

**CONSTITUTION, CONSTITUTIONAL
LAW AND POLITICS : BANGLADESH
PERSPECTIVE**

**A COMPARATIVE STUDY OF PROBLEMS OF
CONSTITUTIONALISM IN BANGLADESH**

MD. ABDUL HALIM

BARRISTER-AT-LAW

CCB FOUNDATION : LIGHTING THE DARK

CONSTITUTION, CONSTITUTIONAL LAW AND POLITICS: BANGLADESH PERSPECTIVE

MD. ABDUL HALIM

Barrister-at-Law (Lincoln's Inn)

LL.M. (Newcastle-upon-Tyne, UK)

LLB., LL.M. (Dhaka University)

Advocate, Supreme Court of Bangladesh

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To
My Primary School Head Teacher
Md. Abdur Rahman KAMRUL HASAN
*but for whose unstinted care,
attention, love, sacrifice and
blessing I would not have been
what I am today.*

On the arduous road to get education in my life the people who made a lot of sacrifices for me are many and their contribution is irreparable. At the advent of this small work, which could not be possible, but for their help I cannot but remember some of their names with respect and gratefulness;

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PREFACE TO THE FOURTH EDITION

The continuing popularity of the first, second and third edition of this book which was done out of my personal interest back in 1998 has eventually persuaded me to produce this fourth edition. This updated edition has been done keeping in mind the key areas of developments of constitutionalism in Bangladesh. In its second edition the book contained the evaluation of the 7th parliament. The third edition contained the evaluation of the 8th parliament. This fourth edition contains the subsequent developments in constitutionalism in Bangladesh with particular reference to the recent development of the concept of caretaker government, full evaluation of the 8th parliament, military backed caretaker government, the way forward of Bangladesh politics. Most of the chapters have been updated with up to date information. Ordinance Making Power of the President contains the most up to date data on ordinance making vis-a-vis laws made by the parliament. The Chapter of Caretaker Government contains the ongoing issue of reform proposals undertaken by the sitting Caretaker Government. Women Members in Parliament has new topics of 14th Amendment to the Constitution and the Jatiya Sangsad (Reserved Seats for Women) Act, 2004 and its ramification. In the earlier edition I stated, "Though there are many defects to point out with regard to the performance of the 8th parliament and the BNP Government in its second term in power after the fresh start of constitutionalism in Bangladesh, the practice of parliamentary democracy is still in the process of development. However, the intolerant and uncompromising attitude of the most political leaders has been the most stumbling blocks to this development". However, in this present edition I will have to say that this process of development of constitutionalism has again been halted by the postponement of 9th parliamentary election and declaration of emergency on 11th January, 2007 by the acting President. There are strong suggestions that like in the past, this present political uncertainty is the result of the leadership crisis among both the leading parties in the country. This book, however, does not attempt to go into deeper discussion on stresses and strains into politics in the country; the choice of the most of the topics is selective and the aim is to offer students lucid treatment over politico-legal problems on some of the central ideas in Constitutional law and politics.

The collection of various data and information has been facilitated by Mr. Ali Akbar, Research Officer of the Bangladesh Parliament Library.

For information and assistance on particular queries, I am grateful to Mr. Md. Abu Dawood, Director of the Bangladesh Parliament Library and their staff for the sincere help I received from them. Rubaiyat Rahman, a student of law from Dhaka University has helped me by collecting datas and informations. Fourkan, my computer assistant has provided necessary technical help.

I am gratefully indebted to Dr. M. Ershadul Bari, Faculty of Law, Dhaka University, for I have shared some of his views expressed in various lectures in the first edition of this book.

Last but not the least, this edition was to be done hurriedly and there was not enough time to change the set-up, font and foot notes in the book. The original works of the book done in an apple mackintosh computer back in 1998 could not be transferred with the same font to a recent version of Microsoft Excel and as a result there has been change in the font and page set up and also in foot notes. In the next edition I hope to do the whole work afresh.

The views and opinions expressed in this book are absolutely mine except those which I have quoted. I do not claim that my views are correct from every point of view. There may be shortcomings and wrongs and I alone am responsible for those. If there are mistakes in facts or otherwise I shall appreciate if readers come forward to have corrected by me so that the second edition may be a better volume.

Md. Abdul Halim

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* It completely curtailed the independence of judiciary	
* It introduced one party political system	
* It buried the whole concept of local government	
* It undermined the spirit of liberal democracy in Bangladesh	

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LIST OF ABBREVIATION

AD	: Appellate Division
APSU	: All Party Students Organisation
AL	: Awami League
BILIA	: Bangladesh Institute of Law and International Affairs
BNP	: Bangladesh Nationalist Party
CA	: Chief of Advisers
CAC	: Centre for Analysis and Choice
CAG	: Comptroller and Auditor - General
CBA	: Collective Bargaining Agency
CTG	: Caretaker Government
CHT	: Chittagong Hill Track Treaty (Agreement)
CMLA	: Chief Martial Law Administrator
CPA	: Commonwealth Parliamentary Association
CPB	: Communist Party of Bangladesh
CSP	: Civil Service of Pakistan
DC	: Deputy Commissioner
DCMLA	: Deputy Chief Martial Law Administrator
DEO	: District Election Officer.
DPC	: Departmentally-related Parliamentary Committee
EPAL	: East Pakistan Awami League.
FDC	: Film Development Corporation.
HCD	: High Court Division.
JI	: Jamat-i-Islami Banladesh.
JP	: Jatio Party.
JSD(Siraj)	: Jatio Samajtantrik Dal.
KSP	: Krishak Sramik Pary (Peasants and Workers Party)
MNA	: Member of National Assembly.
MPA	: Member of Provincial Assembly.
PAC	: Public Accounts Committee
PIL	: Public Interest Litigation.
PM	: Prime Minister.
PMQT	: Prime Minister's Question Time.
PUC	: Public Undertakings Committee
PSC	: Public Service Commission.