

#### FOURTH SCHEDULE

[Article 150]

##### *Transitional and Temporary Provisions*

1. Upon the commencement of this Constitution, the Constituent Assembly, having discharged its responsibility of framing a Constitution for the Republic, shall stand dissolved.

*Dissolution of  
Constituent  
Assembly.*

2. (1) The first general election of members of Parliament shall be held as soon as possible after the commencement of this Constitution and for this purpose the electoral rolls prepared under the Bangladesh Electoral Rolls Order 1972 (P. O. No. 104 of 1972) shall be deemed to be the electoral rolls prepared in accordance with article 119.

*First elections.*

(2) For the purpose of the first general election of members of Parliament, the delimitation of constituencies made for the purpose of elections to constitute the erstwhile Provincial Assembly, and published in 1970, shall be deemed to be made under article 119, and the Election Commission shall, after incorporating such changes, as it may consider necessary, in the nomenclature of any constituency or any subdivision or thana included therein, publish, by public notification, the list of such constituencies:

*Provided that provision may be made by law to give effect to the provisions relating to seats for women members referred to in clause (3) of article 65.*

3. (1) All laws made or purported to have been made in the period between the 26th day of March 1971 and the commencement of this Constitution, all powers exercised and all things done during that period, under authority derived or purported to have been derived from the Proclamation of Independence or any

*Provisions for  
maintaining,  
continuity and  
interim arrange-  
ments.*

law, are hereby ratified and confirmed and are declared to have been duly made, exercised and done according to law.

(2) Until the day upon which Parliament first meets pursuant to the provisions of this Constitution, the executive and legislative powers of the Republic (including the power of the President, on the advice of the Prime Minister, to legislate by order) shall, notwithstanding the repeal of the Provisional Constitution of Bangladesh Order 1972, be exercised in all respects in the manner in which, immediately before the commencement of this Constitution, they have been exercised.

(3) Any provision of this Constitution enabling or requiring Parliament to legislate shall, until the day upon which Parliament first meets as aforesaid, be construed as enabling the President to legislate by order, and any order made under this paragraph shall have effect as if the provisions thereof had been enacted by Parliament.

4. (1) The person holding office as President of Bangladesh immediately before the commencement of this Constitution shall hold office as President, as if elected to that office under this Constitution, until a person elected as President under article 48 enters upon office; President.

Provided that the holding of office under this paragraph shall not be taken into account for the purposes of clause (2) of article 50.

(2) The persons holding office as Speaker and Deputy Speaker of the Constituent Assembly immediately before the commencement of this Constitution shall, notwithstanding that Parliament has not yet been constituted, be deemed to hold office respectively as Speaker and Deputy Speaker until an election to each of those offices is made under clause (1) of article 74.



5. The person holding office as Prime Minister, immediately before the date of the commencement of this Constitution shall, until his successor appointed under article 56 after the first general election held under this Constitution enters upon office, hold office as Prime Minister as if appointed to that office under this Constitution, and the persons holding offices as Ministers immediately before that date shall continue to hold office as Ministers until the Prime Minister otherwise directs, and nothing in article 56 shall prevent the appointment of other Ministers on the advice of the Prime Minister.

*Prime Minister and  
other Ministers.*

6. (1) The person holding office as Chief Justice immediately before the date of the commencement of this Constitution and every person who then held office as judge of the High Court constituted by the Provisional Constitution of Bangladesh Order 1972, shall as from that date hold office as if appointed under article 95 as Chief Justice or, as the case may be, as judge.

*Judiciary.*

(2) The persons (other than the Chief Justice) holding office as judges pursuant to sub-paragraph (1) of this paragraph shall at the commencement of this Constitution be deemed to have been appointed to the High Court Division, and appointments to the Appellate Division shall be made in accordance with article 94.

(3) All legal proceedings pending in the High Court immediately before the commencement of this Constitution (other than those referred to in sub-paragraph (4) of this paragraph) shall be transferred to, and be deemed to be pending before the High Court Division for determination, and any judgment or order of the High Court delivered or made before the commencement of this Constitution shall have the same force and effect as if it had been delivered or made by the High Court Division.



(4) All legal proceedings pending before the Appellate Division of the High Court immediately before the commencement of this Constitution shall be transferred to the Appellate Division for determination and any judgment or order of the former division delivered or made before the commencement of this Constitution shall have the same force and effect as if it had been delivered or made by the Appellate Division.

(5) Subject to the provisions of this Constitution and of any other law—

- (a) all original, appellate and other jurisdiction which was vested in the High Court constituted by the Provisional Constitution of Bangladesh Order 1972 (other than jurisdiction vested in the Appellate Division of that Court) shall from the commencement of this Constitution, vest in and be exercised by the High Court Division;
- (b) all civil, criminal and revenue courts and tribunals exercising jurisdiction and functions immediately before the commencement of this Constitution shall continue to exercise their respective jurisdictions and functions, and all persons holding office in such courts and tribunals shall continue to hold their respective offices.

(6) The provisions of Chapter II of Part VI (which relate to subordinate courts) shall be implemented as soon as is practicable, and until such implementation the matters provided for in that Chapter shall (subject to any other provision made by law) be regulated in the manner in which they were regulated immediately before the commencement of this Constitution.

