

The Legislative System of Bangladesh: A Study from Historical Viewpoint

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Abstracts: In order to implement the will of the state, the government has to perform mainly three functions namely lawmaking, administration and judicial execution. Governments do these functions with executive, judiciary and legislative branch. The main functions of the Legislature are to make and amend laws, regulate the administration and control the expenditure. The Jatiya Sangsad is main legislative organ of People's Republic of Bangladesh. Origin of Legislature of Bangladesh has traced back to the eighteenth century. Bangladesh was a part of the then erstwhile Bengal Presidency at that time. There were three independent Presidencies run by a Governor-general: Bengal, Madras and Bombay. The British Government passed various laws at various times with the intention of bringing the people of India into the rule of the British Government and governing them in a better manner. The Indian Council Act of 1861 was the first and most significant pillar of constitutional progress. At this context, the present study will try to explore the answers of some common questions: In what ways do the acts serve as instruments of establishing a representative form of government in British India? What were the contexts and consequences of demand of representative form of government in British India? What were structural variation among all the council acts and role of various constituent assemblies? With all these in mind, the main aim of this paper is to depict the history and evolution of the legislative system in Bangladesh.

Keywords: Legislative system, History, British India and Bangladesh.

1. Introduction

Bangladesh is a twice-born nation. At first it became independent from British Empire as a part of Pakistan named as East Pakistan. The 23-year rule of the Pakistani ruling class was one of extreme deprivation and oppression for the Bengali nation. The people of this country were not liberated from economic, political and cultural aspects. In second chapter, the rise of Bangladesh is a bright in world history. The liberation war fought in 1971 is full of Bengalis' self-sacrifice, loss of life, and the painful pain of losing the honor of mothers and sisters. After nine months long liberation war, on December 16, 1971, Bangladesh emerged as a sovereign nation. Bangladesh is now a parliamentary form of democratic country (A.T.M.Obaidullah, 2002, p. 9). The legislature of Bangladesh is unicameral in nature. Jatiya Sangsad is the highest legislature of the People's Republic of Bangladesh. The number of members of this unicameral legislature is 350; Out of which 300 MPs are elected by direct popular vote and the remaining 50 seats are reserved for women. Women members of reserved seats are elected by the votes of 300 elected members of Parliament (indirect election system). The term of parliament is five years (Azizur, 2018). This pattern of parliamentary system of democracy in Bangladesh has not grown overnight or in any particular period of time. The existent

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council and parliament system of Bangladesh owes its origin mainly to 200 years of British rule in the Indian subcontinent. The concept of separation between executive and legislative was introduced for the first time in the Indian subcontinent through the Charter Act of 1933 (Ahmed, 1986, p. 72). It passed through various stages and has been gradually developed with various historical contexts and consequences. In British India, this process of changes continued through the continuous demands of a strong representative form of government. Bangladesh has a known history of over 24 years with Pakistan that also contributed to the development of the legislative system of Bangladesh. The study is qualitative in nature and based on secondary sources of materials like books, journal articles, government orders, rules, acts, newspaper reports etc. Relevant literature has also been collected through internet browsing.

2. Council System at Company Period

The influence of British rule on the political and administrative development of Bangladesh and the entire Indian subcontinent is undeniable. The British rule, which began with the Battle of Plassey in 1757, not only brought about changes in the political sphere, but also had a far-reaching impact on the social, economic, cultural and religious spheres of the people of the region. Colonial rule began with company autocracy and gradually transformed into Western authoritarianism (Chaudhry, 1995, p. 79). The process began with the passing of the Regulating Act of 1773 and culminated in the formulation of the Constitution of 1935. According to the model established during the colonial period, constitutionalism continued to develop from 1947 onwards. British government introduced parliamentary democracy in the Indian sub-continent but that did not come from a short period of time. It came in a gradual process over years. A number of council acts with contribution of a large number of rulers directly or indirectly contributed to the gradual process of the revolution.

