LECTURE 10 - 1972 CONSTITUTION OF BANGLADESH

INTRODUCTION

1. The Proclamation of Independence issued on 10 April 1971 by the Provisional Government served as the interim first constitution of Bangladesh. It declared “equality, human dignity and social justice” as fundamental principles of the republic.

2. The government proclaimed “Constituent Assembly Order” on March 23, 1972 for drafting a constitution for Bangladesh. The constituent assembly consisted of the members elected in 1970 election in the National and Provincial Assemblies.

3. The first session of the constituent assembly consisting of 404 members sat on April 10, 1972 and formed a committee to draft the constitution. Dr. Kamal Hossain was the Convener of the 34 member committee. The committee completed the final draft of the constitution by October 11, 1972. After a deliberate discussion, the constitution Bill was passed on November 4, 1972 in the Constituent Assembly. The Constitution came to effect from December 16, 1972.

4. The Constitution has 153 Articles arranged under eleven parts. It also has four schedules. It was drafted both in English and Bengali. In case of any conflict the Bangla will prevail.

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Salient Features of the 1972 Constitution of Bangladesh

5. **The Preamble**. The preamble to the Constitution sets out the guiding purpose and principles of the document.

6. **Supreme Law**. The constitution declares itself as the supreme law. So, no law inconsistent with the constitution should be passed.

7. **The Republic**. Article 1 of 1972 constitution states that Bangladesh is a unitary, independent, and sovereign Republic to be known as the People's Republic of Bangladesh.

8. **The Fundamental principles of State Policy**. Four fundamental principles are Nationalism, Democracy, Socialism and Secularism.

9. **Fundamental Rights**. A host of fundamental rights have been mentioned in the constitution. Some of those are equality before law, equality of opportunity in public employment, right to protection of law, freedom of movement, freedom of assembly, freedom of religion, rights to property, freedom of thought, conscience and speech etc.

10. **Unitary form of Government**. The constitution introduced a unitary form of government and thereby there is no province or state in Bangladesh.

11. **Parliamentary Form of Government**. The constitution adopted a parliamentary or cabinet system of government where all the executive authority lies with the Prime Minister and the cabinet.

12. **Unicameral Legislature**. The constitution provides a unicameral legislature that consist of 300 directly elected members. Fifteen seats were reserved for women.

13. **Independent Judiciary**. An independent and neutral judiciary is mentioned in the Constitution of 1972. The high court was also given the responsibility to protect the fundamental rights of the citizens.

14. **A Ban on Communal Politics**. The constitution bans religion or communal based politics.

15. **Ombudsman**. The constitution provides for establishment of an ombudsman to overview the activities of ministries, civil bureaucracy and other public servants.

16. **Rigidity**. The constitution has made itself rigid. For any amendment, a vote of two-thirds of the total members is needed.