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# THE NAME OF THE CHAPTER: THE GOVERNMENT OF BANGLADESH

## THE NAME OF THE TOPIC: THE FUNDAMENTAL RIGHTS IN THE CONSTITUTION OF BANGLADESH

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- **The summary of the enlisted fundamental rights in the constitution of Bangladesh:**

**1. Laws inconsistent with Fundamental rights to be void (Article, 26)**

**2. Equality before law:** Article 27 guarantees every citizen's right to equality before the law and the equal protection of the laws. It combines the English concept of equality before law and the American concept of equal protection of law.

**3. Discrimination on grounds of religion etc:** Art. 28 has been introduced to make classification only on grounds of religion, race, caste, sex or place of birth unreasonable except when a provision is made in favor of women, children and backward section of citizens.

**4. Equality of opportunity in public employment:** Clause (1) of Article 29 of the constitution guarantees equality of opportunity for all citizens in the matter of employment or office in the service of the Republic. This clause gives effect to the doctrine of equality in respect of appointment as well as promotion.

- Clause (2) Prohibits discrimination in respect of employment in an office in the service of Bangladesh on the grounds only of religion, race, caste, sex or place of birth.

**5. Prohibition of foreign titles, etc:** Article 30 provides that No citizen shall, without the prior approval of the president, accept any title, honor, award or decoration from any foreign state.

**6. Right to protection of law:** Article 31 deals with the protection of law to be enjoyed by citizens and persons residing in Bangladesh and in particular, in respect of life, liberty, body, reputation and property.

## **7. Protection of Right to life and personal liberty**

**8. Safeguards as to arrest and detention:** Article 33 consists of two parts: Clauses (1) and (2) relate to persons otherwise than a preventive detention of law. Clauses from (3) to (6) apply to person arrested or detained under preventive detention. This Article provides for protection against unreasonable arrest and detention.

**9. Prohibition of forced labor:** Clause (1) of Article 34 prohibits all forms of forced labour and any contravention of this rule has been made punishable in accordance with law.

## **10. Protection in respect of trial and punishment.**

**11. Freedom of movement:** Art.36 provides that subject to reasonable restrictions imposed by law in the public interest, every citizen has the right to move freely through out Bangladesh, to reside and settle in any place in Bangladesh, and to leave and re-enter Bangladesh.

**12. Freedom of assembly:** 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.

**13. Freedom of Association:** The very existence of democracy is dependent on the right to form associations, without the right there cannot be any political party which is an essential institution of democracy. The right of free association is closely allied with the freedom of speech and which is a right to free speech, and foundation of a free society.

**14. Freedom of thought, conscience, speech and press:** Freedom of thought and conscience is essential to the development of human personality and every person should be free in his thought and conscience. On the other, freedom of speech is essential for the development and functioning of democracy. Without freedom of speech there cannot be any democracy and the first thing and autocrat does is to curb the freedom of speech.

**15. Freedom of profession or occupation:** Article 40 provides that every citizen shall have the right to enter upon any lawful profession or occupation and to conduct any lawful trade or business.

**16. Freedom of religion:** Article 41 ensures that every citizen has the right to profess, practice or propagate any religion and every religious community or group can establish, maintain and manage its religious institutions subject to reasonable restriction imposed by law on the ground of public order and morality.

**17. Rights to property:** Article 41 guaranteed that every citizen has right to acquire, hold, transfer or otherwise dispose of property, subject to restrictions imposed by law compulsory acquisition, nationalization and requisition of property is not permissible without the authority of law.

**18. Protection of home and correspondence:** Article 43 ensures the citizens right to be secured in his home against entry, search and seizure and also to the privacy of his correspondence and other means of communication.

- Restriction can be imposed on such rights on the ground of security of the state, public order, public morality and public health. This article guarantees the privacy of home and correspondence and communications.

**19. Enforcement of fundamental rights:** Article 44(1) provides that the right to move the Supreme Court for enforcement of any of the fundamental rights is itself a fundamental right.

- Art. 44(2) enables parliament to confer the jurisdiction to enforce fundamental rights on any other court, but such conferment cannot be in derogation of the power of the Supreme Court under Art. 102(1) which means that such other court may be given concurrent, but not exclusive, power of enforcement of fundamental rights. The Court must always have the power of enforcement of fundamental rights.
- **Modification of rights in respect of disciplinary law:** Article 45 is a modification of rights in respect of disciplinary law. The provisions of part III will not be applicable to the members of disciplined forces for ensuring proper discharge of their duties or maintenance of discipline in that force, disciplinary law is kept out of the ambit of enforcement of fundamental rights.
- The constitution but not parliament is supreme. It is stated in the preamble that it is our sacred duties to safeguard protects and defend this constitution and to maintain its supremacy as the embodiment of the will of the people of Bangladesh. Article 7 states all powers in the Republic belong to the people and their exercise on behalf of the people shall be affected only under and by the authority of this constitution.