

**THE CHITTAGONG METROPOLITAN POLICE
ORDINANCE, 1978**

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**¹THE CHITTAGONG METROPOLITAN POLICE
ORDINANCE, 1978**

ORDINANCE NO. XLVIII OF 1978

[22nd November, 1978]

An Ordinance to provide for the constitution of a separate police-force for the Chittagong Metropolitan Area and for the regulation thereof.

WHEREAS it is expedient to provide for the constitution of a separate police-force for the Chittagong Metropolitan Area and for the regulation thereof and for matters connected therewith or ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975 and 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

CHAPTER I

PRELIMINARY

Short title,
extent and
commencement

1. (1) This Ordinance may be called the Chittagong Metropolitan Police Ordinance, 1978.

(2) It extends to the Chittagong Metropolitan Area.

(3) It shall come into force on such date as the Government may, by notification in the *official Gazette*, appoint.

Definitions

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

(a) “cattle” includes elephants, horses, asses, mules, sheep, goats and swine;

(b) “Code” means the Code of Criminal Procedure, 1898 (V of 1898);

(c) “Chittagong Metropolitan Area” or “Metropolitan Area” means the area described in Schedule I;

¹ The Ordinance was declared void and non est by the Appellate Division of the Supreme Court of Bangladesh in Civil Petition for leave to Appeal Numbers 1044 and 1045 of 2009 and subsequently the Ordinance has been made effective as an Act of Parliament by section 4 and Schedule of ১৯৭৫ সালের ১৫ আগস্ট হইতে ১৯৭৯ সালের ৯ এপ্রিল তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৬ নং আইন)।

- (d) “Force” means the Chittagong Metropolitan Police constituted under this Ordinance;
- (e) “Inspector-General” means the Inspector-General of Police appointed under the Police Act, 1861 (V of 1861);
- (f) “place” includes a building, tent, booth, enclosure or any other erection, whether permanent or temporary;
- (g) “place of public amusement” means any place where music, singing, dancing or any game or diversion, or the means of carrying on the same, is provided and to which the public are admitted, either on payment of money or with the intention that money may be collected from those admitted, and includes a race course, circus, theatre, cinema, music-hall, billiard room, gymnasium, swimming pool or dancing hall;
- (h) “place of public entertainment” means any place in which the public are admitted and where any kind of food, drink or intoxicating drug is supplied for consumption, and includes a lodging-house, boarding-house, residential hotel, refreshment room, eating house, tea shop, liquor house, hotel, restaurant, ganja shop, bhang shop and opium shop;
- (i) “Police Commissioner”, “Additional Police Commissioner”, “Deputy Police Commissioner” and “Assistant Police Commissioner” shall mean respectively the Police Commissioner, an Additional Police Commissioner, a Deputy Police Commissioner and an Assistant Police Commissioner appointed under section 7;
- (j) “police officer” means any member of the Force appointed under this Ordinance and includes an auxiliary police officer appointed under section 10 or any member of any other police-force discharging, for the time being, any duties under this Ordinance;
- (k) “prescribed” means prescribed by rules made under this Ordinance;
- (l) “public place” includes a bank of a river or canal, a jetty, public building or monument and the precincts thereof, and all places accessible to the public for drawing water, washing or bathing or for the purpose of recreation;

- (m) "street" includes any road, lane, footway, square, Court, alley or passage whether a thoroughfare or not, to which the public have, temporarily or permanently, a right of access;
- (n) "subordinate officer" means a police officer below the rank of Assistant Police Commissioner;
- (o) "superior officer" means the Police Commissioner, an Additional Police Commissioner, a Deputy Police Commissioner and an Assistant Police Commissioner;
- (p) "vehicle" means any carriage, cart, van, truck, handcart, bicycle, tricycle, motor cycle, rickshaw or any other wheeled conveyance of any description capable of being used on the street.

Application of
Act V of 1861

3. The provisions of the Police Act, 1861 (V of 1861), so far only as they are not inconsistent with any provision of this Ordinance, shall apply to the Chittagong Metropolitan Area.

Jurisdiction of
District
Magistrate
barred in certain
cases

4. Notwithstanding anything contained in the Code, the Chittagong Metropolitan Area shall not, unless otherwise provided by or under this Ordinance, be under the charge of any District Magistrate for any of the purposes of this Ordinance.

CHAPTER II

CONSTITUTION AND ORGANISATION OF THE CHITTAGONG METROPOLITAN POLICE

Constitution of
the Force

5. (1) There shall be a separate police-force for the Chittagong Metropolitan Area to be called the Chittagong Metropolitan Police.

(2) The Force shall consist of such number of officers in the several ranks and shall be constituted in such manner and shall have such organisation as the Government may, from time to time, direct.

Superintendence
of the Force

6. The Superintendence of the Force shall vest in the Government.

7. (1) The Government shall appoint a Police Commissioner who shall, subject to the control of the Inspector-General, exercise such powers and perform such duties as are or may be provided by or under this Ordinance.

Police Commissioner, Additional Police Commissioners, Deputy Police Commissioners and Assistant Police Commissioners

(2) The Government may appoint one or more Additional Police Commissioners, Deputy Police Commissioners and Assistant Police Commissioners who shall assist the Police Commissioner in the exercise of his powers and performance of his duties and shall exercise such of the powers and perform such of the duties of the Police Commissioner as may be delegated to them by the Police Commissioner by general or special order in writing.

(3) The Police Commissioner, an Additional Police Commissioner, a Deputy Police Commissioner and an Assistant Police Commissioner shall be appointed in such manner and on such terms and conditions as the Government may, from time to time, determine.

8. (1) There shall be such number of Inspectors and other classes of subordinate officers of the Force as the Government may, from time to time, determine.

Appointment of subordinate officers

(2) The appointment of Inspectors shall be made by the Inspector-General of Police and the appointment of all other subordinate officers shall be made by such superior officer not below the rank of Deputy Police Commissioner as the Police Commissioner may, by order in writing, specify in this behalf.

(3) The appointment of subordinate officers shall be made in such manner and on such terms and conditions as may be prescribed.

