

PART III
FUNDAMENTAL RIGHTS

26. (1) *All existing law inconsistent with the provisions of this Part shall, to the extent of such inconsistency, become void on the commencement of this Constitution.*

Laws inconsistent with fundamental rights to be void.

(2) *The State shall not make any law inconsistent with any provisions of this Part, and any law so made shall, to the extent of such inconsistency, be void.*

27. *All citizens are equal before law and are entitled to equal protection of law.*

Equality before law.

28. (1) *The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth,*

Discrimination on grounds of religion, etc.

(2) *Women shall have equal rights with men in all spheres of the State and of public life.*

(3) *No citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution.*

(4) *Nothing in this article shall prevent the State from making special provision in favour of women or children or for the advancement of any backward section of citizens.*

29. (1) *There shall be equality of opportunity for all citizens in respect of employment or office in the service of the Republic.*

Equality of opportunity in public employment.

(2) *No citizen shall, on grounds only of religion, race, caste, sex or place of birth, be ineligible for, or discriminated against in respect of, any employment or office in the service of the Republic.*

(3) Nothing in this article shall prevent the State from—

- (a) making special provision in favour of any backward section of citizens for the purpose of securing their adequate representation in the service of the Republic;
- (b) giving effect to any law which makes provision for reserving appointments relating to any religious or denominational institution to persons of that religion or denomination;
- (c) reserving for members of one sex any class of employment or office on the ground that it is considered by its nature to be unsuited to members of the opposite sex.

30. (1) No title, honour or decoration shall be conferred by the State.

Abolition of titles, honours and decorations.

(2) No citizen shall, without the prior approval of the President, accept any title, honour, award or decoration from any foreign state.

(3) Nothing in this article shall prevent the State from making awards for gallantry or from conferring academic distinctions.

31. To enjoy the protection of law, and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law.

Right to protection of law.

32. No person shall be deprived of life or personal liberty save in accordance with law.

Protection of right to life and personal liberty.

33. (1) A person who is arrested shall not be detained in custody unless he has been informed of the grounds of his arrest, nor shall he be denied the right

Safeguards as to arrest or detention.

to consult and be defended by a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be brought before a court within twenty-four hours of his arrest (excluding the time required to transport him to the court), and shall not be further detained save by order of the court.

(3) Nothing in the foregoing clauses shall apply to an enemy alien.

34. (1) All forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

Prohibition of forced labour.

(2) Nothing in this article shall apply to compulsory labour—

(a) by persons undergoing lawful punishment for a criminal offence; or

(b) required by any law for public purposes.

35. (1) No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than, or different from, that which might have been inflicted under the law in force at the time of the commission of the offence.

Protection in respect of trial and punishment.

(2) No person shall be prosecuted and punished for the same offence more than once.

(3) Every person accused of a criminal offence shall have the right to a speedy and public trial by an independent and impartial court or tribunal established by law.

(4) No person accused of any offence shall be compelled to be a witness against himself.

(5) No person shall be subjected to torture or to cruel, inhuman or degrading punishment or treatment.

(6) Nothing in clause (3) or clause (5) shall affect the operation of any existing law which prescribes any punishment or procedure for trial.

36. Subject to any reasonable restrictions imposed by law in the public interest, every citizen shall have the right to move freely throughout Bangladesh, to reside and settle in any place therein and to leave and re-enter Bangladesh.

Freedom of movement.

37. Every citizen shall have the right to assemble and to participate in public meetings and processions peacefully and without arms, subject to any reasonable restrictions imposed by law in the interests of public order or public health.

Freedom of assembly.

38. Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interests of morality or public order:

Freedom of association.

Provided that no person shall have the right to form, or be a member or otherwise take part in the activities of, any communal or other association or union which in the name or on the basis of any religion has for its object, or pursues, a political purpose.

39. (1) Freedom of thought and conscience is guaranteed.

Freedom of thought and conscience, and of speech.

(2) Subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence—

(a) the right of every citizen to freedom of speech and expression; and

(b) freedom of the press,
are guaranteed.

40. Subject to any restrictions imposed by law, every citizen possessing such qualifications, if any, as may be prescribed by law in relation to his profession, occupation, trade or business shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business.