The Regulating Act 1773 is regarded as the first step in the constitutional development of the subcontinent. According to this Act, the administration and control of Bengal and other Presidencies was vested in a central authority known as the 'Governor General of Bengal and Fort William Council'. The Executive Council of four members appointed by the Court of Directors also processed all legislative powers to frame and promulgate all regulation. In case of decision making, Governor-General had a casting vote. There were many flaws in the regulating law. By this Act the British Parliament could not establish proper control over the English East India Company in India. How much power the Governor General had over the Council, how much power the Governor General of Bengal had over the Governors of the Madras and Bombay Presidencies -- everything remained in the mist. Hence the need to pass a new law is felt. It was for this purpose that a new regulatory act (1784 AD) was passed under the leadership of the British Prime Minister William Pitt, known as Pitt's India Act. Under Pitt's act Governor-general Council was reduced to three members. The Regional Councils of Indian Administration or Calcutta, Madras and Bombay Councils have been reduced from 4 to 3 members. It was decided that the Governor General of Bengal, a commander and 2 councilors would help in governance. The charter act 1833 elevated the Governor-General of Bengal to the rank of Governor-General of India. The Charter Act of 1833 gave legislative powers to the Governor General and the Council. A Law Member for the Governor General was

appointed by the act. According to this act; there were four members of the council appointed by the board of control. The first three members were permitted to take part in all occasions, but the 4th member was only permitted to sit and vote when law related issues were being debated.

3. Council System at British Period

The rule of the East India Company in India was abolished by Indian government act 1858 and it was replaced by the direct control of the home government of Britain. A senior member of the British cabinet was made responsible for Indian affairs. Secretary of State for India-in Council was his designation. A council consisting of fifteen members would help the Secretary of State for India in operating the Indian Empire from London. The Indian Council Act of 1861 laid the foundations of the modern parliamentary system in India. The legislative branch of the Governor-General's Council functions as a parliament modeled after the British Parliament. The act was enacted to include Indians in the Legislative Council, to gain the co-operation of the Indian people in the administration, to remove the defective legislative system in India, to remove the difficulties existing in the making of laws in the provinces, to determine the powers of the Legislative Council, etc. Provision for constitution of Governing Council of Governor General with five ordinary members out of them three should have at least 10 years working experience in India. Provision is made for the Legislative Council to include at least 6 and not more than 12 additional members in addition to the ordinary members of the Governing Council of the Governor General. Half of the members nominated by the Governor General for 2 years were private members.

Table-01: Structure of Imperial Legislative Council

Ex-officio members			Additional members	
Viceroy	Ordinary members	Extraordinary members	Official members	Non-official members
01	05	01	Half of total additional members	Half of total additional members

Provisions were made for the reorganization and enlargement of the Legislative Assemblies of Madras and Bombay Provinces. The Governor General is given the right to assent, veto or reserve for the British Queen any bill passed by the Legislative Council. In case of emergency, the Governor General is empowered to issue an Ordinance for a period of 6 months. Prior permission of the Governor General was provided for introducing any bill in the Legislative Assembly on public debt, army, foreign relations, taxation, currency, posts and cables, religion etc.

Table-02: Appointed Indian additional non-official members from 1862 to 1892.

Zamindars	Ruler of princely states	Lawyers	Magistrates	Journalists	Merchants
25	07	04	04	03	03

The additional members had no power with regards to the legislation of the council. There was no legal binding for the inclusion of Indian in the council even though Indians were nominated by the viceroy. In most of the time bills were passed in one sitting without discussion and the Indian members were not allowed to oppose any bill.

The Bengal Legislative Council

It was established under the Indian Council Act 1861 as the legislative council of British Bengal (now Bangladesh and the Indian state of West Bengal). In the late 19th and early 20th centuries it was the legislature of the Bengal Presidency. After the adoption of reforms in 1937, it served as the upper house of the Bengali legislature until the partition of India. Over time, spurred by growing demands for Indian representation in governance, the Bengal Legislative Council underwent significant changes. The Indian Council Act of 1909, also known as the Morley-Minto Reforms, marked a turning point by introducing a limited form of direct election. The reform granted increased representation to Indians, allowing for a more diverse and inclusive legislative body. The Montagu-Chelmsford Reforms of 1919 further expanded the powers of the Council, increased its legislative authority and introduced a system of governance, in which some matters were divided between Indian and British members, laying the foundation for responsible government. In short, over time the Bengali Legislative Council became a focal point for Indian nationalists advocating greater autonomy and self-rule.

Table-03: Structure of Bengal Legislative Council

Ex-officio members	Additional members		
Lieutenant Governor	Government officials	Non-government Anglo-Indians	Bengali Gentle men
1	4	4	4

Council System after Emergence of Political Organization in India

Indian National Congress (INC) marked a new era in the political history of British India. It was a strong step by the well-intentioned and patriotic Indians. Main objectives of Indian congress were to identify the social and political problems of the Indian people and try to solve them in consultation with the political figures. Expansion of Legislative Councils with elected member through election instead of nomination was also demanded by Indian National Congress (INC). In this situation, the British Parliament in 1892 at the initiative of Lord Dufferin Council legislation is enacted. This Act increased the number of members of the Central and provincial Legislative Assembly.

