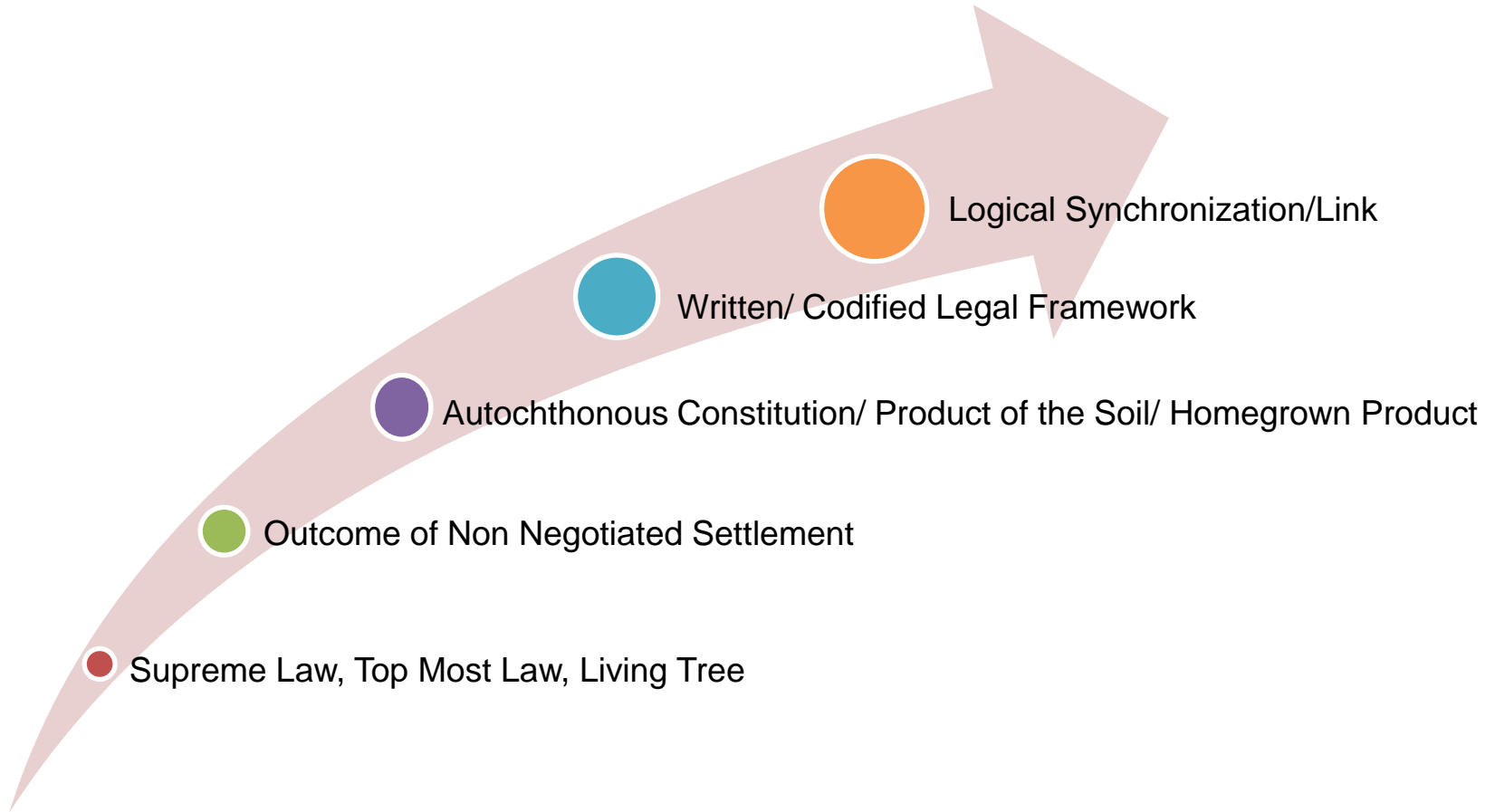


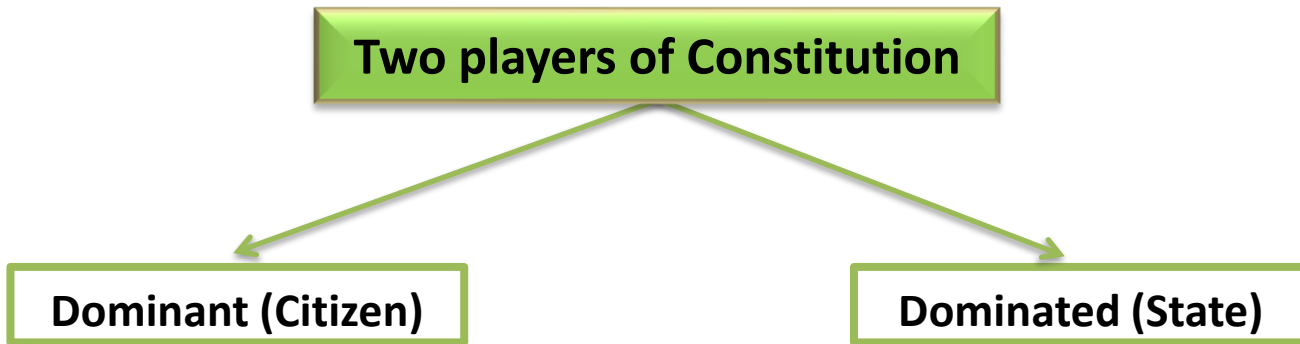
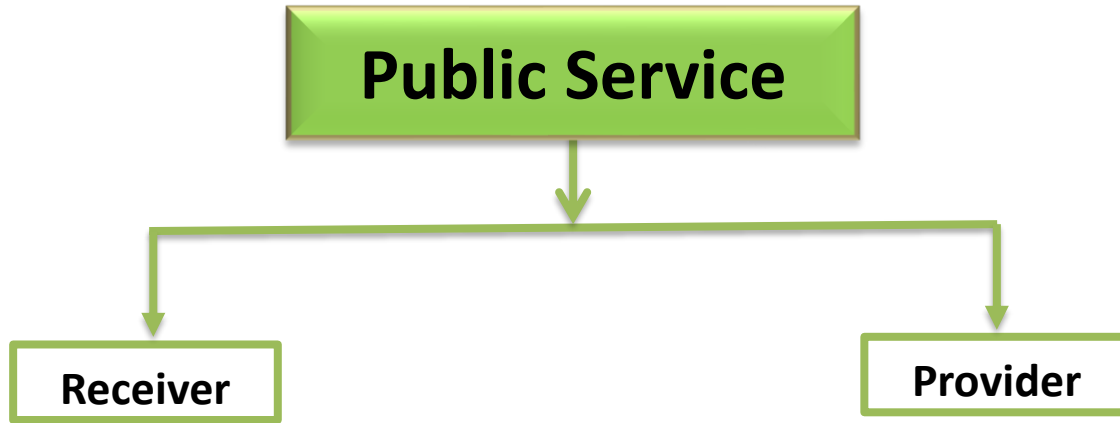


Welcome to the Session on Schematic view of the Bangladesh Constitution

Mohammad Muslim Chowdhury
Comptroller and Auditor General of Bangladesh

**Why we should study constitution.
Difference between Constitution and Act**





State Principles

Pious intention of the framers.

Wishful Thinking.