(7) Nothing in this paragraph shall affect the operation of any existing law relating to the abatement of proceedings.



7. *An appeal to the Appellate Division of the Supreme Court shall lie, notwithstanding any limitation as to time, against any judgment, decree, order or sentence delivered, issued or pronounced since the 1st day of March 1971 by any High Court (but excluding the Appellate Division constituted by the High Court of Bangladesh (Amendment) Order (P. O. No. 91 of 1972) ) functioning in the territory of Bangladesh:*

*Interim rights of appeal.*

*Provided that article 103 shall apply in respect of any such appeal as it applies in respect of appeals from the High Court Division:*

*Provided further that no appeal under this article shall be lodged after the expiration of the period of ninety days from the commencement of this Constitution.*

8. (1) *The Election Commission existing immediately before the date of commencement of this Constitution, shall, as from that date, be deemed to be the Election Commission established by this Constitution.*

*Election Commission.*

(2) *The person holding office as Chief Election Commissioner, and every person holding office as Election Commissioner, immediately before the date of the commencement of this Constitution, shall, as from that date, hold office as if appointed to such office under this Constitution.*

9. (1) *The public service commissions existing immediately before the date of the commencement of this Constitution shall as from that date be deemed to be public service commissions established under this Constitution.*

*Public service commission.*

(2) *Every person holding office as chairman or other member of a public service commission immediately before the date of the commencement of this*

*Constitution shall as from that date hold office as if appointed to that office under this Constitution.*

10. (1) Subject to this Constitution and to any *Public service.*  
other law—

(a) any person who immediately before the commencement of this Constitution was in the service of the Republic shall continue in that service on the same terms and conditions as were applicable to him immediately before such commencement;

(b) all authorities and all officers, judicial, executive and ministerial throughout Bangladesh exercising functions immediately before the commencement of this Constitution shall, as from such commencement, continue to exercise their respective functions.

(2) Nothing in sub-paragraph (1) of this paragraph shall—

(a) derogate from the continued operation of the Government of Bangladesh (Services) Order 1972 (P. O. No. 9 of 1972), or the Government of Bangladesh (Services Screening) Order 1972 (P. O. No. 67 of 1972); or

(b) prevent the making of any law varying or revoking the conditions of service (including remuneration, leave, pension rights and rights relating to disciplinary matters) of persons employed at any time before the commencement of this Constitution or of persons continuing in the service of the Republic under the provisions of this paragraph.



11. Any person who, under this Schedule, is continued in an office in respect of which a form of oath or affirmation is set out in the Third Schedule shall, as soon as practicable after the commencement of this Constitution, make and subscribe before the appropriate person an oath or affirmation in that form.

*Oaths for continuance in office.*

12. Until elections are held to constitute the local government bodies referred to in article 59, the administrative arrangements existing in the different administrative units of the Republic immediately before the commencement of this Constitution shall continue, subject to such changes as may be made by law.

*Local government.*

13. All taxes and fees imposed under any law in force in Bangladesh immediately before the commencement of this Constitution shall continue to be imposed but may be varied or abolished by law.

*Taxation.*

14. Unless Parliament otherwise resolves, the provisions of articles 87, 89, 90 and 91 of this Constitution shall not have effect in respect of the financial year current at the commencement of this Constitution, and expenditure defrayed during that year out of the Consolidated Fund or the Public Account of the Republic shall be deemed to have been validly incurred:

*Interim financial arrangements.*

Provided that the President shall, as soon as is practicable, cause a statement of all such expenditure, authenticated by his signature, to be laid before Parliament.

15. The powers of the Comptroller and Auditor-General under this Constitution shall apply in respect of all accounts relating to the financial year current at the commencement of this Constitution and to earlier years, and the reports of the Comptroller and Auditor-General relating to such accounts shall be submitted to the President who shall cause them to be laid before Parliament.

*Audit of past accounts.*



16. (1) *All property, assets and rights which immediately before the commencement of this Constitution were vested in the Government of the People's Republic of Bangladesh or any person or authority on its behalf shall vest in the Republic.*

*Property, assets, rights, liabilities and obligations of the Government.*

(2) *All liabilities and obligations of the Government of the Republic as they existed immediately before the commencement of this Constitution shall continue to be the liabilities and obligations of the Republic.*

(3) *No liability or obligation of any other government which at any time functioned in the territory of Bangladesh is or shall be a liability or obligation of the Republic unless it is expressly accepted by the Government of the Republic.*

17. (1) *For the purpose of bringing the provisions of any law in force in Bangladesh into conformity with this Constitution the President may, within the period of two years from the commencement of this Constitution, by order, amend or suspend the operation of such provisions and any order so made may have retrospective effect.*

*Adaptation of laws and removal of difficulties.*

(2) *The President may, for the purpose of removing any difficulties in relation to the transition from the provisional constitutional arrangements existing before the commencement of this Constitution to the arrangements under this Constitution, by order, direct that this Constitution shall, during such period as may be specified in the order, have effect subject to such adaptations, whether by way of modification, addition or omission, as he may deem necessary or expedient:*

*Provided that no such order shall be made after the first meeting of the Parliament constituted under this Constitution.*