(4) Every subordinate officer shall, on appointment, receive a certificate in the form set out in Schedule II under the seal and signature of the Police Commissioner or of the superior officer making the appointment.

(5) A certificate of appointment shall be cancelled whenever the person named therein ceases to belong to the Force and shall remain inoperative during the period of his suspension from the force.

Transfer

9. Notwithstanding anything contained in this Ordinance or in the Police Act, 1861 (V of 1861), or in any other law for the time being in force, the Government or the Inspector-General may transfer a police officer appointed under this Ordinance to the Police Force constituted under the Police Act, 1861 (V of 1861), and police officer appointed under that Act to the police-force constituted under this Ordinance, and on such transfer such police officer shall, for all purposes, be deemed to be a police officer appointed under the law under which the police-force to which he is transferred is constituted.

Auxiliary police officer

10. (1) The Police Commissioner may appoint any person to be an auxiliary police officer to assist the Force on any occasion when he is of opinion that the Force is in need of such assistance.

(2) Every auxiliary police officer shall, on appointment,-

- (a) receive a certificate in the form set out in Schedule II;
- (b) have the same powers and immunities, be liable to perform the same duties, be amenable to the same penalties and be subject to the same authority as any other police officer.

CHAPTER III

ADMINISTRATION OF THE FORCE

Power of Police Commissioner to make orders for administration of the Force

11. The Police Commissioner may, from time to time, make such orders, not inconsistent with any provision of this Ordinance and the rules made thereunder, as he deems expedient relating to-

- (a) the inspection of the Force;
- (b) the collection and communication by police officers of information and intelligence;
- (c) the description and quantity of arms, accoutrements, clothing and other necessaries to be supplied to the Force;
- (d) the places of residence of members of the Force;

- (e) the institution, management and regulation of any fund for any purpose connected with administration and welfare of the Force.
- (f) the duties to be performed by police officers of different ranks and the manner in which and the conditions subject to which police officers shall exercise their powers and perform their duties;
- (g) the efficiency and discipline of the Force;
- (h) the prevention of abuse of powers and neglect of duties by police officers.

12. (1) Subject to the provisions of Article 135 of the Constitution and such rules as may be made by the Government in this behalf, the Police Commissioner may, by order in writing stating reasons therefore, award any one or more of the following punishments to any subordinate officer whom he finds to be guilty of disobedience, breach of discipline, misconduct, corruption, neglect of duty or remissness in discharge of any duty, or of any act rendering him unfit for the discharge of his duty, namely:-

Punishment of subordinate officers

- (a) dismissal from service;
- (b) removal from service;
- (c) compulsory retirement;
- (d) reduction in rank or grade;
- (e) stoppage of promotion;
- (f) forfeiture of seniority for not more than one year;
- (g) forfeiture of pay and allowances for not exceeding one month;
- (h) forfeiture of increment in pay;
- (i) fine to any amount not exceeding one month's pay;
- (j) confinement to quarter-guard for a term not exceeding thirty days;

- (k) confinement to police lines for a term not exceeding thirty days with or without extra drill, extra guard, fatigue or other duty;
- (l) censure;
- (m) punishment drill for two hours daily for a term not exceeding fourteen days.

Explanation.- “misconduct” means conduct prejudicial to good order or service discipline or contrary to the Government Servants (Conduct) Rules, 1966 or unbecoming an officer or gentleman.

(2) The power of punishment conferred on the Police Commissioner by sub-section (1) may also be exercisable, in the case of any subordinate officer other than an Inspector, by any superior officer not below the rank of Deputy Police Commissioner.

(3) The Police Commissioner, or any other superior officer authorised by him in this behalf, may place under suspension any subordinate officer against whom action under sub-section (1) is required to be taken or against whom any enquiry is required to be made.

(4) Nothing in sub-section (1) shall affect any police officer’s liability to a criminal prosecution or any offence with which he may be charged.

Police officer to be deemed always on duty

13. (1) Every police officer not on leave or under suspension shall be deemed to be always on duty.

(2) Notwithstanding anything contained in this Ordinance, every police officer may, if the Inspector-General so directs, at any time, be employed on police duty in any place outside the Metropolitan Area.

Resignation of subordinate officers

14. No subordinate officer shall resign his office or withdraw himself from the duties thereof except with the written permission of an officer not below the rank of his appointing authority.

CHAPTER IV

POWERS AND DUTIES OF POLICE OFFICERS

15. It shall be the duty of every police officer-

General duties
of police
officers

- (a) promptly to serve every summons and obey and execute every warrant or other order lawfully issued to him by competent authority, and to endeavour by all lawful means to give effect to the lawful commands of his superiors;
- (b) to the best of his ability to obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and to lay such information and to take such other steps, consistent with law and the orders of his superiors, as are best calculated to bring offenders to justice or to prevent the commission of cognizable offences, or the commission of non-cognizable offences within his view;
- (c) to the best of his ability to prevent the commission of public nuisances;
- (d) to apprehend without unreasonable delay all persons whom he is legally authorised to apprehend and for whose apprehension there is sufficient reason;
- (e) to aid another police officer, when called on by him or in case of need in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided;
- (f) to discharge such duties as are imposed upon him by any law for the time being in force.

16. It shall be the duty of every police officer-

Duties of police
officers towards
the public and
arrested persons

- (a) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear to be dangerous or incapable of taking care of themselves;
- (b) to take prompt measures to procure necessary help for any person under arrest or in custody who is wounded or sick, and, while guarding or conducting any such person, to have due regard to his condition;

- (c) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody;
- (d) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance;
- (e) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness;
- (f) to use his best endeavours to prevent any loss or damage by fire;
- (g) to use his endeavours to avert any accident or danger to the public.

Duties of police officers to keep order in streets, etc.

