

PART V
THE LEGISLATURE
CHAPTER I—Parliament

65. (1) *There shall be a Parliament for Bangladesh (to be known as the House of the Nation) in which, subject to the provisions of this Constitution, shall be vested the legislative powers of the Republic:*

Establishment of Parliament.

Provided that nothing in this clause shall prevent Parliament from delegating to any person or authority, by Act of Parliament, power to make orders, rules, regulations, byelaws or other instruments having legislative effect.

(2) *Parliament shall consist of three hundred members to be elected in accordance with law from single territorial constituencies by direct election and, for so long as clause (3) is effective, the members provided for in that clause; the members shall be designated as Members of Parliament.*

(3) *Until the dissolution of Parliament occurring next after the expiration of the period of ten years from the commencement of this Constitution there shall be reserved fifteen seats exclusively for women members, who shall be elected according to law by the members aforesaid:*

Provided that nothing in this clause shall prevent a woman from being elected to any of the seats provided for in clause (2).

(4) *The seat of Parliament shall be in the capital.*

66. (1) *A person shall, subject to the provisions of clause (2), be qualified to be elected as, and to be, a member of Parliament if he is a citizen of Bangladesh and has attained the age of twenty-five years.*

Qualifications and disqualifications for election to Parliament.

(2) *A person shall be disqualified for election as, or for being, a member of Parliament who—*

(a) *is declared by a competent court to be of unsound mind;*

- (b) *is an undischarged insolvent;*
- (c) *acquires the citizenship of, or affirms or acknowledges allegiance to, a foreign state;*
- (d) *has been, on conviction for a criminal offence involving moral turpitude, sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his release;*
- (e) *has been convicted of any offence under the Bangladesh Collaborators (Special Tribunals) Order 1972;*
- (f) *holds any office of profit in the service of the Republic other than an office which is declared by law not to disqualify its holder; or*
- (g) *is disqualified for such election by or under any law.*

(3) *For the purposes of this article a person shall not be deemed to hold an office of profit in the service of the Republic by reason only that he is a Minister, Minister of State or Deputy Minister.*

(4) *If any dispute arises as to whether a member of Parliament has, after his election, become subject to any of the disqualifications mentioned in clause (2) or as to whether a member of Parliament should vacate his seat pursuant to article 70, the dispute shall be referred to the Election Commission to hear and determine it and the decision of the Commission on such reference shall be final.*

(5) *Parliament may, by law, make such provision as it deems necessary for empowering the Election Commission to give full effect to the provisions of clause (4).*

67. (1) *A member of Parliament shall vacate his seat—*

Vacation of seats of members.

- (a) *if he fails, within the period of ninety days from the date of the first meeting of Parliament after his election, to make and subscribe before Parliament the oath or affirmation prescribed for a member of Parliament in the Third Schedule:*

Provided that the Speaker may, before the expiration of that period, for good cause extend it;

- (b) *if he is absent from Parliament, without the leave of Parliament, for ninety consecutive sitting days;*
(c) *upon a dissolution of Parliament;*
(d) *if he has incurred a disqualification under clause (2) of article 66; or*
(e) *in the circumstances specified in article 70.*

(2) *A member of Parliament may resign his seat by writing under his hand addressed to the Speaker, and the seat shall become vacant when the writing is received by the Speaker or, if the office of Speaker is vacant or the Speaker is for any reason unable to perform his functions, by the Deputy Speaker.*

68. *Members of Parliament shall be entitled to such salaries, allowances and privileges as may be determined by Act of Parliament or, until so determined, by order made by the President.*

Salaries, etc., of members of Parliament.

69. *If a person sits or votes as a member of Parliament before he makes or subscribes the oath or affirmation in accordance with this Constitution, or when he knows that he is not qualified or is disqualified for membership thereof, he shall be liable in respect of*

Penalty for member sitting or voting before taking oath.

each day on which he so sits or votes to a penalty of one thousand takas to be recovered as a debt due to the Republic.

70. *A person elected as a member of Parliament at an election at which he was nominated as a candidate by a political party shall vacate his seat if he—*

Vacation of seat on resignation or voting against political party.

(a) resigns from that party; or

(b) votes in Parliament against that party;

but shall not thereby be disqualified for subsequent election as a member of Parliament.

