why & how a president is impeached or removed? Write down the Immunity of Bangladesh president.**

President of Bangladesh:

- ☉ Who Can Be a President: **Article 48** outlines the qualifications for the President of Bangladesh.

Impeachment or Removal of the President:

- ☉ Why & How a President is Impeached or Removed: **Article 52** describes the procedure for impeachment or removal of the President.

Immunity of the President:

- ☉ Immunity of Bangladesh President: **Article 51** provides details on the immunity of the President.

**Qualifications to be President of Bangladesh:**

To become the President of Bangladesh, a person must meet the following criteria:

- ☉ Citizenship: The person must be a citizen of Bangladesh.
- ☉ Age: The candidate must be at least 35 years old.
- ☉ Qualifications for Member of Parliament: The individual must be qualified to be elected as a Member of Parliament, which generally includes requirements such as being mentally sound and not having been convicted of crimes that disqualify a person from holding public office.
- ☉ No Conflicts of Interest: The person should not hold any office of profit in the service of the Republic or any other position that could conflict with the presidential duties.

**How a President is Impeached or Removed:**

The President of Bangladesh can be removed from office through an impeachment process for violating the Constitution or for gross misconduct. The process includes the following steps:

- ① Initiation of Impeachment: A charge against the President can be brought by any Member of Parliament. The charge must be supported by a notice signed by at least one-third of the total number of members of Parliament.
- ② Investigation: Upon receiving the notice, the Speaker of Parliament will convene a session to consider the charge. A special committee is usually formed to investigate the allegations.
- ③ Vote in Parliament: After the investigation, if the committee finds sufficient evidence, the charge is placed before Parliament. The President can only be impeached if at least two-thirds of the members of Parliament vote in favor of the charge.
- ④ Removal from Office: If the required majority supports the impeachment, the President is removed from office immediately.

#### **Reasons for Removal:**

- ① Violation of the Constitution: This can include actions that go against the principles and rules established by the Constitution.
- ② Gross Misconduct: Any behavior that is considered severely unethical or inappropriate for a person in the highest office of the country.

#### **Immunity of the President:**

The President of Bangladesh enjoys certain immunities while in office, which are intended to allow the President to perform duties without fear of legal consequences. These include:

- ① Immunity from Criminal Proceedings: No criminal proceedings can be initiated against the President during the term in office.
- ② Immunity from Civil Proceedings: The President cannot be sued in any civil proceedings for actions done in the official capacity unless two months' prior notice has been given.
- ③ Protection of Acts Done in Good Faith: Any actions taken by the President in good faith, as part of official duties, are protected from legal consequences.

These immunities ensure that the President can carry out the duties of the office without being hindered by legal actions, except in cases of gross misconduct or violations of the Constitution.



**6. How to form parliament? What is the qualification of Member of Parliament according to constitution? (article 70, 66) When seat of Member of Parliament is vacant? How speaker is impeached?**

**Formation of Parliament: (Article 65)**

Parliament in Bangladesh, also known as the Jatiya Sangsad, is formed through general elections. The people of Bangladesh elect members of Parliament (MPs) through direct voting. The number of constituencies is determined by law, and each constituency elects one MP. The political party or coalition that wins the majority of seats in the Parliament typically forms the government, with the leader of the winning party becoming the Prime Minister.

**Qualifications for Member of Parliament:**

Article 66 - Qualifications of MPs:

- 🕒 Citizenship: The person must be a citizen of Bangladesh.
- 🕒 Age: The person must be at least 25 years old.
- 🕒 Sound Mind: The individual should be of sound mind, meaning they must not be declared insane by any competent court.
- 🕒 No Criminal Convictions: The person should not have been convicted of any criminal offense that disqualifies them from holding a public office.
- 🕒 No Conflicts of Interest: The person should not hold any office of profit in the service of the Republic unless the office is declared by law not to disqualify its holder.
- 🕒 Eligibility: The person should meet other eligibility criteria as defined by the law, such as not being disqualified by any specific provisions.

Article 70 - Restrictions on MPs Switching Parties:

- 🕒 An MP who votes against the party's decisions or resigns from the party loses the membership of Parliament. This is known as the anti-defection law. The purpose of this is to ensure political stability by preventing MPs from switching parties frequently.

