

FIRST SCHEDULE

[Article 47]

Laws effective notwithstanding other provisions

The State Acquisition and Tenancy Act, 1950 (E. B. Act XXVIII of 1951).

The Bangladesh (Taking over of Control and Management of Industrial and Commercial Concerns) Order, 1972 (A. P. O. No. 1 of 1972).

¹[The Bangladesh Collaborators (Special Tribunals) Order, 1972 (P.O. No. 8 of 1972)] .

²[The Government of Bangladesh (Services) Order, 1972 (P.O. No. 9 of 1972)]

The Bangladesh Shipping Corporation Order, 1972 (P. O. No. 10 of 1972).

³[The Bangladesh (Restoration of Evacuee Property) Order, 1972 (P.O. No. 13 of 1972)]

⁴[The Bangladesh Public Servants (Retirement) Order, 1972 (P.O. No. 14 of 1972)].

The Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972 (P. O. No. 16 of 1972).

The Bangladesh Banks (Nationalisation) Order, 1972 (P. O. No. 26 of 1972).

The Bangladesh Industrial Enterprises (Nationalisation) Order, 1972 (P. O. No. 27 of 1972).

The Bangladesh Inland Water Transport Corporation Order, 1972 (P. O. No. 28 of 1972).

The Bangladesh (Vesting of Property and Assets) Order, 1972 (P. O. No. 29 of 1972).

The Bangladesh Insurance (Emergency Provisions) Order, 1972 (P. O. No. 30 of 1972).

⁵[The Bangladesh Consumer Supplies Corporation Order, 1972 (P.O. No. 47 of 1972)].

¹ The entry "The Bangladesh Collaborators (Special Tribunals) Order, 1972 (P.O. No. 8 of 1972)" was inserted by the Constitution (Fifteenth Amendment) Act, 2011 (Act XIV of 2011), section 47.

² Repealed by the Government of Bangladesh (Service) (Repeal) Ordinance, 1975 (Ordinance XLIV of 1975).

³ Spent on 26-9-1975.

⁴ Repealed by the public servant's (Retirement) Ordinance, 1973 (Ordinance XXVI of 1973).

⁵ Repealed by the Bangladesh Consumer Supplies Corporation (Repeal) Act, 1981 (Act III of 1981).

¹[The Bangladesh Scheduled Offences (Special Tribunals) Order, 1972 (P.O. No. 50 of 1972)].

²[The Bangladesh Nationalised and Private Organisations (Regulation of Salary of Employees) Order, 1972 (P.O. No. 54 of 1972)].

³[The Bangladesh Jute Export Corporation Order, 1972 (P.O. No. 57 of 1972)].

The Bangladesh Water and Power Development Boards Order, 1972 (P. O. No. 59 of 1972).

⁴[The Government of Bangladesh (Services Screening) Order, 1972 (P.O. No. 67 of 1972)].

⁵[The Bangladesh Government Hats and Bazars (Management) Order, 1972 (P.O. No. 73 of 1972)].

²[The Bangladesh Government and Semi-autonomous Organisations (Regulation of Salary of Employees) Order, 1972 (P.O. No. 79 of 1972)].

The Bangladesh Insurance (Nationalisation) Order, 1972 (P.O. No. 95 of 1972).

The Bangladesh Land Holding (Limitation) Order, 1972 (P.O. No. 98 of 1972).

⁶[The Bangladesh Biman Order, 1972 (P.O. No. 126 of 1972)].

The Bangladesh Bank Order, 1972 (P.O. No. 127 of 1972).

The Bangladesh Shilpa Rin Sangstha Order, 1972 (P.O. No. 128 of 1972).

The Bangladesh Shilpa Bank Order, 1972 (P.O. No. 129 of 1972).

And all Presidential Orders and other existing law effecting amendment to the above-mentioned Act and Orders.

[Second Schedule Election of President—omitted by the Constitution (Fourth Amendment) Act, 1975 (Act II of 1975), section 31.]

¹ Repealed by the Special Powers Act, 1974 (Act XIV of 1974).