Table-04: Member of Central Legislative Council

Ex-officio members				Additional members		
Viceroy	Ordinary Members	Commander-In-chief	Head of the province	Official additional	Non-official additional	
					Viceroy nominated	Provincial assemblies nominated
						Calcutta chamber of commerce nominated
01	06	01	01	06	05	04
						01

The number of members of the central council was increased to 16 and the number of major and minor provincial councils was fixed to 20 and 15 respectively. However, no policy of direct determination has been adopted regarding the appointment of members but institutions like Jailboard, Municipal, University and Chamber of Commerce etc.ate given the right to nominate members of the council. The Central and Provincial Legislatures were empowered to deliberate on matters of budget and public interest by the council Act of 1892. The official members in legislative council constituted a majority in conjunction with the ex-officio members. The Muslim League was formed in 1906 and demanded separate elections for the interests and demands of Muslims. In such a situation, the Governor General of India Lord Minto and the Secretary of India Lord Morley introduced the Indian Rule Act in 1909 which is called 'Morley-Minto Reform Act. – known as 1909. Two major sides of the reform act are to bring reform in executive council and legislative council. By this Act decision was taken to include one member from India in executive council of viceroy and governor council of province. The member of central legislative council was increased from sixteen to sixty.

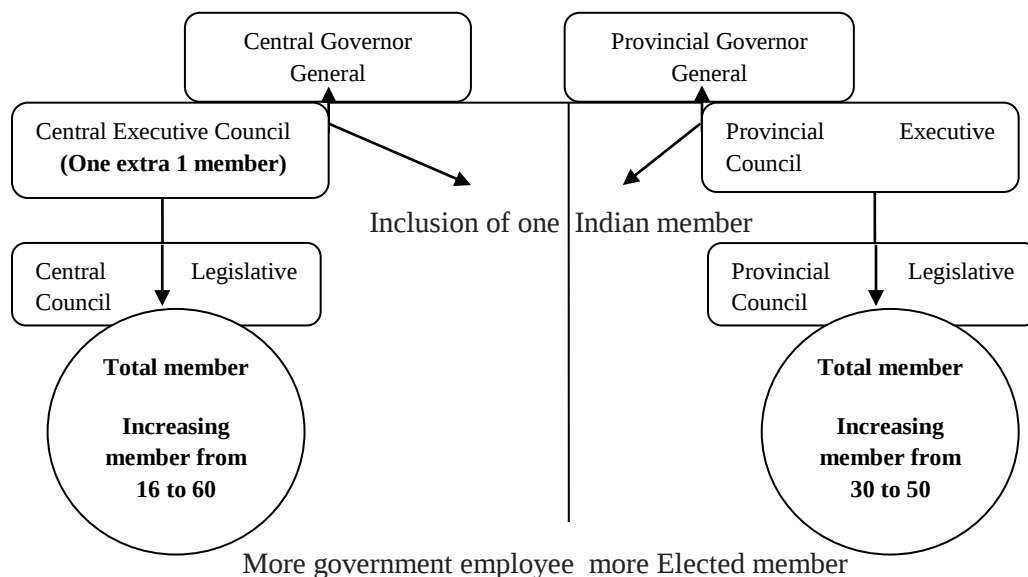


Figure-01. Morley-Minto Reforms

In this act, the principle of direct election on the basis of electorate was firstly recognized. But voting rights are kept very limited. In the provinces the power to elect members is vested in university senates, zamindar district boards, municipalities and merchant associations. Arrangements are made to elect separate representatives for Muslims. It was decided that Muslim members of the council would be elected by Muslim voters.

Table-05: Structure of Central Legislative Council

Ex-officio members					Additional members							
Viceroy	Executive council		Commander-In-chief	Head of the province	Officials	Non officials (Nominated by)						
01	UK	India	01	01	28	Viceroy	Calcutta C. C.	Bombay C. C.	Provincial Assemblies	Special electorate		
	5	01								Muslim	Zaminder	Businessman
						05	01	01	12	05	06	02