Social Contract between
State and Citizen

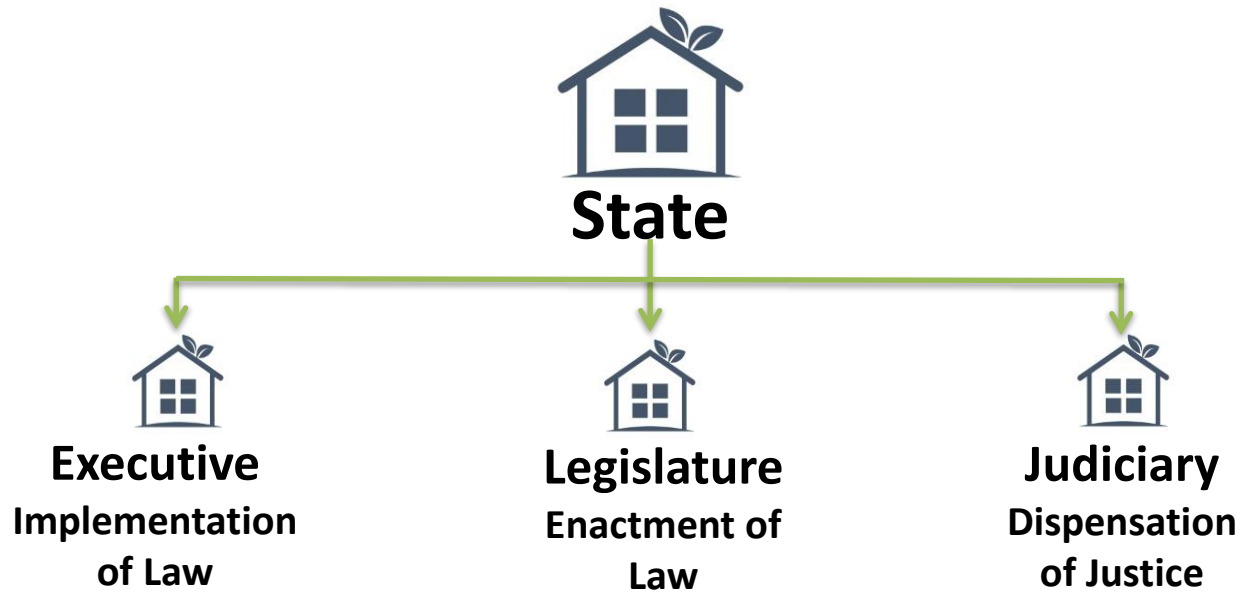
Judicially Non-
enforceable

FR

Fettered/Reasonable
restriction imposed by law

Unfettered

Judicially Enforceable
as per Article-44



First 3 parts	Second 3 parts	Third 3 parts	Final 3 parts
Citizen, state, policy, rights- intentions	Organs	Sub organs	Miscellaneous

Law Making Power of President

Primary Law (Plenary Power)

- ❖ P.O. (before effect of constitution with an exception of transitional period that is before 1st session of our 1st parliament before 7 April 1973. [ইতিহাস])
- ❖ Ordinance (temporary) [বর্তমান]

Secondary law (Special executive legislation)

Plenary Power

Contingent Power

Until

Subject to

Role of President

Legislature

- Plenary
- Contingent
- Assent

Executive

(In the name of) but can't give executive order

Cabinet/ PM

Titular Head of State

(Improvised version of monarch)

As a titular without 2 things, he has to do everything with advice with PM.

Advice

British India

Legislature

- Plenary
- Contingent
- Assent/ Veto
- Primary law
- Secretary of State for India

Executive (Direct)

can do executive order
Governor General

Titular

Queen/ King

Primary Law

Pre- constitutional

Pre independence

Company
Rule
1757-
1857

Crown
Rule
1858-
1947

Pakistani
Rule
1947-
1971

Post-independence. All are PO. Sch
4 para 3(1) with exception some
repealed as per article 151.

Pakistani
Rule

Other than
Martial Law

Martial Law
Regime

Pakistan Rule

Governor General till 1956

Post Independence
Era (Primary Law)