**When the Seat of an MP is Vacant: (Article 67)**

A seat in Parliament becomes vacant under the following circumstances:

- 🕒 Resignation: If an MP voluntarily resigns from Parliament.
- 🕒 Absence: If an MP is absent from Parliament without permission for 90 consecutive sitting days.
- 🕒 Conviction: If an MP is convicted of a criminal offense that disqualifies them from being an MP.
- 🕒 Death: If the MP passes away.

- ☉ Violation of Party Rules (Article 70): If an MP votes against their party's directives or resigns from the party, the seat becomes vacant.

### **Impeachment of the Speaker: (Article 74(2))**

The Speaker of the Parliament can be removed from office by a resolution passed by a majority of the members of Parliament. The process is as follows:

- ☉ Initiation of Motion: Any member of Parliament can propose a motion for the removal of the Speaker.
- ☉ Discussion and Voting: The motion is then discussed in Parliament, and members vote on it.
- ☉ Majority Vote: If the majority of MPs support the motion, the Speaker is removed from office.

The process ensures that the Speaker remains accountable to the members of Parliament and can be removed if they lose the confidence of the majority.

### ***7. Jurisdiction and power of Supreme Court. (High court division and appellate division both)***

#### **Jurisdiction and Power of the Supreme Court of Bangladesh**

The Supreme Court of Bangladesh is the highest judicial body in the country. It is divided into two divisions:

- ☉ The High Court Division (**Article 101 and Article 102**)
- ☉ The Appellate Division (**Article 103**)

#### **High Court Division:**

##### Jurisdiction and Powers:

The High Court Division has several important roles and powers, including:

- ☉ Original Jurisdiction: This division can hear cases directly without them going through lower courts. This includes cases related to the enforcement of fundamental rights as guaranteed by the Constitution.
- ☉ Appellate Jurisdiction: The High Court Division has the authority to hear appeals from lower courts or tribunals. If someone is not satisfied with a decision made by a lower court, they can appeal to the High Court.
- ☉ Supervisory Jurisdiction: The High Court Division supervises all subordinate courts and tribunals in Bangladesh. This means it ensures that these courts follow the law and act within their legal authority.
- ☉ Writ Jurisdiction: Under Article 102 of the Constitution, the High Court Division can issue writs (legal orders) to enforce fundamental rights or to ensure that public

authorities act according to the law. This power is crucial for protecting citizens' rights and ensuring lawful governance.

#### Articles Related to High Court Division:

- 🕒 Article 101: Specifies the jurisdiction of the High Court Division.
- 🕒 Article 102: Details the power to issue writs.

#### **Appellate Division:**

##### Jurisdiction and Powers:

The Appellate Division is the highest authority within the Supreme Court. Its powers include:

- 🕒 Appellate Jurisdiction: The Appellate Division hears appeals from the High Court Division. If a party is not satisfied with the judgment of the High Court Division, they can appeal to the Appellate Division.
- 🕒 Review Jurisdiction: The Appellate Division has the power to review its own judgments or orders. This is an exceptional power and is usually exercised under strict circumstances, such as when a judgment contains an error.
- 🕒 Advisory Jurisdiction: The President of Bangladesh can seek the opinion of the Appellate Division on any legal question. The opinion given by the Appellate Division is advisory and not binding.

#### Articles Related to Appellate Division:

- 🕒 Article 103: Defines the jurisdiction of the Appellate Division.

#### Conclusion:

The Supreme Court of Bangladesh, through its High Court Division and Appellate Division, plays a critical role in the country's legal system. It ensures justice by interpreting and enforcing the law, protecting fundamental rights, and maintaining the rule of law through its supervisory and appellate functions.

**8. Write down the definition of constitutional supremacy and parliamentary supremacy. Distinguish between them. What types of supremacy prevails in Bangladesh. Discuss in details.**

#### **Constitutional Supremacy: Article 7**

Constitutional supremacy means that the Constitution is the highest law of the land. All laws, actions, and policies must align with the Constitution. If any law or action by the government or Parliament goes against the Constitution, it can be declared invalid by the judiciary. The Constitution serves as the supreme authority, and everyone, including the government, must follow it.

## Parliamentary Supremacy:

Parliamentary supremacy, also known as legislative supremacy, means that Parliament has the ultimate power to make or repeal any law. In this system, the decisions of Parliament cannot be overruled by any other body, including the judiciary. There is no higher law than the laws made by Parliament, and the Constitution can be changed by a simple majority in Parliament.