The Act of 1909 significantly increased the powers of the Legislative Councils. In this act, the members of the Parishad are given the right to discuss the budget, present proposals and discuss questions of public interest. However, the Legislative Assemblies were not given any right to discuss or present proposals on certain matters, such as - revenue related duties, credit, defense, domestic state and foreign policy, railways, political pensions, religious etc. The members could not pass the budget proposal by voting. They could only make some amendments on the proposal. However, it was up to the government to accept the amendment or not. Similar rules of the Center apply to the Provincial Legislative Councils as well. A decade after the enactment of the Morley-Minto Reforms Act of 1909, the most important step taken by the British government to reform Indian governance was the Indian Governance Act of 1919. India-Secretary Edwin Montagu and Barlat Chelmsford played a major role behind this legislation. That is why the law is also called Montagu-Chelmsford or 'Mont-Ford' law after their name. A bicameral Legislative Council of the Center was formed. The upper house is called the Council of State and the lower house is called the Legislative Assembly. The total number of members of the Upper House of the Legislature i.e. Rashtriya Parishad was fixed at 60 out of which 33 were elected and 27 were nominated by the Governor General.

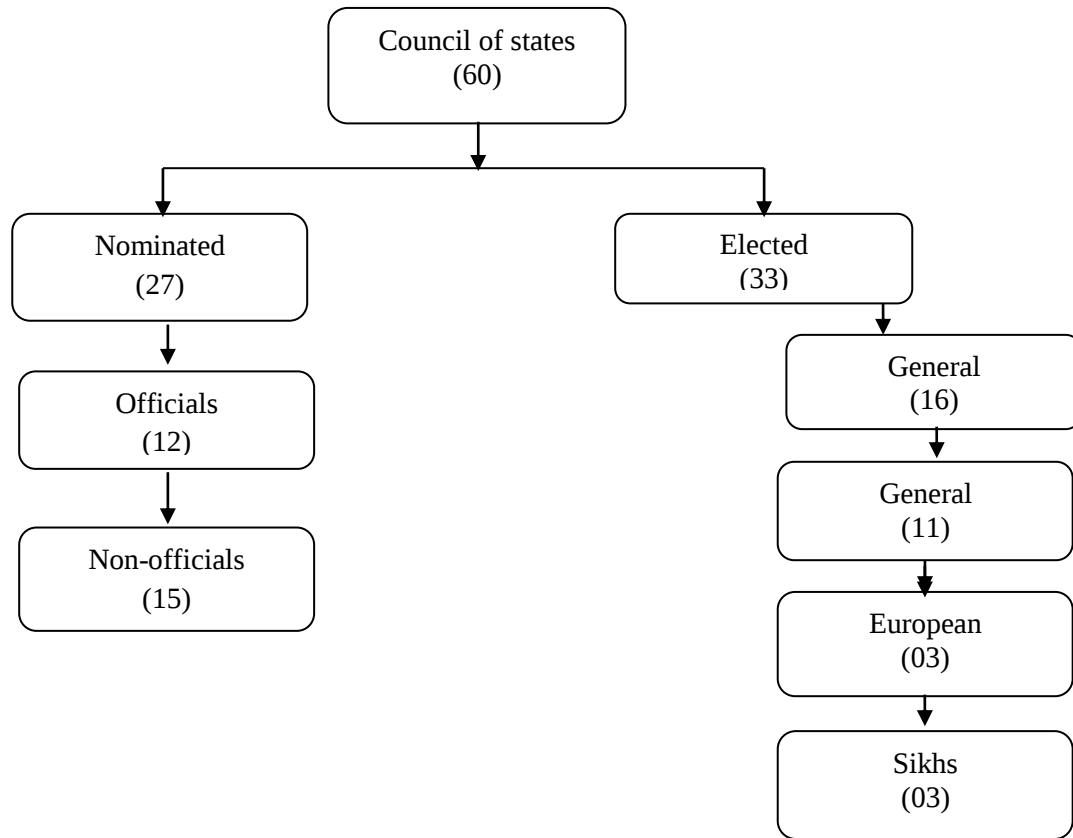


Fig-02: Members of the Council of states

In the legislative assembly the total number of members was fixed at 125 and out of them 104 was elected and 21 were nominated. Out of the 104 elected members, 52 were elected by general vote, 32 were elected from the reserved constituencies on communal basis and 20 were elected by special class votes. Out of the 20 members of the special class, 7 were representatives of the landlord class, 9 were representatives of the European class and 4 were representatives of the Indian merchant assembly