² Repealed by the regulation of Salary of Employees Laws Repeal Ordinance, 1977 (Ordinance XLII of 1977).

³ Repealed by the Bangladesh Jute Corporation Ordinance, 1985 (Ordinance XXX of 1985).

⁴ Repealed by the Government of Bangladesh (Service Screening) (Repeal) Ordinance, 1977 (Ordinance XV of 1977).

⁵ Repealed by the Bangladesh Government Hats and Bazars (Management) (Repeal) Ordinance, 1975 (Ordinance LIX of 1975).

⁶ Repealed by the Bangladesh Biman Corporation Ordinance, 1977 (Ordinance XIX of 1977).

THIRD SCHEDULE

[Article 148]

OATHS AND AFFIRMATIONS

1. The President.—An oath (or affirmation) in the following form shall be administered by the ¹[Speaker]—

"I,.....do solemnly swear (or affirm) that I will faithfully discharge the duties of the office of President of Bangladesh according to law :

That I will bear true faith and allegiance to Bangladesh :

That I will preserve, protect and defend the Constitution :

And that I will do right to all manner of people according to law, without fear or favour, affection or ill-will."

²[* * *]

³[* * *]

2. The ⁴[Prime Minister] ⁵[* * *] and other Ministers, Ministers of State and Deputy Ministers].— Oaths (or affirmations) in the following forms shall be administered by the President—

(a) Oath (or affirmation) of office :

"I, do solemnly swear (or affirm) that I will faithfully discharge the duties of the office of Prime Minister (or as the case may be) according to law :

That I will bear true faith and allegiance to Bangladesh :

That I will preserve, protect and defend the Constitution :

And that I will do right to all manner of people according to law, without fear or favour, affection or ill-will."

¹ Substituted for the words "Chief Justice" by the Constitution (Fifteenth Amendment) Act, 2011 (Act XIV of 2011), section 48(a).

² Form "1A Vice-President" was omitted by the Constitution (Twelfth Amendment) Act, 1991 (Act XXVIII of 1991), section 24(a).

³ Form IA was omitted by the Constitution (Fifteenth Amendment) Act, 2011 (Act XIV of 2011), section 48(b).

⁴ Substituted for the words "Prime Minister" by the Constitution (Fifteenth Amendment) Act, 2011 (Act XIV of 2011), section 48(c).

⁵ The comma and words ", Deputy Prime Minister" were omitted by the Constitution (Twelfth Amendment) Act, 1991 (Act XXVIII of 1991), section 24(b).

(b) Oath (or affirmation) of secrecy :

"I,, do solemnly swear (or affirm) that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as Prime Minister (or as the case may be) except as may be required for the due discharge of my duty as Prime Minister (or as the case may be)."

¹[* * *]

3. The Speaker.— An oath (or affirmation) in the following forms shall be administered by the ²[President]—

"I,, do solemnly swear (or affirm) that I will faithfully discharge the duties of the Speaker of Parliament and (whenever I am called upon so to do) of the President, according to law :

That I will bear true faith and allegiance to Bangladesh :

That I will preserve, protect and defend the Constitution :

And that I will do right to all manner of people according to law, without fear or favour, affection or ill-will."

4. Deputy Speaker.— An oath (or affirmation) in the following forms shall be administered by the ³[President]—

"I,, do solemnly swear (or affirm) that I will faithfully discharge the duties of Deputy Speaker of Parliament and (whenever I am called upon so to do) of the Speaker, according to law :

That I will bear true faith and allegiance to Bangladesh :

That I will preserve, protect and defend the Constitution :

And that I will do right to all manner of people according to law, without fear or favour, affection or ill-will."

¹ From 2A was omitted by the Constitution (fifteenth Amendment) Act, 2011 (Act XIV of 2011), section 48(d).

² Substituted for the words "Chief Justice" by the Constitution (Fourth Amendment) Act, 1975 (Act II of 1975), section 32(c).

³ Substituted for the words "Chief Justice" by the Constitution (Fourth Amendment) Act, 1975 (Act II of 1975), section 32(d).