**The concepts of constitutional supremacy and parliamentary supremacy, along with the type of supremacy that prevails in Bangladesh, are related to the following articles and chapters:**

- ☉ Constitutional Supremacy: **Article 7**
- ☉ Parliamentary Supremacy: The concept is generally related to the powers of Parliament, but constitutional supremacy prevails, as defined by **Article 7**.

## Distinction between Constitutional Supremacy and Parliamentary Supremacy:

Point	Constitutional Supremacy	Parliamentary Supremacy
1	The Constitution is the supreme law of the land.	Parliament is the supreme law-making body.
2	All laws and actions must conform to the Constitution.	Laws made by Parliament are supreme and cannot be questioned.
3	The judiciary can review and invalidate laws that contradict the Constitution.	The judiciary has limited power and cannot overrule parliamentary laws.
4	The Constitution is often rigid, requiring special procedures for amendment.	The Constitution can be amended by a simple majority in Parliament.
5	Government powers are limited by the Constitution.	Parliament has almost unlimited legislative powers.
6	Protects fundamental rights through judicial review.	Fundamental rights can be altered by Parliament.
7	Power is distributed among various branches of government.	Parliament holds central authority with little limitation.
8	Ensures checks and balances between branches of government.	Checks and balances are minimal; Parliament's decisions are final.
9	Example: United States, India, Bangladesh.	Example: United Kingdom (historically).
10	Aimed at safeguarding the rule of law and preventing tyranny.	Aimed at maintaining the sovereignty of the elected legislature.

This table provides a clear distinction between the two types of supremacy based on their characteristics and implications in a constitutional system.

### **Type of Supremacy Prevailing in Bangladesh:**

Bangladesh follows the principle of Constitutional Supremacy. According to the Constitution of Bangladesh, the Constitution is the supreme law of the land. This means that all laws, actions, and policies must conform to the Constitution. If any law passed by Parliament or any action taken by the government violates the Constitution, the judiciary has the authority to declare it invalid.

### **Relevant Articles:**

- ☉ Article 7: Establishes the supremacy of the Constitution in Bangladesh. It clearly states that all powers in Bangladesh are exercised under the authority of the Constitution, and any law inconsistent with the Constitution is void.
- ☉ Article 102: Grants the High Court Division the power to issue orders and directions to enforce fundamental rights and ensure that no law or action violates the Constitution.

In conclusion, Bangladesh follows the principle of constitutional supremacy, where the Constitution is the highest authority, and all branches of the government, including Parliament, must act within the framework established by the Constitution.

### ***9. Write down the provision of emergency in course of BD. What are the objectives of proclamation of emergency? (141 a, b, c).***

#### **Provision of Emergency:**

The Constitution of Bangladesh provides the President with the power to declare a state of emergency if certain conditions threaten the country's security or public order. The relevant provisions are found in Articles 141A, 141B, and 141C of the Constitution.

#### **Article 141A: Proclamation of Emergency**

- ☉ Circumstances for Declaration: The President can proclaim a state of emergency if they are satisfied that a grave emergency exists in which the security or economic life of Bangladesh, or any part of it, is threatened by war, external aggression, or internal disturbance.
- ☉ Communication to Parliament: The President must communicate the proclamation to Parliament within 30 days, and if Parliament is not in session, it must be convened immediately.
- ☉ Duration: The proclamation remains valid for 120 days unless approved by Parliament. It can be extended further with parliamentary approval.

#### **Article 141B: Suspension of Fundamental Rights**

- 🕒 Suspension of Rights: During a state of emergency, the President may suspend the enforcement of certain fundamental rights guaranteed by the Constitution. This includes the right to move the High Court for the enforcement of rights.
- 🕒 Continued Effect: Such orders remain in effect until the emergency proclamation is revoked.

#### Article 141C: Presidential Orders during Emergency

- 🕒 Presidential Orders: The President may issue orders necessary to deal with the emergency. These orders have the force of law and can override any other law or provision of the Constitution, except certain core parts.
- 🕒 Protection against Legal Challenge: These orders are immune from legal challenge in any court.