71. (1) *No person shall at the same time be a member of Parliament in respect of two or more constituencies.*

Bar against double membership.

(2) *Nothing in clause (1) shall prevent a person from being at the same time a candidate for two or more constituencies, but in the event of his being elected for more than one—*

(a) within thirty days after his last election the person elected shall deliver to the Chief Election Commissioner a signed declaration specifying the constituency which he wishes to represent, and the seats of the other constituencies for which he was elected shall thereupon fall vacant;

(b) if the person elected fails to comply with sub-clause (a), all the seats for which he was elected shall fall vacant; and

(c) the person elected shall not make or subscribe the oath or affirmation of a member of Parliament until the foregoing provisions of this clause, so far as applicable, have been complied with.

72. (1) *Parliament shall be summoned, prorogued and dissolved by the President by public notification,*

Sessions of Parliament.

and when summoning Parliament the President shall specify the time and place of the first meeting:

Provided that a period exceeding sixty days shall not intervene between the end of one session and the first sitting of Parliament in the next session.

(2) Notwithstanding the provisions of clause (1) Parliament shall be summoned to meet within thirty days after the declaration of the results of polling at any general election of members of Parliament.

(3) Unless sooner dissolved by the President, Parliament shall stand dissolved on the expiration of the period of five years from the date of its first meeting:

Provided that at any time when the Republic is engaged in war the period may be extended by Act of Parliament by not more than one year at a time but shall not be so extended beyond six months after the termination of the war.

(4) If after a dissolution and before the holding of the next general election of members of Parliament the President is satisfied that owing to the existence of a state of war in which the Republic is engaged it is necessary to recall Parliament, the President shall summon the Parliament that has been dissolved to meet.

(5) Subject to the provisions of clause (1) the sittings of Parliament shall be held at such times and places as Parliament may, by its rules of procedure or otherwise, determine.

73. (1) The President may address Parliament and may send messages thereto.

*President's address
and messages to
Parliament.*

(2) At the commencement of the first session after a general election of members of Parliament and at the commencement of the first session of each year the President shall address Parliament.

(3) Parliament shall, after the presentation of an address by the President, or the receipt of a message from him, discuss the matters referred to in such address or message.

74. (1) Parliament shall at the first sitting after any general election elect from among its members a Speaker and a Deputy Speaker, and if either office becomes vacant shall within seven days or, if Parliament is not then sitting at its first meeting thereafter, elect one of its members to fill the vacancy.

Speaker and Deputy Speaker.

(2) The Speaker or Deputy Speaker shall vacate his office—

- (a) if he ceases to be a member of Parliament;
- (b) if he becomes a Minister;
- (c) if Parliament passes a resolution (after not less than fourteen days' notice has been given of the intention to move the resolution) supported by the votes of a majority of all the members thereof, requiring his removal from office;
- (d) if he resigns his office by writing under his hand delivered to the President;
- (e) if after a general election another member enters upon that office; or
- (f) in the case of the Deputy Speaker, if he enters upon the office of Speaker.

(3) While the office of the Speaker is vacant or the Speaker is exercising the functions of the President, or if it is determined by Parliament that the Speaker is otherwise unable to perform the functions of his office, those functions shall be performed by the Deputy Speaker or, if the office of the Deputy Speaker is vacant, by such member of Parliament as may be determined by or under the rules of procedure of Parliament; and during the absence of the Speaker from any sitting of Parliament the Deputy Speaker or, if he also is absent, such person as may be determined by or under the rules of procedure, shall act as Speaker.

(4) *At any sitting of Parliament, while a resolution for the removal of the Speaker from his office is under consideration the Speaker (or while any resolution for the removal of the Deputy Speaker from his office is under consideration, the Deputy Speaker) shall not preside, and the provisions of clause (3) shall apply in relation to every such sitting as they apply in relation to a sitting from which the Speaker or, as the case may be, the Deputy Speaker is absent.*

(5) *The Speaker or the Deputy Speaker, as the case may be, shall have the right to speak in, and otherwise to take part in, the proceedings of Parliament while any resolution for his removal from office is under consideration in Parliament, and shall be entitled to vote but only as a member.*

(6) *Notwithstanding the provisions of clause (2) the Speaker or, as the case may be, the Deputy Speaker, shall be deemed to continue to hold office until his successor has entered upon office.*