17. It shall be the duty of every police officer-

- (a) to regulate and control the traffic in the streets;
- (b) to prevent constructions in the streets;
- (c) to the best of his ability to prevent the infraction of any rule, regulation or order made under this Ordinance or any other law for the time being in force for observance by the public in or near the streets;
- (d) to keep order in the streets, and at and within public bathing, washing and landing places, fairs and all other places of public resort, and in the neighbourhood of places of public worship during the time of public worship;
- (e) to regulate resort to public bathing, washing and landing places, to prevent overcrowding threat and in public ferry-boats and, to the best of his ability, to prevent the infraction of any rule, regulation or order lawfully made for observance by the public at any such place or on any such boat.

Persons bound to conform to reasonable directions given by police officers

18. All persons shall be bound to conform to the reasonable directions of a police officer given in fulfilment of any of his duties under this Ordinance.

Power of police officers to enforce their directives

19. A police officer may restrain or remove any person resisting or refusing or omitting to conform to any direction referred to in section 18 and may either take such person before a Magistrate or, in trivial cases, release him when the occasion is past.

20. A police officer may lay any information before a Magistrate and apply for any legal process as may by law issue against any person committing an offence.

Power of police officers to lay information, etc.

21. When in a street or a place of public resort a person has possession or apparent possession of any article which a police officer in good faith suspects to be stolen property, such police officer may search for and examine the same and may require an account thereof, and, should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to sections 523 and 525 of the Code.

Power of police officers to search suspected persons in streets, etc.

22. Whenever a direction under section 28 has been given, or a notification under section 29 has been promulgated, or an order under section 30, 32 or 33 has been made, or a public notice under section 31 has been issued, it shall be lawful for a police officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending, and such police officer may also seize any objection or thing used or about to be used in contravention of such direction, notification, order or public notice, and the thing seized shall be disposed of according to the order of the Magistrate.

Enforcement of directions, notifications, public notices and orders given, issued or made under sections 28, 29, 30, 31, 32 or 33

23. (1) It shall be the duty of every police officer to take temporary charge-

Charge of unclaimed property and disposal thereof

- (a) of all unclaimed movable property found by, or made over to him; and
- (b) of all movable property found lying in any public place or street, if the owner or person in charge of such property, on being directed to remove the same, refuses or omits to do so.

(2) A police officer taking charge of any property under sub-section (1) shall hand over the property to the Officer-in-Charge of the police station concerned and report the matter to the Police Commissioner forthwith.

(3) If such property appears to have been left by a person who has died intestate, and not to be under five thousand Taka in value, the Police Commissioner shall communicate with the Administrator General, with a view to its being dealt with under the Administrator-General's Act, 1913 (III of 1913), or any other law for the time being in force.

(4) In every other case the Police Commissioner shall issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto to appear before him or some other officer whom he appoints in this behalf and establish his claim within three months from the date of such proclamation.

(5) If the property, or any part thereof, is subject to speedy and natural decay, or consists of livestock, or if the property appears to be of a value of less than five hundred Taka, it may forthwith be sold by auction under the orders of the Police Commissioner and the net proceeds of such sale shall be dealt with in the same manner as is hereinafter provided for the disposal of the said property.

(6) The Police Commissioner shall, on being satisfied of the title of the claimant to the possession of any property referred to in sub-section (4), order the same to be delivered to him, after deduction or payment of the expenses property incurred by the Police in the seizure and detention thereof.

(7) The Police Commissioner may at his discretion, before making any order under sub-section (6), take such security as he may think proper from the person to whom the said property is to be delivered; and nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of such property from the person to whom it may have been delivered pursuant to such order.

(8) If no person establishes his claim to such property within the period prescribed in sub-section (4), it shall be at the disposal of the Government and the property, or such part thereof as has not already been sold under sub-section (5), may be sold by auction under orders of the Police Commissioner.

Impounding of
cattle

24. It shall be the duty of every police officer to seize and take to any public pound for confinement therein any cattle found straying in any street or trespassing upon any public property.

Powers as to
inspection,
search and
seizure of false
weights and
measures

25. (1) Notwithstanding anything contained in section 153 of the Code, any police officer generally or specially authorised by the Police Commissioner in this behalf may without warrant enter any shop or premises for the purpose of inspecting or searching for any weights or measures or instruments for weighing or measuring used or kept therein.

(2) If such police officer finds in such shop or premises weights, measures or instruments for weighing or measuring which he has reason to believe are false, he may seize the same and shall forthwith give information of such seizure to the Police Commissioner, and if such weights, measures or instruments are found by the Police Commissioner to be false, they shall be destroyed.

(3) Weights and measures purporting to be of the same denomination as weights and measures, the standards whereof are kept under any law for the time being in force, shall, if they do not correspond with the said standards, be deemed to be false within the meaning of this section.

CHAPTER V

POLICE REGULATIONS

26. (1) The Police Commissioner may, with the prior approval of the Government, make regulations, not inconsistent with any provision of this Ordinance or the rules made thereunder, for-

Power of Police Commissioner to make regulation

- (a) licensing and controlling persons offering themselves for employment at jetties, railway stations and landing places for the carriage of passengers baggages, and fixing and providing for the enforcement of a scale of charges for the labour of such person when so employed;
- (b) regulating the conditions under which vehicles may remain standing in streets and public places, and the use of streets as halting places for vehicles or cattle;
- (c) regulating traffic of all kinds in streets and public places, and the use of streets and public places by persons riding, driving, cycling, walking or leading or accompanying cattle, so as to prevent danger, obstruction or inconvenience to the public;
- (d) prescribing the number and position of lights to be used on vehicles in streets and the hours between which such lights shall be used;
- (e) prescribing certain hours of the day during which cattle shall not be driven along the streets, or along certain specified streets, except subject to such conditions as he may specify in that behalf;