#### **Objectives of Proclamation of Emergency**

- 🕒 National Security: To protect the country from threats like war or external aggression that could endanger the nation's security.
- 🕒 Public Order: To restore and maintain public order during severe internal disturbances that cannot be controlled by normal means.
- 🕒 Economic Stability: To safeguard the economic life of the nation when it is threatened by crises that could destabilize the country.

#### **Rights Violated by Emergency Provisions**

When an emergency is declared, certain fundamental rights can be suspended, which includes:

- 🕒 Right to Legal Remedy: Citizens lose the right to move the courts for enforcing certain fundamental rights, effectively suspending legal recourse.
- 🕒 Freedom of Speech and Movement: These rights can be restricted to maintain public order or national security.
- 🕒 Personal Liberties: In extreme cases, personal liberties can be curtailed, including detention without trial.

#### **Demerits of Proclamation of Emergency**

- 🕒 Abuse of Power: The executive, led by the President, can misuse emergency powers to suppress dissent or target political opponents.
- 🕒 Suppression of Fundamental Rights: Suspension of fundamental rights can lead to human rights abuses and a lack of accountability.
- 🕒 Erosion of Democracy: Extended states of emergency can undermine democratic institutions and processes, concentrating power in the hands of a few.
- 🕒 Economic Disruption: While meant to protect economic stability, the measures taken during an emergency can sometimes lead to economic hardship for ordinary citizens.

- ☹ Judicial Independence: The suspension of judicial review can weaken the checks and balances necessary to prevent government overreach.

These provisions and implications highlight the balance that must be maintained between safeguarding the nation and protecting individual freedoms during times of crisis.

***10. What is floor crossing? Write the article in details. (Article 70) When floor crossing is done some right is violated. Discuss it. Write the demerits of floor crossing.***

**Floor Crossing**

Floor crossing refers to the act of a Member of Parliament (MP) voting against their own political party's decisions, abstaining from voting, or resigning from the party and continuing to serve as an MP. In Bangladesh, Article 70 of the Constitution specifically addresses this issue to maintain party discipline and political stability.

Article 70 of the Constitution of Bangladesh states the following:

- ☹ Prohibition on Voting against Party: If an MP votes against the direction of their party or abstains from voting, they lose their seat in Parliament. This is intended to prevent instability caused by members switching allegiance or acting against the party's collective decisions.
- ☹ Prohibition on Resignation: If an MP resigns from the party, they also lose their seat in Parliament. This ensures that MPs cannot leave their party and join another while still holding their position in Parliament.
- ☹ Consequences: The main consequence of floor crossing is that the MP's seat in Parliament becomes vacant, and a by-election is held to fill the vacancy.

**Rights Violated by Floor Crossing:**

When floor crossing is restricted, as per Article 70, it can be argued that certain rights of the MPs are violated:

- ☹ Freedom of Expression: MPs are restricted from expressing dissenting opinions or voting according to their conscience, as they must follow the party line.
- ☹ Right to Political Association: MPs cannot freely associate with different political parties or switch parties without losing their seat, which limits their freedom of political association.
- ☹ Independence of MPs: MPs are compelled to follow party directives, which can undermine their independence as elected representatives who are supposed to represent the interests of their constituents.

### **Demerits of Floor Crossing:**

The prohibition of floor crossing, while aimed at ensuring political stability, also has several drawbacks:

- ☹ Limits on Democratic Debate: MPs may feel pressured to conform to party decisions, even if those decisions are not in the best interest of their constituents, leading to a lack of genuine debate and discussion in Parliament.
- ☹ Undermines Individual Responsibility: MPs may prioritize party loyalty over their own judgment or the needs of the people they represent, which can undermine their responsibility as public servants.
- ☹ Encourages Autocratic Party Leadership: Party leaders may exercise more control over MPs, stifling dissent and encouraging a more autocratic style of leadership within political parties.
- ☹ Prevents Policy Innovation: Since MPs must adhere to party policies, there is little room for new ideas or innovative policies to emerge from within the Parliament.
- ☹ Reduces Accountability: MPs are less accountable to their voters and more to their party leadership, which can weaken the connection between elected representatives and the electorate.

In summary, Article 70 aims to maintain party discipline and political stability by preventing MPs from voting against their party or switching parties. However, this comes at the cost of restricting MPs' freedom of expression, political association, and independence, and it has several demerits, including stifling democratic debate and reducing accountability to voters