5. Member of Parliament.— An oath (or affirmation) in the following forms shall be administered ¹[* * *] by the Speaker—

"I,, having been elected a member of Parliament do solemnly swear (or affirm) that I will faithfully discharge the duties upon which I am about to enter according to law :

That I will bear true faith and allegiance to Bangladesh :

And that I will not allow my personal interest to influence the discharge of my duties as a member of Parliament."

2[6. **Chief Justice or Judges.**—An oath (or affirmation) in the following forms shall be administered, in the case of the Chief Justice by the President, and in the case of a Judge appointed to a division, by the Chief Justice—

"I,, having been appointed Chief Justice of Bangladesh (or Judge of the Appellate/High Court Division of the Supreme Court) do solemnly swear (or affirm) that I will faithfully discharge the duties of my office according to law :

That I will bear true faith and allegiance to Bangladesh :

That I will preserve, protect and defend the Constitution and the laws of Bangladesh :

And that I will do right to all manner of people according to law, without fear or favour, affection or ill-will.]

7. Chief Election Commissioner or Election Commissioner.— An oath (or affirmation) in the following forms shall be administered by the Chief Justice—

"I,, having been appointed Chief Election Commissioner (or Election Commissioner), do solemnly swear (or affirm) that I will faithfully discharge the duties of my office according to law :

That I will bear true faith and allegiance to Bangladesh :

That I will preserve, protect and defend the Constitution :

And that I will not allow my personal interest to influence my official conduct or my official decisions."

¹ The words "at a meeting of Parliament" were omitted by the Constitution (Fourth Amendment) Act, 1975 (Act II of 1975), section 32(e).

² Substituted for the form 6 by the (Fifteenth Amendment) Act, 2011 (Act XIV of 2011), section 48(e).

8. Comptroller and Auditor-General.— An oath (or affirmation) in the following forms shall be administered, by the ¹[Chief Justice]—

"I,, having been appointed Comptroller and Auditor-General do solemnly swear (or affirm) that I will faithfully discharge the duties of my office according to law :

That I will bear true faith and allegiance to Bangladesh :

That I will preserve, protect and defend the Constitution :

And that I will not allow my personal interest to influence my official conduct or my official decisions."

9. Member of Public Service Commission.—An oath (or affirmation) in the following form shall be administered by the Chief Justice—

"I,, having been appointed Chairman (or Member) of a Public Service Commission do solemnly swear (or affirm) that I will faithfully discharge the duties of my office according to law ;

That I will bear true faith and allegiance to Bangladesh :

That I will preserve, protect and defend the Constitution :

And that I will not allow my personal interest to influence my official conduct or my official decisions."

¹ Substituted for the words "Chief Justice" by the Constitution (Fifteenth Amendment) Act, 2011 (Act XIV of 2011), section 48(f).

FOURTH SCHEDULE

¹[Article 150(1)]

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

Provisions for
maintaining
continuity and
interim
arrangements

(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.

¹ Substituted by the Constitution (Fifteenth Amendment) Act, 2011 (Act XIV of 2011), section 49(a).

(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.

¹[* * *]

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.

¹ Paragraph 3A was Omitted by the Constitution (Fifteenth Amendment) Act, 2011 (Act XIV of 2011), section 49(c).

(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.

¹[* * *]

¹ paragraphs 6A and 6B were omitted by the Constitution (Fifteenth Amendment) Act, 2011 (Act XIV of 2011), section 49(c).

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 other law—

Public service

(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.

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(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

¹[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

¹Article 12 was Substituted by the Constitution (Fifteenth Amendment) Act, 2011 (Act XIV of 2011), section 49(b).

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.

(3) Every order made under this paragraph shall have effect notwithstanding any other provision of this Constitution, shall be laid before Parliament, and may be amended or revoked by Act of Parliament.

1[* * *]

¹ Articles 18, 19, 20, 21, 22 and 23, were omitted by the Constitution (Fifteenth Amendment) Act, 2011 (Act XIV of 2011), section 49(c).