- (f) regulating and controlling the manner and mode of conveying timber, scaffold poles, ladders, iron girders, beams, bars, boilers or other unwieldy articles through the streets, and the route and hours for such conveyance;
- (g) licensing, controlling or, in order to prevent the obstruction, inconvenience or annoyance to the residents or passengers in the vicinity, prohibiting the playing of music, the beating of drums or other instruments and the blowing or sounding of horns or other noisy instruments in or near streets or public places;
- (h) regulating the conduct, behaviour or action of persons constituting assemblies and processions on or along the streets and prescribing, in the case of processions, the routes by which, the order in which and the time at which the same may pass;
- (i) prohibiting the hanging or placing of any cord or pole across a street, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;
- (j) prohibiting or controlling the placing of building materials or other articles or the fastening or detention of any animal in any street or public place;
- (k) licensing, controlling or, in order to prevent obstruction, inconvenience or annoyance to the residents or passengers in the vicinity, prohibiting-
 - (i) the illumination of streets and public places and the exteriors of buildings abutting thereon by persons other than employees of Government or of a local authority duly authorised in that behalf;
 - (ii) the blasting of rock or making excavations in or near streets or public places;
 - (iii) the using of a loudspeaker in or near any public place or in any place of public entertainment;
- (l) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause;
- (m) guarding against injury to person and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to the passenger, neighbour or public;

- (n) prohibiting or regulating the setting fire to or burning any straw or other matter or lighting a bonfire or letting off or throwing a firework in or upon a street or building or the putting up of any post or other thing on the side of or across, a street for the purpose of affixing thereto lamps or other contrivances for illumination;
- (o) licensing or controlling places of public amusement or entertainment;
- (p) regulating the means of entrance and exit at places of public amusement, entertainment or assembly, and providing for the maintenance of public safety and the prevention of disturbance thereat;
- (q) licensing or controlling the musical, dancing, mimetic, theatrical or other performances for public amusement, and regulating, in the interest of public order, decency or morality, the employment of artists and the conduct of the artists and audience at such performances and the hours during which and the places at which such performances may be given;
- (r) regulating or prohibiting the sale of any ticket or issue of any pass for admission to a place of public amusement;
- (s) fixing the fees to be charged for any licence or permission required under this Ordinance.

(2) The power of making regulations under this section shall be subject to the condition of the regulations being made after previous publication, and every regulation made under this section shall be published in the *official Gazette* and in the locality affected thereby by affixing copies thereof in conspicuous places near to the building, structure, work or place, as the case may be, to which the same specially relates or by advertising the same in such local newspapers as the Police Commissioner may deem fit:

Provided that any such regulation may be made without previous publication if the Government is satisfied that circumstances exist which renders it necessary that such regulation should be brought into force at once.

Police Commissioner may authorise erection of barriers on streets

27. (1) The Police Commissioner may, whenever in his opinion such action is necessary, authorise such police officer as he thinks fit to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street and satisfy himself that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver or person in charge of such vehicle.

(2) The Police Commissioner may make such orders as he deems fit for regulating the use of such barriers.

Power of Police Commissioner and other police officers to give directions to the public

28. The Police Commissioner, or any police officer authorised by him in this behalf, may, from time to time as occasion may arise, give all such directions, not inconsistent with any regulation made under section 26, either orally or in writing, as may be necessary to-

- (a) secure the orderly conduct of persons constituting processions or assemblies in streets;
- (b) prescribe the routes by which and the times at which any such procession may or may not pass;
- (c) prevent constructions on the occasion of all processions and assemblies and in the neighbourhood of all places of worship during the time of worship, and in all cases when any street or public place or place of public resort may be thronged or liable to be obstructed;
- (d) keep order in all streets, public bathing, washing and landing places and all other public places or places of public resort;
- (e) regulate and control the playing of music or singing, the beating of drums and other instruments, and the blowing or sounding of horns or other noisy instruments, in or near any street of public place;
- (f) regulate and control the use of loudspeakers in any street or in or near any public place or in any place of public entertainment.

Power of Police Commissioner to prohibit certain acts for prevention of disorder

29. (1) The Police Commissioner may, whenever and for such time as he considers necessary for the preservation of public peace or safety, by notification publicly promulgated or addressed to individuals, prohibit at any place-

- (a) the carrying of arms, swords, spears, guns, knives, sticks or *lathis*, or any other article, which is capable of being used for causing physical violence;

- (b) the carrying of any corrosive substance or explosives;
- (c) the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles;
- (d) the exhibition of persons, corpses, figures or effigies;
- (e) the public utterance of cries, singing of songs or playing of music;
- (f) the delivery of public harangues, the use of gestures or mimetic representations, and the preparation, exhibition or dissemination of pictures, symbols, placards or any other object or thing which may, in his opinion, offend against decency or morality or undermine the security of the State.

(2) If any person goes armed with any such article or carries any corrosive substance or explosive or missile in contravention of such prohibition, he may be disarmed of the corrosive substance or explosive or missile may be seized from him by any police officer, and the article, corrosive substance, explosive or missile so seized shall be forfeited to the Government.

30. The Police Commissioner may, by order in writing, prohibit any assembly or procession whenever and for so long as he considers such prohibition to be necessary for the preservation of the public peace or safety:

Power of Police Commissioner to prohibit assembly or procession

Provided that no such prohibition shall remain in force for more than thirty days without the sanction of the Government.

31. The Police Commissioner, may, by public notice, temporarily reserve for any public purpose any street or public place and prohibit persons from entering the area so reserved except under such conditions as may be specified by him.

Power of Police Commissioner to reserve any street or public place for any public purpose

32. Notwithstanding anything contained in any other law for the time being in force, the Police Commissioner may, with the previous approval of, and subject to such directions as may be given by, the Government, requisition any vehicle for carrying on any operation by the Force:

Power of Police Commissioner to requisition vehicles

Provided that if the Police Commissioner is satisfied that circumstances exist which render immediate action necessary, he may requisition any vehicle without the previous approval of the Government, but in that case he shall forthwith report the fact of such requisition to the Government.

Power of Police Commissioner to prohibit, restrict or regulate use of music, etc.

33. If, in the opinion of the Police Commissioner, it is necessary so to do for the purpose of preventing annoyance, disturbance, discomfort or injury to the public or to any person who dwell or occupy property in the vicinity, he may, by order in writing, prohibit, restrict, regulate or impose conditions on-

- (a) the use or continuance in any area, premises or vehicles of-
 - (i) any vocal or instrumental music;
 - (ii) microphone, loudspeaker or other instruments for amplifying music or other sound;
 - (iii) sounds caused by the playing, beating, clashing, blowing or use in any manner whatsoever of any instrument, appliance or apparatus or contrivance which is capable of producing or reproducing sound; or
- (b) the carrying on in any premises of any trade, avocation or operation resulting in or attended with noise.