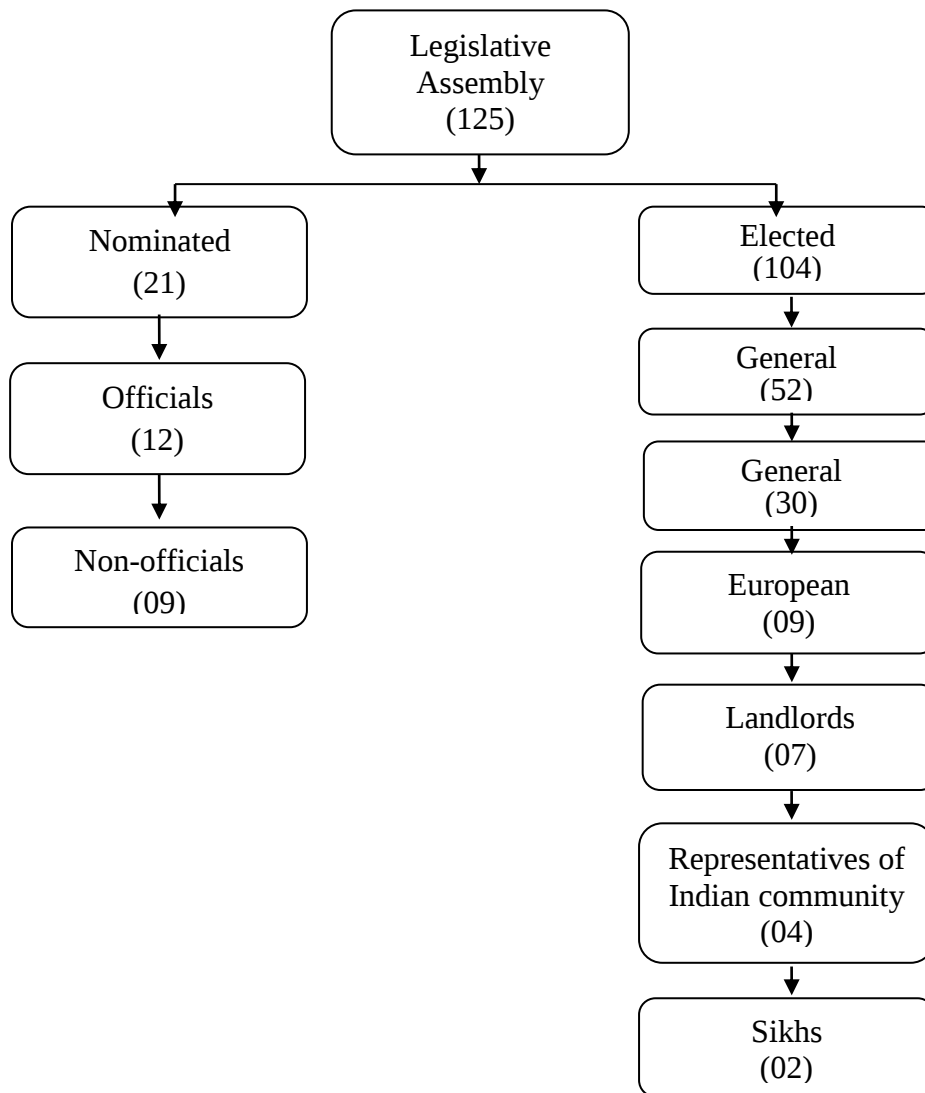


Fig-03: Members of the Legislative Assembly

Although the direct election system was introduced in this act, only a limited number of people got the right to vote. Only those whose annual income is between Tk 10,000 and Tk 20,000 and who pay annual tax of Tk 750 to Tk 5,000 to the government are entitled to vote in the state council elections. Those who paid at least 15 to 20 rupees as municipal tax or 50 to 150 rupees as land revenue could vote in the Legislative Council elections. Moreover, those who paid income tax on income between 2000 and 5000 taka, were also considered eligible to participate in the Legislative Council elections.

The members of the legislature have the right to raise questions, participate in debates, cut or present amendment proposals, etc., but they do not have the right to discuss important issues such as foreign policy, military department, etc. without the prior permission of governor general. Governor General could amend or repeal any Act of the

Legislature. He could also enact laws by issuing ordinances himself. According to the 1919 Act, the Council had 140 members. They included 92 seats allocated to general constituencies and 22 seats allocated to individual constituencies including Muslims, Christians and Anglo-Indians. Chittagong port, Calcutta port, jute industry, tea industry were also represented. Unicameral legislatures were formed in the provinces by the Montagu-Chelmsford Act. 70 percent of its members are elected and 30 percent are appointed by the Governor. The responsibilities of the provincial government are divided into two. Namely—Reserved matter and transferred matter.