75. (1) *Subject to this Constitution—*

*Rules of procedure,
quorum, etc.*

- (a) *the procedure of Parliament shall be regulated by rules of procedure made by it, and until such rules are made shall be regulated by rules of procedure made by the President;*
- (b) *a decision in Parliament shall be taken by a majority of the votes of the members present and voting, but the person presiding shall not vote except when there is an equality of votes, in which case he shall exercise a casting vote;*
- (c) *no proceeding in Parliament shall be invalid by reason only that there is a vacancy in the membership thereof or that a person who was not entitled to do so was present at, or voted or otherwise participated in, the proceeding.*

(2) *If at any time during which Parliament is in session the attention of the person presiding is drawn*

to the fact that the number of members present is less than sixty, he shall either suspend the meeting until at least sixty members are present, or adjourn it.

76. (1) At its first meeting in each session Parliament shall appoint from among its members the following standing committees, that is to say—

*Standing committees
of Parliament.*

- (a) a public accounts committee;
- (b) a committee of privileges; and
- (c) such other standing committees as the rules of procedure of Parliament require.

(2) In addition to the committees referred to in clause (1), Parliament shall appoint other standing committees, and a committee so appointed may, subject to this Constitution and to any other law—

- (a) examine draft bills and other legislative proposals;
- (b) review the enforcement of laws and propose measures for such enforcement;
- (c) in relation to any matter referred to it by Parliament as a matter of public importance, investigate or inquire into the activities or administration of a Ministry and may require it to furnish, through an authorised representative, relevant information and to answer questions, orally or in writing;
- (d) perform any other function assigned to it by Parliament.

(3) Parliament may by law confer on committees appointed under this article powers for—

- (a) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise;
- (b) compelling the production of documents.

77. (1) Parliament may, by law, provide for the establishment of the office of Ombudsman.

(2) The Ombudsman shall exercise such powers and perform such functions as Parliament may, by law, determine, including the power to investigate any action taken by a Ministry, a public officer or a statutory public authority.

(3) The Ombudsman shall prepare an annual report concerning the discharge of his functions, and such report shall be laid before Parliament.

78. (1) The validity of the proceedings in Parliament shall not be questioned in any court.

Privileges and immunities of Parliament and members.

(2) A member or officer of Parliament in whom powers are vested for the regulation of procedure, the conduct of business or the maintenance of order in Parliament, shall not in relation to the exercise by him of any such powers be subject to the jurisdiction of any court.

(3) A member of Parliament shall not be liable to proceedings in any court in respect of anything said, or any vote given, by him in Parliament or in any committee thereof.

(4) A person shall not be liable to proceedings in any court in respect of the publication by or under the authority of Parliament of any report, paper, vote or proceeding.

(5) Subject to this article, the privileges of Parliament and of its committees and members may be determined by Act of Parliament.

79. (1) Parliament shall have its own secretariat.

Secretariat of Parliament.

(2) Parliament may, by law, regulate the recruitment and conditions of service of persons appointed to the secretariat of Parliament.

(3) Until provision is made by Parliament the President may, after consultation with the Speaker,

make rules regulating the recruitment and conditions of service of persons appointed to the secretariat of Parliament, and rules so made shall have effect subject to the provisions of any law.

CHAPTER II—Legislative and Financial Procedures

80. (1) Every proposal in Parliament for making a law shall be made in the form of a Bill. *Legislative procedure.*

(2) When a Bill is passed by Parliament it shall be presented to the President for assent.

(3) The President, within fifteen days after a Bill is presented to him, shall assent to the Bill or, in the case of a Bill other than a Money Bill, may return it to Parliament with a message requesting that the Bill or any particular provisions thereof be reconsidered, and that any amendments specified by him in the message be considered; and if he fails so to do he shall be deemed to have assented to the Bill at the expiration of that period.

(4) If the President so returns the Bill Parliament shall consider it together with the President's message, and if the Bill is again passed by Parliament with or without amendments, it shall be presented to the President for his assent, whereupon the President shall assent to the Bill within the period of seven days after it has been presented to him, and if he fails to do so he shall be deemed to have assented to the Bill on the expiration of that period.