Orders for prevention of riot, etc.

34. (1) In order to prevent or suppress any riot or grave disturbance of peace, the Police Commissioner may, by order in writing, temporarily close or take possession of any building or place and exclude all or any persons therefrom, or allow access thereto to such persons only and on such terms as he may deem expedient.

(2) If the lawful occupier of such building or place suffers substantial loss or injury by reason of the action taken under sub-section (1), he shall be entitled, on application made to the Police Commissioner within one month from the date of such action, to receive reasonable compensation for such loss or injury unless such action was, in the opinion of the Police Commissioner, rendered necessary either by the use to which such building or place was put or intended to be put or by the misconduct of persons having access thereto.

(3) In the event of any dispute in any case under sub-section (2), the decision of the Government shall be final as to the amount, if any, to be paid, and as to the person whom it is to be paid.

35. (1) For the purpose of preventing serious disorder or breach of the law or manifest an imminent danger to the persons assembled at any place of public amusement or at any assembly or meeting to which the public are invited or which is open to the public, the police officer of the highest rank present at such place, assembly or meeting may give such directions as to the mode of admission of the public to, and for securing the peaceful and orderly conduct of the proceedings and the maintenance of the public safety at such place, assembly or meeting as he thinks necessary.

Police to provide against disorder, etc., at places of amusement and public meetings

(2) The police shall have free access to every such place, assembly or meeting for the purpose of giving effect to the provisions of sub-section (1) and to any direction given thereunder.

36. The Police Commissioner may, from time to time, by public notice, proclaim that any dog found, during such period as may be specified in the said notice, straying in the streets or in any public place may be destroyed, and any dog so found within such period may be destroyed accordingly.

Stray dogs to be destroyed

37. Any police officer who in any street or public place finds any animal so diseased, or so severely injured, and in such a physical condition, that, in his opinion, it should be destroyed, shall, if the owner is absent or refuses to consent to the destruction of the animal at once, summon the veterinary officer in charge of the area in which the animal is found and, if the veterinary officer certifies that the animal is so diseased or so severely injured, or in such a physical condition, that it is cruel to keep it alive, the police officer may, without the consent of the owner, destroy the animal or cause it to be destroyed:

Suffering or unfit animals to be destroyed

Provided that if in the opinion of the veterinary officer the animal can be removed from the place where it is found without causing it great suffering, he may direct the police officer to remove the animal before it is destroyed from the place where it is found to such other place as he may think fit:

Provided further that when the animal is destroyed in any street or public place it shall, as far as possible, be screened from the public gaze while it is being destroyed.

CHAPTER VI

SPECIAL MEASURES FOR MAINTENANCE OF PUBLIC SAFETY AND ORDER

Employment of additional police on application

38. (1) The Police Commissioner may, on the application of any person, depute any additional number of police to keep the peace, preserve order or enforce any of the provisions of this Ordinance or any other law in respect of any particular class or classes of offences or to perform any other police duties at any place.

(2) Such additional police shall be employed at the cost of the person making the application, but shall be subject to the orders of the Police Commissioner and shall be employed for such period as the Police Commissioner may think necessary.

(3) If the person upon whose application such additional police are employed makes, at any time, a written request to the Police Commissioner for their withdrawal, he shall be relieved from the cost thereof at the expiration of such period not exceeding one week from the date of such request as the Police Commissioner may determine.

Employment of Additional police at certain places

39. (1) When it appears to the Police Commissioner that the behaviour of the persons employed on any public work or in any industrial or commercial concern under construction or in operation at any place necessitates the employment of additional police at such place, he may depute such additional police to such place as he thinks fit and keep such police employed at such place for so long as such necessity continues.

(2) The Police Commissioner may make order, from time to time, directing the person by whom the work or concern is being constructed or carried on to pay such amount as cost of employment of such additional police as he may specify therein, and such person shall thereupon make the payment accordingly.

(3) Any person aggrieved by an order of the Police Commissioner under sub-section (2), may appeal to the Government and the decision of the Government on such appeal shall be final.

40. Whenever it appears to the Police Commissioner that the movement or encampment of any gang or body of persons in any place is causing or is likely to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, he may, by order in writing, direct the members of such gang or body so to conduct themselves as may seem necessary in order to prevent violence and alarm, or to disperse and remove themselves outside the Metropolitan Area within such time as he may specify and not to enter or return to the said Area.

Dispersal of gangs

41. Whenever it appears to the Police Commissioner-

- (a) that the movements or acts of any person are causing or likely to cause alarm, danger or harm to any other person or to any property; or
- (b) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapters XII, XVI or XVII of the Penal Code (XLV of 1860), or in the abetment of any such offence;

Removal of persons about to commit offence

the Police Commissioner may, by order in writing, direct such person so to conduct himself as may seem necessary in order to prevent violence and alarm, or to remove himself outside the Metropolitan Area within such time as he may specify and not to enter or return to the said Area.

42. If a person has been convicted of an offence-

- (a) under Chapters XII, XVI or XVII of the Penal Code (XLV of 1860);
- (b) under the Suppression of Immoral Traffic Act, 1933 (Ben. Act VI of 1933);
- (c) under the Customs Act, 1969 (IV of 1969); or

Removal of persons convicted of certain offences

- (d) under sections 76, 77, 78, 83, 88 or 90 of this Ordinance thrice or more;

the Police Commissioner may, if he has reason to believe that such person is likely again to commit the same offence or any other offence under the same law, by order in writing, direct such person to remove himself outside the Metropolitan Area within such time as he may specify and not to enter or return to the said Area.

Period of operation of orders under sections 40, 41 or 42

43. An order made under section 40, 41 or 42 directing a person not to enter or return to the Metropolitan Area shall remain in force for such period, not exceeding two years, as may be specified therein.