¹[FIFTH SCHEDULE

[Article 150(2)]

HISTORIC SPEECH OF THE FATHER OF THE NATION, BANGABANDHU
SHEIKH MUJIBUR RAHMAN ON THE 7TH MARCH, 1971 [Translated]

My brothers,

I have come before you today with a heart laden with sadness. You are aware of everything and know all. We have tried with our lives. And yet the sadness remains that today, in Dhaka, Chittagong, Khulna, Rajshahi and Rangpur the streets are soaked in the blood of my brothers. Today the people of Bengal desire emancipation, the people of Bengal wish to live, the people of Bengal demand that their rights be acknowledged.

What wrong have we committed ? Following the elections, the people of Bangladesh entrusted me and the Awami League with the totality of their electoral support. It was our expectation that the Parliament would meet, there we would frame our Constitution, that we would develop this land, that the people of this country would achieve their economic, political and cultural freedom. But it is a matter of grief that today we are constrained to say in all sadness that the history of the past twenty three years has been the history of a persecution of the people of Bengal, a history of the blood of the people of Bengal. This history of the past twenty three years has been one of the agonising cries of men and women.

The history of Bengal has been a history where the people of this land have made crimson the streets and highways of this land with their blood. We gave blood in 1952 ; In 1954, we won the elections and yet were not permitted to exercise power. In 1958, Ayub Khan imposed Martial Law and Kept the nation in a state of slavery for ten long years. On 7 June 1966, as they rose in support of the Six-Point movement, the sons of my land were mown down in gunfire. When Yahya Khan took over once Ayub Khan fell in the fury of the movement of 1969, he promised that he would give us a Constitution, give us democracy. We put our faith on him. And then history moved a long way, the elections took place. I have met President Yahya Khan. I appealed to him, not just as the majority leader in Bengal but also as the majority leader in Pakistan, to convene the National Assembly on 15 February. He did not pay heed to my appeal. He paid heed to Mr. Bhutto. And he said that the assembly would be convened in the first week of March. I went along with him and said we would sit in the parliament. I said that we would discuss matters in the Assembly. I even went to the extent of suggesting that despite our being in a majority, if anyone proposes anything that is legitimate and right, we would accept his proposal.

¹ Schedules Fifth, Sixth and Seventh were added by the Constitution (Fifteenth Amendment) Act, 2011 (Act XIV of 2011), section 50.

Mr. Bhutto came here. He held negotiations with us, and when he left, he said that the door to talk had not closed, that more discussions would take place. After that, I spoke to other political leaders. I told them to join me in deliberations so that we could give shape to a Constitution for the country. But Mr. Bhutto said that if members elected from West Pakistan came here, the Assembly would turn into a slaughter house, an abattoir. He warned that anyone who went to the Assembly would end up losing his life. He issued dire warnings of closing down all the shops from Peshawar to Karachi if the Assembly Session went ahead. I said that the Assembly Session would go ahead. And then, suddenly, on the first of March the Assembly Session was put off. Mr. Yahya Khan, in exercise of his powers as President, had called the National Assembly into Session ; and I had said that I would go to the Assembly. Mr. Bhutto said he would not go. Thirty five members came here from West Pakistan. And suddenly the Assembly was put off. The blame was placed squarely on the people of Bengal, the blame was put at my door. Once the Assembly meeting was postponed, the people of this land decided to put up resistance to the act.

I enjoined upon them to observe a peaceful general strike. I instructed them to close down all factories and industrial installations. The people responded positively to my directives. Through sheer spontaneity they emerged on to the streets. They were determined to pursue their struggle through peaceful means.

What have we attained ? The weapons we have bought with our money to defend the country against foreign aggression are being used against the poor and down-trodden of my country today. It is their hearts the bullets pierce today. We are the majority in Pakistan. Whenever we Bengalis have attempted to ascend to the heights of power, they have swooped upon us.