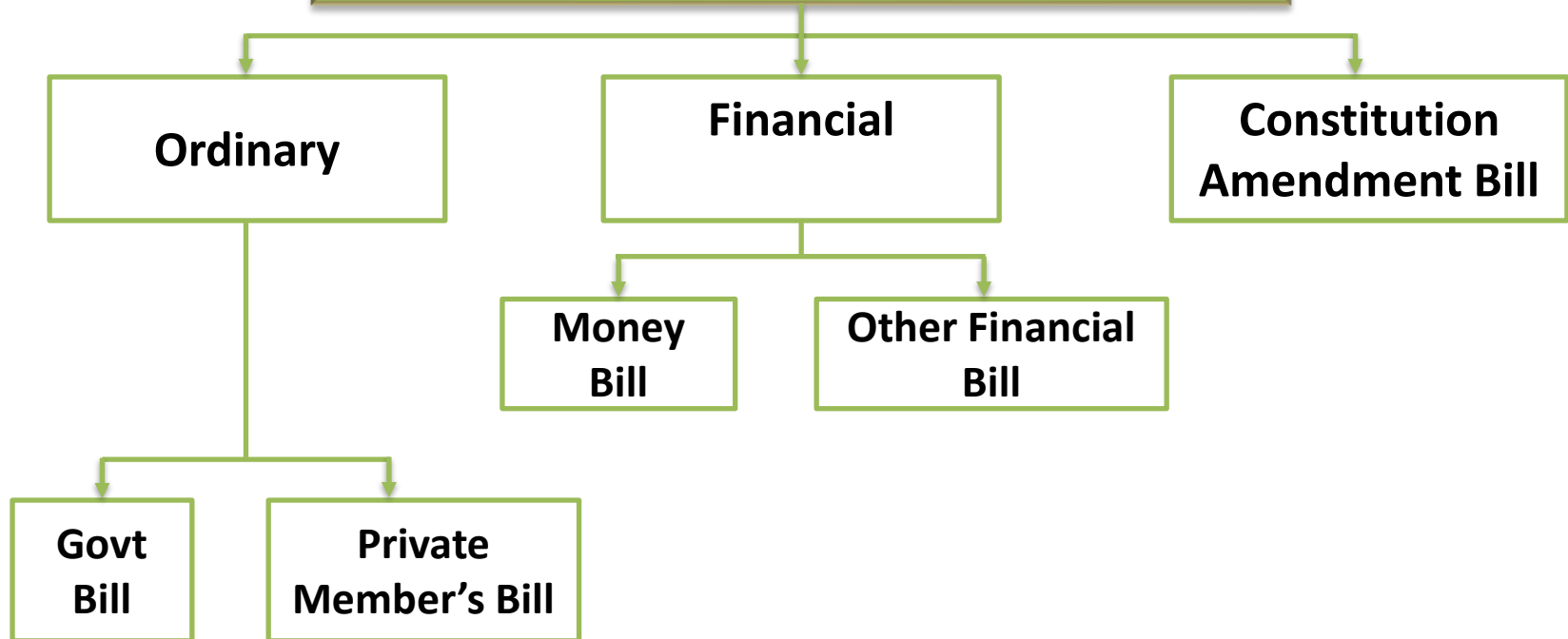
Constitutional Regime

Extra constitutional regime (2)
1975, 1982

Evolution of Primary Law

Name of the Period	Name of Primary Law	Entry into our legal system
Company Rule	Regulation, act, order etc	Article 149, P.O. 72 and Act of 73
Crown Rule	Regulation, act, order etc	Article 149, P.O. 72 and Act of 73
Pakistani Regime	Regulation, act, order etc	Article 149, P.O. 72 and Act of 73
Pre 1972 constitutional regime	P.O.	Sch 4, para 3 (1)
Constitutional regime	Act, ordinance	Article 65, 93(1)
Marshal law regime (75-79)	Ordinance	Sch 4, Para 18[void] Act 6 of 2013
Constitutional regime	Act, ordinance	Article 65, 93(1)
Marshal law regime (82-86)	Ordinance	Sch 4, Para 19 [void] Act 7 of 2013
Constitutional regime	Act, ordinance	Article 65, 93(1)

Bill
(Proposed in Parliament for making a Law)



Bills (Converted to Act)

Conditions	Ordinary bill	Money bill	Other than money bill/ other financial bill	Constitutional amendment bill
President recommends before submission	No	Yes	Yes	No
Speaker gives certificate after passing	No	Yes	No	No
Assent by president	15+7	15+0	15+7	15+(two/third majority)



Have Any Query ?

Thank You