

**THE BANGLADESH (LEGAL PROCEEDINGS)
(SECOND) ORDER, 1972**

PRESIDENT'S ORDER NO. 69 OF 1972

[16th June, 1972]

WHEREAS it is expedient to provide for the continuance of certain legal proceedings pending by or against the erstwhile Government of Pakistan or the erstwhile Government of East Pakistan and for the enforcement of certain judgments, decrees, orders, awards and decisions passed, made or given in legal proceedings by or against the erstwhile Government of Pakistan or the erstwhile Government of East Pakistan;

NOW, THEREFORE, in pursuance of the Proclamation of Independence of Bangladesh, read with the Provisional Constitution of Bangladesh Order, 1972, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:-

1. (1) This Order may be called the Bangladesh (Legal Proceedings) (Second) Order, 1972.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once.

2. In this Order, unless there is anything repugnant in the subject or context,-

(a) "court" means a civil, criminal or revenue court and includes the High Court of Bangladesh;

(b) "legal proceedings" includes suit, case, prosecution, appeal, reference, revision, review and any other proceedings.

3. The provisions of this Order shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

4. (1) Subject to clause (2), any legal proceedings which are pending by or against the erstwhile Government of Pakistan or

the erstwhile Government of East Pakistan in any Court or tribunal or before any arbitrator, tax authority or other authority in Bangladesh shall be continued by or against the Government of Bangladesh and the Government of Bangladesh shall be deemed to be substituted for the Government of Pakistan or, as the case may be, the Government of East Pakistan as a party to such proceedings.

(2) The Government of Bangladesh may, ¹[at any time before the final hearing of any legal proceedings mentioned in clause(1)], submit a written application to the court, tribunal, arbitrator, tax authority or other authority in or before which such legal proceedings are pending stating that the Government of Bangladesh shall not be a party to the proceedings and with effect from the date of submission of such application the Government of Bangladesh shall cease to be a party to such proceedings and, if such proceedings cannot continue in the absence of the Government of Bangladesh, the proceedings shall abate.

²[(3) Where any legal proceedings abate under clause (2), no fresh legal proceedings shall be brought on the same cause of action.]

5. (1) Subject to clause (2), any judgment, decree, order, award or decision passed, made or given by the Supreme Court of Pakistan or by any other court or by any tribunal, arbitrator, tax authority or other authority in Bangladesh in any legal proceedings by or against the erstwhile Government of Pakistan arising out of matters within territories of Bangladesh or the erstwhile Government of East Pakistan, shall be enforceable by or against the Government of Bangladesh.

¹ The words, brackets and figure “at any time before the final hearing of any legal proceedings mentioned in clause (1)” were substituted for the words, brackets, figure and comma “within six months from the date of commencement of this Order or before the final hearing of any legal proceedings mentioned in clause (1), whichever is earlier” by Article 2 of the Bangladesh (Legal Proceedings) (Second) (Amendment) Order, 1972 (President’s Order No. 97 of 1972).

² Clause (3) was added by Article 2 of the Bangladesh (Legal Proceedings) (Second) (Amendment) Order, 1972 (President’s Order No. 97 of 1972).

(2) The Government of Bangladesh may submit a written application to the court, tribunal, arbitrator, tax authority or other authority which passed, made or gave, or which is executing, any judgment, decree, order, award or decision stating that the Government of Bangladesh shall not satisfy the decree or award or shall not accept any liability or obligation under the judgment, decree, order, award or decision and with effect from the date of submission of such application the judgment, decree, order, award or decision shall cease to be enforceable against, and binding on, the Government of Bangladesh.