I have spoken to him over telephone. I told him, "Mr. Yahya Khan, you are the President of Pakistan. Come, be witness to the inhuman manner in which the people of my Bengal are being murdered, to the way in which the mothers of my land are being deprived of their sons." I told him, "come, see and dispense justice." But he construously said that I had agreed to participate in a Round Table Conference to be held on 10 March.

I have already said a long time ago, what RTC ? With whom do I sit down to talk ? Do I fraternise with those who have taken the blood of my people ? All of a sudden, without discussing matters with me and after a secret meeting lasting five hours, he has delivered a speech in which he has placed all responsibility for the impasse on me, on the people of Bengal.

My brothers,

They have called the Assembly for the twenty-fifth. The marks of blood have not yet dried up. I said on the tenth that Mujibur Rahman would not walk across that blood to take part in a Round Table Conference. You have called the Assembly. But my demands must be met first. Martial Law must be withdrawn. All military personnel must be taken back to the barracks. An inquiry must be conducted into the manner in which the killings have been caused. And power must be transferred to the elected representatives of the people. And only then shall we consider the question of whether or not to sit in the National Assembly. Prior to the fulfilment of our demands, we cannot take part in the Assembly.

I do not desire the office of Prime Minister. I wish to see the rights of the people of this country established. Let me make it clear, without ambiguity, that beginning today, in Bangladesh, all courts, magistracies, government offices and educational institutions will remain closed for an indefinite period. In order that the poor do not suffer, in order that my people do not go through pain, all other activities will continue, will not come within the ambit of the general strike from tomorrow. Rickshaws, horse carriages, trains and river vessels will ply. The Supreme Court, High Court, Judge's Court, semi-government offices, WAPDA, nothing will work. Employees will collect their salaries on the twenty-eighth. But if the salaries are not paid, if another bullet is fired, if any more of the people are murdered, it is my directive to all of you : turn every house into a fortress, resist the enemy with everything you have. And for the sake of life, even if I am not around to guide you, direct you, close off all roads and pathways. We will strive them into submission. We will submerge them in water. You are our brothers. Return to your barracks and no harm will come to you. But do not try to pour bullets into my heart again. You cannot keep seventy five million people in bondage. Now that we have learnt to die, no power on earth can keep us in subjugation.

For those who have embraced martyrdom, and for those who have sustained injuries we in the Awami League will do all we can to relieve their tragedy. Those among you who can please lend a helping hand through contributing to our relief committee. The owners of industries will make certain that the wages of workers who have taken part in the strike for the past week are duly paid to them. I shall tell employees of the government, my word must be heard, and my instructions followed. Until freedom comes to my land, all taxes will be held back from payment. No one will pay them. Bear in mind that the enemy has infiltrated our ranks to cause confusion and sow discord among us. In our Bengal, everyone, be he Hindu or Muslim, Bangalee or non-Bangalee, is our brother. It is our responsibility to ensure their security. Our good name must not be sullied.

And remember, employees at radio and television, if radio does not get our message across, no Bangalee will go to the radio station. If television does not put forth our point of view, no Bangalee will go to television, Banks will remain open for two hours to enable people to engage in transactions. But there will be no transfer of even a single penny from East Bengal to West Pakistan. Telephone and telegram services will continue in East Bengal and news can be despatched overseas.

But if moves are made to exterminate the people of this country, Bengalis must act with caution. In every village, every neighbourhood, set up Sangram Parishad under the leadership of the Awami League. And be prepared with whatever you have. Remember : Having mastered the lesson of sacrifice, we shall give more blood. God willing, we shall free the people of this land. The struggle this time is a struggle for emancipation. The struggle this time is a struggle for independence. *Joi Bangla !*

SIXTH SCHEDULE

[Article 150(2)]

DECLARATION OF INDEPENDENCE

BY

THE FATHER OF THE NATION, BANGABANDHU SHEIKH MUJIBUR RAHMAN SHORTLY AFTER
MIDNIGHT OF 25TH MARCH, i.e. EARLY HOURS OF 26TH MARCH, 1971

"This may be my last message, from today Bangladesh is independent. I call upon the people of Bangladesh wherever you might be and with whatever you have, to resist the army of occupation to the last. Your fight must go on until the last soldier of the Pakistan occupation army is expelled from the soil of Bangladesh and final victory is achieved.