The reserved subjects were law and order, finance, police, administration, justice, labor etc. The Provincial Governor and his Executive Council are entrusted with the management of these matters. The subjects devolved were education, health, self-government etc. The management of these matters is entrusted to the Provincial Ministers. Ministers were accountable to provincial legislatures for their actions. Any Act passed by the Provincial Legislature on devolved matters could be repealed by the Governor or the Governor-General. Thus, through this Act, the dual governance (Diarchy) of the Governor's Executive Council on the one hand and the Provincial Council of Ministers on the other hand was introduced in the provinces. The constitutional issues were discussed under the various types of reform commission that formed time to time in British India. Simon commission (1930), Nehru Report (1928), Round table conferences (1930-32) were very prominent among them. The constitutional deadlock was removed by the declaration of the British Prime Minister with declaration came to be known as Communal Award (1932). Congress, Muslim league and other local parties had reservation on the Award with the issue of a complete responsible government in British India. At last Government of India Act 1935 was passed by the British parliament with the provision for a responsible government with adult franchise. General election was held in 1937 throughout the British India.

4. Federal Legislature under Act 1935

According to the Government of India Act, the British-administered provinces, native states and chief commissioner-administered provinces in India were to form an All-India Union. The chief director of the United States is the Governor General. The Governor General constituted a Council with three members nominated by him. With the help of this three-member council, the Governor General managed India's defense, foreign policy, and Christian affairs. A cabinet is constituted to manage other matters. Ministers were accountable to the legislature for their work. In some special cases, such as maintaining peace and order in the country, the Governor General may not take the advice of the Cabinet. The United States Legislature will consist of two houses. The upper house will be called Council of States and the lower house will be called Federal Assembly. The Rashtriya Parishad shall be a permanent parliament and one-third of its members shall expire every three years and replace them with new members. Retiring members may be re-elected. The number of members of the Rashtriya Parishad will be more than 260. Of these, 156 will be elected from British-ruled India and over 104 will be nominated by rulers of native states. It is decided that the Federal Assembly will be

elected for a period of five years. Its membership will be more than 375. 250 members from British India and 125 from the Native States will be elected to the Council.

5. Functioning of the Parliament of Pakistan:

Government of India Act 1935 with certain adaptations, served as the working constitution of Pakistan. Constituent Assembly was formed with the members elected in the general elections of 1946 from the areas joining Pakistan. It came into operation under the Pakistan (Provisional Constitution) Order, 1947. An election for the constituent assembly of United India was held in 1946 to decide the destiny of the All India Muslim League. Muslim league boycotted the first meeting of the constituent assembly of united India, held on 19th December 1946, in demand of a separate constituent assembly of Pakistan (Ahmad, 1960). At last a separate constituent assembly was formulated for Pakistan with the acceptance of the 3rd June plan. The first Constituent Assembly of Pakistan was formed by the members elected from the areas included in Pakistan in the elections held in 1946. Initially, the number of members of this Constituent Assembly was 69, later it increased to 79. Out of these 79 members, 44 were from East Bengal, 22 from West Punjab, 5 from Sindh, 3 from North-West Frontier Province, 1 from Balochistan and 4 from states belonging to Pakistan. The Constituent Assembly of Pakistan was entrusted with two functions and powers, to act as the central legislature of Pakistan and to frame a constitution for the country. But the work of this Constituent Assembly was so slow that it took 19 months to pass a resolution on the aims and objectives of the Constitution. This proposal is called 'target proposal' or 'ideal proposal'. Its characteristics were: a. The State shall exercise its governing powers through elected representatives of the people; b. Islamic-guided principles of democracy, freedom, equality, tolerance and social justice will be established; c. Minority communities shall practice religion freely and have the right to develop their own culture; d. Pakistan's system of government will be a federal structure, but the states will be autonomous.

In September 1950, the Principles Committee submitted its Interim Report. This report created a great stir in East Bengal. Because, from the proposal described in the report, the people of East Bengal have doubts about the sincerity of the leaders of West Pakistan. When the recommendations of the principle committee were published in the form of a proposal, the people of East Bengal were simultaneously vocal and united against it. In the first week of October 1950, the 'Committee of Action for Democratic Federation' was formed in Dhaka, consisting of East Bengal political leaders, journalists, lawyers, teachers, regardless of party affiliation. On the initiative of this committee, a national convention was called on 14 November 1950. In this convention, a proposal was adopted to frame an alternative constitution for Pakistan against the constitution proposed by the Principles Committee. In view of such adverse reaction, the Government of Pakistan suspended the discussion on the recommendations of the Principles Committee on 21 November 1950. As a result, the drafting of the Constitution was delayed and the Constituent Assembly spent two more years till 22 December 1952 to prepare the second draft of the Constitution. In 1953, Muhammad Ali was appointed as the Prime Minister of Pakistan and took initiatives to solve the crisis related to the constitution. He proposed the creation of a federal government structure for Pakistan and equality between the states of East Bengal and West Pakistan in matters of law and governance.

