

†PROVISIONAL CONSTITUTION OF BANGLADESH ORDER, 1972

WHEREAS by the Proclamation of Independence Order, dated the 10th April, 1971 provisional arrangements were made for the governance of the People's Republic of Bangladesh ;

AND WHEREAS by the said Proclamation the President is invested with all executive and legislative authority and the power to appoint a Prime Minister ;

AND WHEREAS the unjust and treacherous war as referred to in the said Proclamation has now ended ;

AND WHEREAS it is the manifest aspiration of the people of Bangladesh that a parliamentary democracy shall function in Bangladesh ;

AND WHEREAS in pursuance of the said objective it is necessary immediately to make certain provisions in that behalf.

NOW THEREFORE in pursuance of the Proclamation of Independence Order, dated the 10th April, 1971 and all other powers enabling him in that behalf the President is pleased to make and promulgate the following Order :

(1) This order may be called the Provisional Constitution of Bangladesh Order, 1972.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once.

(4) Definition :

"Constituent Assembly" referred to in this Order means the body comprising of the elected representatives of the people of Bangladesh returned to the N.A. and P.A. seats in the elections held in December, 1970, January, 1971 and March, 1971 not otherwise disqualified by or under any law.

(5) There shall be a Cabinet of Ministers, with the Prime Minister at the head.

(6) The President shall in exercise of all his functions act in accordance with the advice of the Prime Minister.

(7) The President shall commission as Prime Minister a member of the Constituent Assembly, who commands the confidence of the majority of the members of the Constituent Assembly. All other Ministers, Ministers of State and Deputy Ministers shall be appointed by the President on the advice of the Prime Minister.

(8) In the event of a vacancy occurring in the Office of the President at any time prior to the framing of the Constitution by the Constituent Assembly, the Cabinet shall appoint as President a citizen of Bangladesh who will hold the office of President until another President enters upon the office in accordance with the Constitution as framed by the Constituent Assembly.

(9) There shall be a High Court of Bangladesh, consisting of a Chief Justice and so many other Judges as may be appointed from time to time.

(10) The Chief Justice of the High Court of Bangladesh shall administer an oath of office to the President and the President shall administer an oath of office to the Prime Minister, other Ministers, Ministers of State and Deputy Ministers. The form of the oath shall be as prescribed by the Cabinet.

Dated this eleventh day of January, One thousand nine hundred and seventy-two, being the twenty-sixth day of Poush, One thousand three hundred and seventy-eight.

DACCA ;
The 11th January, 1972.

SHEIKH MUJIBUR RAHMAN
President of the People's Republic of Bangladesh.

† Repealed by article 151(b) of the Constitution.