Hearing to be given before order under sections 40, 41 or 42 is made

44. (1) Before an order under section 40, 41 or 42 is made in respect of any person, the Police Commissioner shall inform the person in writing of the general nature of the material allegations against him and the order proposed to be made in respect of him and give him a reasonable opportunity of tendering an explanation regarding them.

(2) If such person makes an application for the examination of any witness, the Police Commissioner shall examine such witness, unless, for reasons to be recorded in writing, he is of opinion that such application is made for the purpose of vexation or delay.

(3) Such person shall be entitled to appear before the Police Commissioner by a lawyer for the purpose of tendering his explanation and examining the witnesses produced by him.

(4) The Police Commissioner may, for the purpose of securing the attendance of such person, require that person to appear before him and to execute a bond, with or without sureties, for such attendance during the inquiry.

(5) If such person fails to execute the bond as required under sub-section (4) or fails to appear before the Police Commissioner during the inquiry, the Police Commissioner may proceed with the inquiry and make the order proposed to be made against him.

45. (1) Any person aggrieved by an order made under section 40, 41 or 42 may appeal to the Government within thirty days from the date of such order.

Appeal

(2) An appeal under this section shall be preferred in the form of a memorandum, setting forth concisely the grounds of objection to the order appealed against and shall be accompanied by that order or a certified copy thereof.

(3) On receipt of such appeal, the Government may, after giving a reasonable opportunity to the applicant to be heard either personally or by a lawyer and after such further inquiry, if any, as it may deem necessary, confirm, vary or set aside the order appealed against and make its order accordingly:

Provided that the order appealed against shall remain in force pending the disposal of the appeal, unless the Government otherwise directs.

(4) In calculating the period of thirty days provided for an appeal under this section, the time taken for granting a certified copy of the order appealed against shall be excluded.

46. An order passed by the Police Commissioner under section 40, 41 or 42 or by the Government under section 45 shall not be called in question in any Court.

Certain orders of Police Commissioner or Government not to be called in question

47. (1) If a person who has been directed by an order made under section 40, 41 or 42 to remove himself outside the Metropolitan Area-

Procedure on failure of person to leave Metropolitan Area and his entry therein after removal

- (a) fails to remove himself as directed; or
- (b) having so remove himself, except with the permission of the Police Commissioner under sub-section (2), enters the said Area within the period specified in the order;

the Police Commissioner may cause him to be arrested and removed to such place outside the said Area as he may specify.

(2) The Police Commissioner may permit any person in respect of whom an order under section 40, 41 or 42 has been made to enter or return to the Metropolitan Area for such temporary period and subject to such conditions as may be specified in such permission and may require him to enter into a bond, with or without surety, for the due observance of the conditions imposed.

(3) The Police Commissioner may, at any time, revoke any such permission.

(4) Any person permitted under sub-section (2) to enter or return to the Metropolitan Area shall, at the expiry of the period specified in the permission or on the earlier revocation of such permission, remove himself outside the said Area, and shall not, without a fresh permission, enter therein or return thereto within the unexpired residue of the period specified in the order made under section 40, 41 or 42.

(5) If such person fails to observe any of the conditions imposed or to remove himself accordingly, or having so removed himself enters or returns to the Metropolitan Area without fresh permission, the Police Commissioner may cause him to be arrested and removed to such place outside the said Area as he may specify.

CHAPTER VII

OFFENCES, PENALTIES AND PROCEDURE

Penalty for refusal to serve as auxiliary police officer

48. Any person who having been appointed as an auxiliary police officer under section 10 without sufficient cause refuses to serve as such or to obey any lawful order or direction that may be given to him for the performance of his duties shall be punishable with fine which may extend to two hundred Taka.

Penalty for making false statement, etc.

49. Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a police officer shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred Taka, or with both.

50. Any police officer who is guilty of cowardice or of any wilful breach of any provision of law or of any rule, regulation or order which it is his duty as such police officer to observe or obey, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Taka, or with both.

Penalty for misconduct of police officer

51. Any subordinate officer who resigns his office or withdraws himself from the duties thereof in contravention of section 14 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Taka, or with both.

Penalty for contravention of section 14

52. Any police officer who wilfully neglects or refuses to deliver up his certificate of appointment or the arms, accoutrements, clothing and other articles supplied to him for the performance of his duties immediately after he ceases to belong to the Force shall be punishable with imprisonment for a term which may extend to three months, or with fine, which may extend to five hundred Taka, or with both.

Penalty for neglect or refusal to deliver up certificate of appointment, etc.

53. Any police officer who without lawful authority or reasonable cause enters or searches or causes to be entered or searched any building, vessel or place shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand Taka, or with both.

Penalty for unlawful entry and search by police officer

54. Any police officer who vexatiously or unnecessarily searches, detains or arrests any person or seizes the property of any person, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand Taka, or with both.

Penalty for vexatious search, detention, etc., by police officer

55. Any police officer who offers any unnecessary personal violence to any person in his custody or holds out to an accused person any threat or promise not warranted by law shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand Taka, or with both.

Penalty for personal violence, threat, etc., by police officer

56. Any police officer who detains in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable or, in absence of a special order of a Magistrate under section 167 of the Code,

Penalty for detention in custody beyond a certain period

detains an arrested person in custody for a period exceeding twenty-four hours shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Taka, or with both.

Penalty for unauthorised use of police uniform

57. Any person who, not being a member of the Force, wears, without the permission of the Police Commissioner, the uniform of the Force or any dress having the appearance of that uniform shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred Taka, or with both.

Penalty for contravention of regulations under section 26

58. Whoever contravenes any regulation made under section 26 or any of the conditions of a licence or permission issued or granted under any such regulation shall be punishable with fine which may extend to two hundred Taka.

Penalty for contravention of directions under section 28

59. Whoever contravenes any direction given under section 28 shall be punishable with fine which may extend to five hundred Taka.

Penalty for contravention of prohibition under section 29

60. Whoever contravenes any prohibition made under section 29 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred Taka, or with both.