After the East Bengal general elections held in March 1954, the entire political scenario changed. The United Front won the election under the leadership of three senior political leaders AK Fazlul Haque, Maulana Abdul Hamid Khan Bhasani and Hussain Shaheed Suhrawardy. Out of 237 Muslim constituencies, the United Front won 223 seats, overwhelmingly defeating the Muslim League. On April 3, 1954, AK Fazlul Haque became the Chief Minister of East Bengal. But before two months had passed, the Governor General dismissed the provincial government. The newly elected members of the East Bengal Provincial Council demanded the resignation of the members of the legislature. In this context, the first Constituent Assembly was declared canceled on 24 October 1954. In May 1955, the Governor General issued an order regarding the Second Constituent Assembly. The Constituent Assembly consisted of 80 members, 40 of whom were from East Bengal and the remaining 40 from West Pakistan. Members of the Constituent Assembly were elected in June 1955 and the first session of the Constituent Assembly was held in July. The Second Constituent Assembly abolished the separate existence of the provinces of West Pakistan and formed a unit or a province consisting of all the provinces with a view to achieving fruitful negotiations and agreements between the leaders of East and West Pakistan. In the next phase, the outline of the constitution was formulated and the new constitution of Pakistan came into force on 23 March 1956.

Table-06: Second constituent Assembly of Pakistan

East Pakistan		Punjab	North-West	Sindh	Nominated by Governor-General					
Muslim	Non-Muslim	16	03	04	Baluchistan	Frontier State	Karachi	Khairpur State	Bahawalpur State	Tribal
23	07				01	01	01	01	01	02

A second amendment Order was issued the Governor-General on 27 April under which members of the convention were increased. Convention had eight members and also functioned as the federal legislature. The new Constituent Convention had all the powers just like the first Constituent Assembly under the provision of section 8 of the Indian Independence act. The composition now stood as follow:

Table-07: Second constituent Assembly of Pakistan after amendment

East Pakistan		Punjab		N. West	Sindh	Nominated by Governor-General				
Muslim	Non-Muslim	Muslim	NonMuslim	04	05	Baluchistan	Frontier State	Karachi	Khairpur State	Tribal
31	09	20	01			02	01	01	01	03

The assembly had its first meeting in July 1955. This Assembly achieved its target by framing the first Constitution to the nation. This Assembly sat for total 100 days in 10 sessions before abrogating constitution.

6. Assembly System in Constitution of 1956

The 1956 Constitution of Pakistan consisted of 234 Articles, 13 Parts and 6 Schedules. The Constitution of Pakistan contained a long preamble declaring Pakistan an Islamic Republic and pledging that all activities of the Republic would be governed by the will of Almighty Allah. The constitution adopts certain principles for the governance of the state. However, these principles were not enshrined in law. These principles were adopted through the passage of the Bill of Rights as a constitution of Western democracies. According to this constitution federal system of government was introduced in Pakistan. The second Constituent Assembly being converted into National Assembly of Pakistan according to Article 223 of the 1956 Constitution performed its responsibilities as central legislature till October, 1958. From 25 March 1956 the National Assembly of Pakistan started its journey under new constitution. The first General Elections in Pakistan were scheduled to November 1958. President Iskander Mirza postponed it to Feb 1959. General Ayub Khan imposed a martial law on October 8, 1958 abrogating the constitution. Later on a new constitution was formed 1962. The 1962 Constitution was a long and detailed document. It contained 250 articles divided into 12 parts and 3 schedules. According to this constitution, Pakistan's system of government was federal, republican and presidential.

