

The Constitution (Eleventh Amendment) Act, 1991

(Act No. 24 of 1991)

[10th August, 1991]

An Act further to amend Fourth Schedule to the Constitution of the People's Republic of Bangladesh

WHEREAS in the face of the country-wide popular upsurge for overthrowing the illegal and undemocratic government and giving democracy an institutional shape the then President was compelled to tender resignation;

AND WHEREAS after the historic success of the students, peasants, workers, employees, the people in general, the Main Political Alliances and parties and all professional organisation, regardless of their political affiliation, belief and leanings, the three Main Political Alliances and parties made an ardent call to the Chief Justice of Bangladesh, Mr. Justice Shahabuddin Ahmed to take the reins of a neutral and impartial government as its head;

AND WHEREAS the then President appointed Chief Justice Mr. Shahabuddin Ahmed as Vice-President in the vacancy caused by the resignation of the then Vice-President and tendered his resignation to him;

AND WHEREAS upon a positive assurance of the three Main political Alliances and parties of the country to the effect that after having run the government temporarily till the establishment of an elected democratic government through a free, fair, and impartial election to Parliament he would be eligible to return to the office of the Chief Justice of Bangladesh and with the noble purposes of restoring democracy the Chief Justice, on the 21st day of Agrahayan, 1397 B. S. corresponding to the 6th day of December, 1990, assumed the onerous responsibility of running an impartial government as Acting President;

AND WHEREAS during the period in which Chief Justice Mr. Shahabuddin Ahmed exercised the powers and performed the functions of the President in his capacity as Vice-President, a Parliament comprising people's representatives and a people's government have been established through a free, fair and impartial election;

AND WHEREAS it is expedient to make provisions for ratification and confirmation of the appointment of Chief Justice Mr. Shahabuddin Ahmed as Vice-President, the exercise and performance by him of all powers and functions of the President acting as such and all laws and Ordinances made by him and acts and things done and all actions taken by him in that capacity and for his return to the office of the Chief Justice of Bangladesh in accordance with the assurances of the People and the Main Political Alliances and parties.

It is hereby enacted as follows.-

1. Short title.—This Act may be called the Constitution (Eleventh Amendment) Act, 1991.

2. Amendment of the Fourth Schedule Constitution.—In the Constitution, after paragraph 20, the following new paragraph 21 shall be added, namely: -

'21. Ratification and Confirmation of The Appointment of Vice-President, etc.—(1)

The appointment of, and the administration of oath to the Chief Justice of Bangladesh as Vice-President on the 21st day of Agrahayan, 1397 B.S. corresponding to the 6th day of December, 1990, and the resignation tendered to him by the then President and all powers exercised, all laws and Ordinances made and all orders made, acts and things done, and actions taken, or purported to have been made, done or taken by the said Vice President acting as President during the period between the 21st day of Agrahayan, 1397 B. S. corresponding to the 6th day of December, 1990, and the date of commencement of the Constitution (Eleventh Amendment) Act, 1991 (Act No. XXIV of 1991) (both days inclusive) or till the new President elected under article 48(1) of the Constitution has entered upon his office (whichever is later), are hereby ratified and confirmed and declared to have been validly made, administered, tendered, exercised, done and taken according to law.

(2) The said Vice-President shall, after the commencement of the Constitution (Eleventh Amendment) Act, 1991 (Act No. XXIV of 1991), and after the new President elected under this Constitution has entered upon his office, be eligible to resume the duties and responsibilities of the Chief Justice of Bangladesh and the period between the 21st day of Agrahayan, 1397 B.S. corresponding to the 6th day of December, 1990 and the date of which he resumes such duties and responsibilities shall be deemed to be the period of actual service within the meaning of section 2(a) of the Supreme Court Judges (Leave, Pension and Privileges) Ordinance, 1982 (Ordinance No. XX of 1982)."