Sheikh Mujibur Rahman
26 March 1971"

SEVENTH SCHEDULE
[Article 150 (2)]
THE PROCLAMATION OF INDEPENDENCE

MUJIBNAGAR, BANGLADESH
Dated 10th day of April, 1971.

WHEREAS free elections were held in Bangladesh from 7th December, 1970 to 17th January, 1971, to elect representatives for the purpose of framing a Constitution,

AND

WHEREAS at these elections the people of Bangladesh elected 167 out of 169 representatives belonging to the Awami League,

AND

WHEREAS General Yahya Khan summoned the elected representatives of the people to meet on the 3rd March, 1971, for the purpose of framing a Constitution,

AND

WHEREAS the Assembly so summoned was arbitrarily and illegally postponed for an indefinite period,

AND

WHEREAS instead of fulfilling their promise and while still conferring with the representatives of the people of Bangladesh, Pakistan authorities declared an unjust and treacherous war,

AND

WHEREAS in the facts and circumstances of such treacherous conduct Bangabandhu Sheikh Mujibur Rahman, the undisputed leader of 75 million of people of Bangladesh, in due fulfilment of the legitimate right of self-determination of the people of Bangladesh, duly made a declaration of independence at Dacca on March 26, 1971, and urged the people of Bangladesh to defend the honour and integrity of Bangladesh,

AND

WHEREAS in the conduct of a ruthless and savage war the Pakistani authorities committed and are still continuously committing numerous acts of genocide and unprecedented tortures, amongst others on the civilian and unarmed people of Bangladesh,

AND

WHEREAS the Pakistan Government by levying an unjust war and committing genocide and by other repressive measures made it impossible for the elected representatives of the people of Bangladesh to meet and frame a Constitution, and give to themselves a Government,

AND

WHEREAS the people of Bangladesh by their heroism, bravery and revolutionary fervour have established effective control over the territories of Bangladesh,

We the elected representatives of the people of Bangladesh, as honour bound by the mandate given to us by the people of Bangladesh whose will is supreme duly constituted ourselves into a Constituent Assembly, and

having held mutual consultations, and

in order to ensure for the people of Bangladesh equality, human dignity and social justice,

declare and constitute Bangladesh to be a sovereign People's Republic and thereby confirm the declaration of independence already made by Bangabandhu Sheikh Mujibur Rahman, and

do hereby affirm and resolve that till such time as a Constitution is framed, Bangabandhu Sheikh Mujibur Rahman shall be the President of the Republic and that Syed Nazrul Islam shall be the Vice-President of the Republic, and

that the President shall be the Supreme Commander of all the Armed Forces of the Republic,

shall exercise all the Executive and Legislative powers of the Republic including the power to grant pardon,

shall have the power to appoint a Prime Minister and such other Ministers as he considers necessary,

shall have the power to levy taxes and expend monies,

shall have the power to summon and adjourn the Constituent Assembly, and

do all other things that may be necessary to give to the people of Bangladesh an orderly and just Government.

We the elected representatives of the people of Bangladesh do further resolve that in the event of there being no President or the President being unable to enter upon his office or being unable to exercise his powers due to any reason whatsoever, the Vice-President shall have and exercise all the powers, duties and responsibilities herein conferred on the President,

We further resolve that we undertake to observe and give effect to all duties and obligations that devolve upon us as a member of the family of nations and to abide by the Charter of the United Nations.

We further resolve that this Proclamation of Independence shall be deemed to have come into effect from 26th day of March, 1971.

We further resolve that in order to give effect to this instrument we appoint Prof. Yusuf Ali our duly constituted potentiary and to give to the President and the Vice-President oaths of office.

PROF. YUSUF ALI

Duly Constituted Potentiary

By and under the authority

of the Constituent Assembly

of Bangladesh.]