The president was elected by an electorate composed of fundamental democrats. He was the head of state. There was a cabinet appointed by the president. The members of the Cabinet were subordinate to and responsible to the President. The President was not a member of the National Assembly and his term of office was not dependent on the National Assembly. He could only be removed by impeachment. Actually this constitution was the beginning of withdrawal from the 1956 constitution. The 1962 constitution given by Ayub Khan was strongly protested from various quarters in the two provinces of Pakistan. In the face of mass protests, President Ayub Khan handed over power to Pakistan's army chief, General Yahya Khan. As Chief Martial Law Administrator, Yahya Khan imposed martial law on Pakistan on 25 March 1969, abrogating the 1962 Constitution and dissolving the National Assembly, two provincial assemblies and the Cabinet. He entrusted the administration of the two provinces to two martial law administrators and assumed the presidency himself on 31 March 1969. On November 28 of the same year, General Yahya Khan announced that the Constituent Assembly elections would be held in 1970. As a next step, he lifted the ban on political activity from 1 January 1970 and issued a Legal Framework Order on 30 March to legitimize the upcoming general elections.

Elections were held in December 1970. However, in some areas, elections were held in January 1971. Awami League emerged as the majority party by winning 167 seats out of 169 seats. In West Pakistan, the People's Party won 88 out of 144 seats. Constituent Assembly session was convened on March 3, 1971. But on March 1, 1971, General Yahya Khan announced the suspension of the session of the Constituent Assembly. This announcement ignited fierce protests across the country and eventually the Liberation War began. It was in this context that Pakistan became divided and Bangladesh emerged as an independent state on 16 December 1971.

7. Legislature in Bangladesh Period

On March 25, 1971, after the armed invasion of Bangladesh by the Pakistan Army, the elected members of the Constituent Assembly and the Provincial Council met in Mujibnagar and formed a Constituent Assembly. In order to give legal legitimacy to the independence war of Bangladesh and achieve independence in a systematic way, a Bipabi government was formed consisting of members of the Constituent Assembly. The Declaration of Independence was then issued on 10 April 1971, but was deemed effective from 26 March. Continuity of Law Enforcement Order on 10 April 1971, the Provisional President issued the 'Continuity of Law Enforcement Order' under the powers conferred on him in the Declaration of Independence. This order came into effect from 26 March 1971 to ensure continuity throughout the administration. By this order, all laws derived from the constitution of Pakistan were given validity under the Declaration of Independence. Provisional Constitution Order of Bangladesh, 1972 on January 11, 1972, President Sheikh Mujibur Rahman issued a Provisional Constitution Order. By this order, the Cabinet-ruled government system was introduced instead of the President-ruled government system. Following the promulgation of the Constituent Assembly Order by the President on March 23, 1972, the process of constitution-making began. This order prescribes details about the composition and functioning of the Constituent Assembly. A total of 469 members were elected to the National Assembly and the Provincial Assembly. Some of them died and some were declared ineligible. As a result, the Constituent Assembly started with 404 members. The first session of the Constituent Assembly was held on 10 April 1972. The next day with 34 members, a draft constitution committee was formed under the chairmanship of Dr. Kamal Hossain. The Constitution Bill was tabled in the Constituent Assembly on 12 October. The first reading of the draft constitution began on 19 October and continued until 30 October 1972. The second session runs from October 31 to November 3. The third reading began on 4 November and was approved with 65 amendments. The Constitution came into effect on 16 December 1972. The Constitution adopted in 1972 contained 1 Preamble, 153 Articles in 11 Sections and 4 Schedules.

According to the constitution, Bangladesh currently has a parliamentary system of government. In this system the executive power is vested in the hands of the Prime Minister and he is accountable to the Parliament. But Bangladesh had a presidential system of government from 1975 to 1991. In this type of system, the president exercises the executive power of the state, especially during the Ziaur Rahman and Ershad regimes; the post of president was made very attractive in Bangladesh. In this system the executive head of the state is not accountable to the parliament. This system was introduced on January 25, 1975 through the Fourth Amendment to the Constitution. But it was repealed by the 12th Amendment on August 10, 1991. The parliamentary system of government was implemented again. As a result, the President is the head of the state but not the head of the government. The Prime Minister exercises the executive power of the state in the name of the President. There are constituencies of which 300 members are directly elected by popular vote and the remaining 50 seats are reserved for women.

8. Conclusion:

Democracy can never bring any quick change in the state and society. Especially in society and every part of the state and its culture, the speed at which democratization takes place is much the same as the speed of social evolution. In countries where democratic government is not fully democratic, a proper review always requires the history of the country. The paradigm shift of Bangladesh constitution and Legislative assembly directly or indirectly involved with the constitutional history of Pakistan and British India. The well-organized legislative system in Bangladesh which is in fact the replica of the system introduced by British rulers and it is widely accepted in the original constitution of Bangladesh. The legislative system of British India was not based on direct representative form of democracy rather on nomination and patron form of democracy.

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