(5) When the President has assented or is deemed to have assented to a Bill passed by Parliament it shall become law and shall be called an Act of Parliament.

81. (1) In this Part "Money Bill" means a Bill containing only provisions dealing with all or any of the following matters— *Money Bills.*

(a) the imposition, regulation, alteration, remission or repeal of any tax;

- (b) *the borrowing of money or the giving of any guarantee by the Government, or the amendment of any law relating to the financial obligations of the Government;*
- (c) *the custody of the Consolidated Fund, the payment of money into, or the issue or appropriation of moneys from, that Fund;*
- (d) *the imposition of a charge upon the Consolidated Fund, or the alteration or abolition of any such charge;*
- (e) *the receipt of moneys on account of the Consolidated Fund or the Public Account of the Republic, or the custody or issue of such moneys, or the audit of the accounts of the Government;*
- (f) *any subordinate matter incidental to any of the matters specified in the foregoing sub-clauses.*

(2) *A Bill shall not be deemed to be a Money Bill by reason only that it provides for the imposition or alteration of any fine or other pecuniary penalty, or for the levy or payment of a licence fee or a fee or charge for any service rendered, or by reason only that it provides for the imposition, regulation, alteration, remission or repeal of any tax by a local authority or body for local purposes.*

(3) *Every Money Bill shall, when it is presented to the President for his assent, bear a certificate under the hand of the Speaker that it is a Money Bill, and such certificate shall be conclusive for all purposes and shall not be questioned in any court.*

82. *No Money Bill, nor any Bill which involves expenditure from public moneys, shall be introduced into Parliament except on the recommendation of the President:*

*Recommendation
for financial
measures.*

Provided that no recommendation shall be required under this article for the moving of an amendment making provision for the reduction or abolition of any tax.

83. No tax shall be levied or collected except by or under the authority of an Act of Parliament.

No taxation except by or under Act of Parliament.

84. (1) All revenues received by the Government, all loans raised by the Government, and all moneys received by it in repayment of any loan, shall form part of one fund to be known as the Consolidated Fund.

Consolidated Fund and the Public Account of the Republic.

(2) All other public moneys received by or on behalf of the Government shall be credited to the Public Account of the Republic.

85. The custody of public moneys, their payment into and the withdrawal from the Consolidated Fund or, as the case may be, the Public Account of the Republic, and matters connected with or ancillary to the matters aforesaid, shall be regulated by Act of Parliament, and until provision in that behalf is so made, by rules made by the President.

Regulation of public moneys.

86. All moneys received by or deposited with—

- (a) any person employed in the service of the Republic or in connection with the affairs of the Republic, other than revenues or moneys which by virtue of clause (1) of article 84 shall form part of the Consolidated Fund; or
- (b) any court to the credit of any cause, matter, account or persons,

Moneys payable to Public Account of Republic.

shall be paid into the Public Account of the Republic.

87. (1) There shall be laid before Parliament, in respect of each financial year, a statement of the estimated receipts and expenditure of the Government for that year, in this Part referred to as the annual financial statement.

Annual financial statement.

(2) The annual financial statement shall show separately—

- (a) the sums required to meet expenditure charged by or under this Constitution upon the Consolidated Fund; and

- (b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund;

and shall distinguish expenditure on revenue account from other expenditure.

88. The following expenditure shall be charged upon the Consolidated Fund—

Charges on Consolidated Fund.

- (a) the remuneration payable to the President and other expenditure relating to his office;
- (b) the remuneration payable to—
- (i) the Speaker and Deputy Speaker;
 - (ii) the Judges of the Supreme Court;
 - (iii) the Comptroller and Auditor-General;
 - (iv) the Election Commissioners;
 - (v) the members of the Public Service Commissions;
- (c) the administrative expenses of, including remuneration payable to, officers and servants of Parliament, the Supreme Court, the Comptroller and Auditor-General, the Election Commission and the Public Service Commissions;
- (d) all debt charges for which the Government is liable, including interest, sinking fund charges, the repayment or amortisation of capital, and other expenditure in connection with the raising of loans and the service and redemption of debt;
- (e) any sums required to satisfy a judgment, decree or award against the Republic by any court or tribunal; and
- (f) any other expenditure charged upon the Consolidated Fund by this Constitution or by Act of Parliament.