Penalty for contravention of order under section 30

61. Whoever contravenes any order made under section 30 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred Taka, or with both.

Penalty for contravention of prohibition under section 31

62. Whoever contravenes any prohibition made under section 31 shall be punishable with fine which may extend to five hundred Taka.

Penalty for contravention of order under section 33

63. Whoever contravenes any order made under section 33 shall be punishable with fine which may extend to five hundred Taka.

Penalty for contravention of order under sections 40, 41 or 42

64. Whoever contravenes any order made under section 40, 41 or 42 shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand Taka, or with both.

65. Any person who in contravention of an order made under section 40, 41 or 42 enters or returns without permission to the Metropolitan Area or enters or returns to the said Area with permission granted under section 47(2) but fails, contrary to the provisions thereof, to remove himself outside the said Area at the expiry of the period specified in the permission shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand Taka, or with both.

Penalty for entering without permission

66. Whoever fails to conform to any reasonable direction of a police officer given in fulfilment of any of his duties under this Ordinance shall be punishable with fine which may extend to one hundred Taka.

Penalty for failure to conform to directions of police officer

67. Whoever, when driving a vehicle along the street, without sufficient reason fails to keep on the left side of such street and when passing any other vehicle proceeding on the same direction fails to keep on the right side of such vehicle or violates any traffic regulation made by the Police Commissioner shall be punishable with fine which may extend to two hundred Taka.

Penalty for wrong driving and violation of traffic-regulations

68. Whoever leaves or parks any vehicle in any part of a street or public place where parking is prohibited by the Police Commissioner shall be punishable with fine which may extend to one hundred Taka.

Penalty for wrong parking

69. Whoever drives, rides, leads, propels, or leaves on any footway any vehicle, other than a perambulator, so that the same can stand across or upon such footway shall be punishable with fine which may extend to one hundred Taka.

Penalty for obstructing a footway

70. Whoever causes obstruction in any street or public place-

Penalty for causing obstruction in street or public places

(a) by allowing any vehicle which has to be loaded or unloaded, or to take up or set down passengers, to remain or stand therein longer than may be necessary for such purposes; or

(b) by leaving any vehicle standing therein,

shall be punishable with fine which may extend to one hundred Taka.

Penalty for exposing anything for sale contrary to regulation

71. Whoever, contrary to any regulation made by the Police Commissioner, exposes or sets out anything for sale in or on any stall, bath, board, basket or in any other manner in any street or public place shall be punishable with fine which may extend to five hundred Taka.

Penalty for letting loose any animal

72. Whoever in any street or public place-

- (a) negligently lets loose any animal so as to cause danger, injury, alarm or annoyance to any person or animal; or
- (b) suffers a ferocious dog or other animal to be at large without a muzzle; or
- (c) sets on or urges a dog or other animal to attack, worry or put in fear any person or animal;

shall be punishable with fine which may extend five hundred Taka.

Penalty for exposing animal or vehicle for hire or sale, etc.

73. Whoever in any street or public place exposes for hire or sale any animal or vehicle or cleans any animal or vehicle, except at such times and places as the Police Commissioner may permit, shall be punishable with fine which may extend to one hundred Taka.

Penalty for making or repairing vehicle in street or public place

74. Whoever in any street or public place makes any vehicle or part of a vehicle, or except when in the case of an accident repairing on the spot is unavoidable, repairs any vehicle or part of a vehicle, or carries on therein any manufacture or operation or work so as to be an impediment to traffic or annoyance to the public or neighbouring residents¹[shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand Taka, or with both, and such vehicle shall be liable to be confiscated to the Government].

¹ The words and commas “shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand Taka, or with both, and such vehicle shall be liable to be confiscated to the Government” were substituted for the words “shall be punishable with fine which may extend to two hundred Taka” by section 2 of the Chittagong Metropolitan Police (Amendment) Ordinance, 1984 (Ordinance No. XXV of 1984).

¹[74A. Whoever causes obstruction in any street or public place by keeping or storing building materials or other articles therein shall be punishable with fine which may extend to two thousand Taka, and such materials or articles shall be liable to be confiscated to the Government.]

Penalty for keeping or storing building materials or other articles in street or public place

75. Whoever slaughters any animal or cleans a carcass or hide in or near to or within sight of a street or public place, except at a place set apart for the purpose by order of the Police Commissioner, shall be punishable with fine which may extend to five hundred Taka.

Penalty for slaughtering animal or cleaning a carcass

76. Any person who in any street or public place or within sight of, and in such manner as to be seen or heard from, any street or public place, whether from within any house or building or not-

Penalty for soliciting for purposes of prostitution

- (a) by words, gestures, or indecent personal exposure attracts or endeavours to attract attention for the purposes of prostitution; or
- (b) solicits or molests any person for the purposes of prostitution;

shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred Taka, or with both.

77. Whoever wilfully and indecently exposes his person in any street or public place or within sight of, and in such manner as may be seen from any street or public place whether from within any house or building or not, or uses indecent language or behaves indecently or riotously, or in a disorderly manner in a street or public place or in any office, station or landing place shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred Taka, or with both.

Penalty for indecent behaviour in public

¹ Section 74A was inserted by section 3 of the Chittagong Metropolitan Police (Amendment) Ordinance, 1984 (Ordinance No. XXV of 1984).

Penalty for teasing women

78. Whoever wilfully and indecently exposes his person in any street or public place within sight of, and in such manner as may be seen by, any woman, whether from within any house or building or not, or wilfully presses or obstructs any woman in a street or public place or insults or annoys any woman by using indecent language or making indecent sounds, gestures, or remarks in any street or public place, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand Taka, or with both.

Penalty for obstructing or annoying passengers in streets

79. Whoever wilfully puts, presses, hustles or obstructs any passenger in any street or public place, or by violent movement, menacing gestures, screaming, shouting, wilfully frightening any animal or otherwise disturbs the public peace and order shall be punishable with fine which may extend to two hundred Taka.