*Freedom of
profession or
occupation.*

41. (1) Subject to law, public order and morality— *Freedom of religion*

(a) every citizen has the right to profess, practise or propagate any religion;

(b) every religious community or denomination has the right to establish, maintain and manage its religious institutions.

(2) No person attending any educational institution shall be required to receive religious instruction, or to take part in or to attend any religious ceremony or worship, if that instruction, ceremony or worship relates to a religion other than his own.

42. (1) Subject to any restrictions imposed by law, every citizen shall have the right to acquire, hold, transfer or otherwise dispose of property, and no property shall be compulsorily acquired, nationalised or requisitioned save by authority of law. *Rights to property.*

(2) A law made under clause (1) shall provide for the acquisition, nationalisation or requisition with or without compensation, and in a case where it provides for compensation shall fix the amount or specify the principles on which, and the manner in which, the compensation is to be assessed and paid; but no such law shall be called in question in any court on the ground that it does not provide for compensation or that any provision in respect of such compensation is not adequate.

43. Every citizen shall have the right, subject to any reasonable restrictions imposed by law in the interests of security of the State, public order, public morality or public health—

Protection of home and correspondence.

(a) to be secure in his home against entry, search and seizure; and

(b) to the privacy of his correspondence and other means of communication.

44. (1) The right to move the Supreme Court, in accordance with clause (1) of article 102, for the enforcement of the rights conferred by this Part, is guaranteed.

Enforcement of fundamental rights.

(2) Without prejudice to the powers of the Supreme Court under article 102, Parliament may by law empower any other court, within the local limits of its jurisdiction, to exercise all or any of those powers.

45. Nothing in this Part shall apply to any provision of a disciplinary law relating to members of a disciplined force, being a provision limited to the purpose of ensuring the proper discharge of their duties or the maintenance of discipline in that force.

Modification of rights in respect of disciplinary law.

46. Notwithstanding anything in the foregoing provisions of this Part, Parliament may by law make provision for indemnifying any person in the service of the Republic or any other person in respect of any act done by him in connection with the national liberation struggle or the maintenance or restoration of order in any area in Bangladesh or validate any sentence passed, punishment inflicted, forfeiture ordered, or other act done in any such area.

Power to provide indemnity.

47. (1) No law providing for any of the following matters shall be deemed to be void on the ground that

Saving for certain laws.

it is inconsistent with, or takes away or abridges, any of the rights guaranteed by this Part—

- (a) the compulsory acquisition, nationalisation or requisition of any property, or the control of management thereof whether temporarily or permanently;*
- (b) the compulsory amalgamation of bodies carrying on commercial or other undertakings;*
- (c) the extinction, modification, restriction or regulation of rights of directors, managers, agents and officers of any such bodies, or of the voting rights of persons owning shares or stock (in whatever form) therein;*
- (d) the extinction, modification, restriction or regulation of rights to search for or win minerals or mineral oil;*
- (e) the carrying on by the Government or by a corporation owned, controlled or managed by the Government, of any trade, business, industry or service to the exclusion, complete or partial, of other persons; or*
- (f) the extinction, modification, restriction or regulation of any right to property, any right in respect of a profession, occupation, trade or business or the rights of employers or employees in any statutory public authority or in any commercial or industrial undertaking;*

if Parliament in such law (including, in the case of existing law, by amendment) expressly declares that such provision is made to give effect to any of the fundamental principles of state policy set out in Part II of this Constitution.

(2) Notwithstanding anything contained in this Constitution the laws specified in the First Schedule (including any amendment of any such law) shall

continue to have full force and effect, and no provision of any such law, nor anything done or omitted to be done under the authority of such law, shall be deemed void or unlawful on the ground of inconsistency with, or repugnance to, any provision of this Constitution;

Provided that nothing in this article shall prevent the modification or repeal of any such law or provision by Act of Parliament, but no Bill for such an Act, if it contains provision for or has the effect of divesting the State of any property, or of enhancing any compensation payable by the State, shall be presented to the President for assent unless it is passed by the votes of not less than two-thirds of the total number of members of Parliament.