89. (1) So much of the annual financial statement as relates to expenditure charged upon the Consolidated Fund may be discussed in, but shall not be submitted to the vote of, Parliament.

Procedure relating to annual financial statement.

(2) So much of the annual financial statement as relates to other expenditure shall be submitted to Parliament in the form of demands for grants, and Parliament shall have power to assent to or to refuse to assent to any demand, or to assent to it subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the President.

90. (1) As soon as may be after the grants under article 89 have been made by Parliament there shall be introduced in Parliament a Bill to provide for appropriation out of the Consolidated Fund of all moneys required to meet—

Appropriation Act.

- (a) the grants so made by Parliament; and
- (b) the expenditure charged on the Consolidated Fund but not exceeding in any case the amount shown in the annual financial statement laid before Parliament.

(2) No amendment shall be proposed in Parliament to any such Bill which has the effect of varying the amount of any grant so made or altering the purpose to which it is to be applied, or of varying the amount of any expenditure charged on the Consolidated Fund.

(3) Subject to the provisions of this Constitution no money shall be withdrawn from the Consolidated Fund except under appropriation made by law passed in accordance with the provisions of this article.

91. If in respect of any financial year it is found—

Supplementary and excess grants.

- (a) that the amount authorised to be expended for a particular service for the current financial year is insufficient or that a need has

arisen for expenditure upon some new service not included in the annual financial statement for that year; or

- (b) that any money has been spent on a service during a financial year in excess of the amount granted for that service for that year;*

the President shall have power to authorise expenditure from the Consolidated Fund whether or not it is charged by or under the Constitution upon that Fund and shall cause to be laid before Parliament a supplementary financial statement setting out the estimated amount of the expenditure or, as the case may be, an excess financial statement setting out the amount of the excess, and the provisions of articles 87 to 90 shall (with the necessary adaptations) apply in relation to those statements as they apply in relation to the annual financial statement.

92. (1) Notwithstanding anything in the foregoing provisions of this Chapter, Parliament shall have power—

*Votes on account,
votes of credit, etc.*

- (a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in article 89 for the voting of such grant and the passing of a law in accordance with the provisions of article 90 in relation to that expenditure;*
- (b) to make a grant for meeting an unexpected demand upon the resources of the Republic when on account of the magnitude or the indefinite character of the service the demand cannot be specified with the details ordinarily given in an annual financial statement;*
- (c) to make an exceptional grant which forms no part of the current service of any financial year;*

and Parliament shall have power to authorise by law the withdrawal of moneys from the Consolidated Fund for the purposes for which such grants are made.

(2) The provisions of articles 89 and 90 shall have effect in relation to the making of any grant under clause (1), and to any law to be made under that clause, as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and to the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund to meet such expenditure.

CHAPTER III—Ordinance Making Power

93. (1) *At any time when Parliament is not in session, if the President is satisfied that circumstances exist which render immediate action necessary, he may make and promulgate such Ordinances as the circumstances appear to him to require, and any Ordinance so made shall, as from its promulgation have the like force of law as an Act of Parliament:*

Ordinance making power.

Provided that no Ordinance under this clause shall make any provision—

- (i) which could not lawfully be made under this Constitution by Act of Parliament;*
- (ii) for altering or repealing any provision of this Constitution; or*
- (iii) continuing in force any provision of an Ordinance previously made.*

(2) An Ordinance made under clause (1) shall be laid before Parliament at its first meeting following the promulgation of the Ordinance and shall, unless it is earlier repealed, cease to have effect at the expiration of thirty days after it is so laid or, if a resolution disapproving of the Ordinance is passed by Parliament before such expiration, upon the passing of the resolution.

(3) At any time when Parliament stands dissolved the President may, if he is satisfied that circumstances exist which render such action necessary, make and promulgate an Ordinance authorising expenditure from the Consolidated Fund, whether the expenditure is charged by the Constitution upon that fund or not, and any Ordinance so made shall, as from its promulgation, have the like force of law as an Act of Parliament.

(4) Every Ordinance promulgated under clause (3) shall be laid before Parliament as soon as may be, and the provisions of articles 87, 89 and 90 shall, with necessary adaptations, be complied with in respect thereof within thirty days of the reconstitution of Parliament.

