

Constitutional Law in Bangladesh

Constitutional law in Bangladesh is primarily governed by the Constitution of the People's Republic of Bangladesh, adopted on November 4, 1972, and amended multiple times, with the 17th Amendment in 2024 being the latest. The Constitution establishes the framework for governance, fundamental rights, and duties, ensuring a unitary, parliamentary republic with a separation of powers among the legislature, executive, and judiciary. It guarantees rights like equality (Article 27), freedom of speech (Article 39), and protection from torture (Article 35(5)), while imposing duties like tax payment (Article 21). Violations of constitutional provisions, especially those overlapping with criminal or civil laws, are addressed through the Penal Code 1860, the Code of Criminal Procedure 1898, or specific statutes. The Supreme Court, comprising the High Court and Appellate Divisions, enforces constitutional compliance through judicial review. Below is an overview of key constitutional provisions and punishments for their violations, presented in a clear, copyable format. For official texts, refer to bdlaws.minlaw.gov.bd.

Key Constitutional Laws and Punishments:

- **Waging War Against the State (Article 121, Penal Code 1860):** Violating Article 59 (state sovereignty) by waging or attempting war against Bangladesh carries the death penalty or life imprisonment with a fine.
- **Sedition (Section 124A, Penal Code 1860):** Inciting hatred or disaffection against the government through speech or writing, violating Article 7 (supremacy of the Constitution), carries life imprisonment or up to 7 years' imprisonment with a fine.
- **Violation of Fundamental Rights (Article 31, Constitution):** Denying rights like life or liberty without due process carries up to 7 years' imprisonment under Penal Code Section 330 (causing hurt to extort) or civil remedies like compensation via High Court writs.
- **Discrimination Based on Religion, Race, or Gender (Article 28):** Discriminatory acts in public services or employment carry a fine up to 25,000 taka under administrative laws; criminal acts like assault (Section 351, Penal Code) carry up to 3 months' imprisonment, a fine up to 500 taka, or both.
- **Torture or Cruel Treatment (Article 35(5), Constitution):** Inflicting torture or inhuman punishment carries up to 7 years' imprisonment and a fine under Penal Code Section 330; custodial torture may lead to disciplinary action or civil suits.
- **Forced Labour (Article 34, Constitution):** Compelling unlawful labour, violating Article 34, carries up to 1 year's imprisonment, a fine, or both under Penal Code Section 374.
- **Restriction on Freedom of Speech (Article 39):** Suppressing free speech through unlawful censorship carries up to 7 years' imprisonment under the Cyber Security Act 2023 (Section 21) for spreading false content, or a fine up to 25 lakh taka; defamation (Penal Code Section 500) carries up to 2 years' imprisonment, a fine, or both.
- **Violation of Freedom of Assembly (Article 37):** Illegally restricting peaceful assemblies carries up to 3 months' imprisonment, a fine up to 500 taka, or both under Penal Code Section 186 (obstructing public servant); violent dispersal may invoke Section 324 (causing hurt, up to 7 years).

- **Interference with Religious Freedom (Article 41):** Obstructing religious practices carries up to 1 year's imprisonment, a fine, or both under Penal Code Section 295; hurting religious sentiments (Cyber Security Act Section 28) carries up to 5 years' imprisonment, a fine up to 20 lakh taka, or both.
- **Non-Compliance with Tax Duties (Article 21, Constitution):** Evading taxes carries up to 7 years' imprisonment and a fine under the Income Tax Ordinance 1984 (Section 164); willful evasion may lead to property confiscation.
- **Corruption by Public Servants (Article 20, Anti-Corruption Commission Act 2004, Section 5):** Abuse of public office violating constitutional duties carries up to 7 years' imprisonment, a fine, and property confiscation; embezzlement (Penal Code Section 409) carries life or up to 7 years with a fine.
- **Violation of Election Laws (Article 48, Representation of the People Order 1972):** Electoral fraud or vote rigging carries up to 7 years' imprisonment, a fine up to 50,000 taka, or both; influencing voters unlawfully (Section 73) carries up to 3 years' imprisonment and a fine.
- **Unlawful Arrest or Detention (Article 33):** Illegal detention without legal process carries up to 7 years' imprisonment under Penal Code Section 344; compensation may be awarded via High Court writs.
- **Violation of Judicial Independence (Article 94):** Interfering with judicial processes carries up to 7 years' imprisonment under Penal Code Section 219 (corrupt judicial acts); contempt of court carries up to 6 months' imprisonment, a fine up to 2,000 taka, or both (Contempt of Courts Act 1926).
- **Misuse of Emergency Powers (Article 141A):** Abusing emergency provisions to suppress rights carries judicial review; related criminal acts like extortion (Penal Code Section 385) carry up to 2 years' imprisonment, a fine, or both.

Implementation and Additional Notes:

The Constitution is the supreme law, enforced by the Supreme Court through writ petitions (Article 102) for violations of fundamental rights. Most offenses are addressed via the Penal Code or specific statutes, with non-bailable offenses like waging war or sedition leading to prolonged detention under the Code of Criminal Procedure 1898. The judiciary has struck down amendments (e.g., 16th Amendment in 2018) to protect independence, but political influence and case backlogs (over 4 million pending cases, 2023) hinder enforcement. The Anti-Corruption Commission reported 2,500 cases in 2022, with low conviction rates due to interference. Freedom of speech faces challenges, with 1,649 cases under the repealed Digital Security Act (2022) targeting dissent. The National Human Rights Commission and helplines like 333 support enforcement, but resource constraints and corruption persist. For updates, consult bdlaws.minlaw.gov.bd or supremecourt.gov.bd.