Penalty for misbehaviour with intent to provoke a breach of peace

80. Whoever uses in any street or public place any threatening, abusive or insulting words with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned shall be punishable with fine which may extend to two hundred Taka.

Penalty for exhibiting mimetic, musical or other performance, etc.

81. Whoever exhibits, contrary to any regulation made by the Police Commissioner, any mimetic, musical or other performance of a nature which may attract crowd, or carries or places bulky advertisements, pictures, figures or emblems in any street or public place whereby an obstruction to passengers or annoyance to the neighbouring residents may be occasioned shall be punishable with fine which may extend to two hundred Taka.

Penalty for committing nuisance in or near street, etc.

82. Whoever in or near to any street or public place commits a nuisance by casing himself, or suffers any child in his care or custody under seven years of age to commit such nuisance or spits or throws any litter, refuse or rubbish so as to cause annoyance to any passer-by shall be punishable with fine which may extend to two hundred Taka.

Penalty for begging and exposing offensive ailments

83. Whoever in any street or public place begs or applies for alms, or exposes or exhibits any sores, wounds, bodily ailment or deformity with the object of exciting charity or obtaining alms shall be punishable with imprisonment for a term which may extend to one month.

84. Whoever bathes or washes in or by the side of a public well, tank, pond, pool or reservoir not set apart for such purpose by order of the Police Commissioner shall be punishable with fine which may extend to two hundred Taka.

Penalty for bathing or washing in places not set apart for the purpose

85. Whoever in any building or place occupied by Government or by any local authority smokes or spits in contravention of a notice affixed to such building or place by the person in charge of such building or place, shall be punishable with fine which may extend to one hundred Taka.

Penalty for smoking and spitting in contravention of a notice

86. Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling-house or premises or any land or ground attached thereto, or any ground, building, monument or structure belonging to Government or appropriated to public purposes, or any boat, vessel or vehicle, shall, whether he causes any damage or not, be punishable with fine which may extend to one hundred Taka.

Penalty for wilful trespass

87. Whoever knowingly gives or causes to be given a false alarm of fire to the fire-brigade or to any officer or firemen thereof, whether by means of a street fire-alarm, message or otherwise, or, with intent to give such false alarm, wilfully breaks the glass of, or otherwise damages, a street fire-alarm shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred Taka, or with both.

Penalty for false alarm of fire or damage to fire-alarm

88. Whoever is found between sunset and sunrise-

- (a) armed without any satisfactory excuse with any dangerous instruments; or
- (b) having without any satisfactory excuse his face covered or otherwise disguised; or
- (c) in any dwelling house or other building, or on board any vessel or boat or in any vehicle without being able satisfactorily to account for his presence there; or
- (d) lying or loitering in any street, yard or other place without being able to give a satisfactory account of himself; or
- (e) having in his possession without satisfactory excuse any implement of house-breaking;

Penalty for being found under suspicious circumstances between sunset and sunrise

shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand Taka, or with both.

Penalty for carrying weapon without authority

89. Whoever, not being a police officer or a member of any Defence Force or of the Bangladesh Rifles and acting as such, goes armed with sword, firearm or other offensive weapon or with any explosive or corrosive substance in any street or public place unless so authorised by lawful authority shall be liable to be disarmed by any police officer and the weapon or substance so seized shall be forfeited to the Government, unless redeemed within one month on payment of such fine not exceeding one thousand Taka as the Police Commissioner may impose.

Penalty for possession of property of which no satisfactory account can be given

90. Whoever has in his possession, or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe to have been stolen or fraudulently obtained, shall, if he fails to account for such possession, be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand Taka, or with both.

Penalty for taking liquor, etc., into hospital, etc.

91. Whoever takes or attempts to take any spirituous or fermented liquor or intoxicating drugs or preparations into any public hospital or jail without the permission of the person in-charge of such hospital or jail, or into any barracks or buildings occupied by the members of any disciplined force or into any educational institution, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred Taka, or with both; and such spirits, liquors, drugs or preparations shall be forfeited to the Government.

Penalty for omission by pawn-brokers, etc., to report to police possession of stolen property

92. Whoever, being a pawn-broker, dealer in second-hand property or worker in metals, having received from any police officer information regarding any property stolen or fraudulently obtained, comes into the possession of, or is offered in pawn or for sale, exchange or alteration, any property answering the description set forth in such information fails, without unnecessary delay, to give information to the effect at the nearest police-station and also to state the name and address of the person from whom the possession or offer was received shall be punishable with fine which may extend to two hundred Taka.

Penalty for melting, etc., of such property

93. Whoever, having received such information as is referred to in section 92, alters, melts, defaces or puts away or causes or suffers to be altered, melted, defaced or put away, without the previous permission of the police, any such property, shall on proof that the same was stolen or fraudulently obtained, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Taka, or with both.

94. Whoever assembles with others in a street or public place for the purpose of gambling or wagering or joins any such assembly shall be punishable with fine which may extend to one hundred Taka.

Penalty for gambling in street

95. Whoever, being the keeper of any place of public amusement or entertainment, knowingly permits drunkenness or other disorderly behaviour or any gaming whatsoever in such place shall be punishable with fine which may extend to two hundred Taka.

Penalty for permitting disorderly conduct at places of public amusement

96. Whoever sells or offers for sale any ticket once issued for admission as spectator to any place of public amusement at a price higher than the price at which such ticket was originally issued shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred Taka, or with both.

Penalty for selling admission tickets at higher price

97. Whoever allows any cattle, which are his property or in his charge, to stray in any street or to trespass upon any property shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred Taka, or with both.

Penalty for allowing cattle to stray in street or trespass upon property

98. Whoever without the consent of the owner or occupier, affixes any bill, notice or paper against or upon any building, wall, tree, fence, post, pole or other erection with chalk, ink or paint or in any manner whatsoever shall be punishable with fine which may extend to two hundred Taka.

Penalty for affixing bills or otherwise defacing building, etc.

99. Whoever sets fire to or burns any straw or other matter, or lights any bonfire, or wantonly discharges any fire-arm or airgun, lets off or throws any fire-work, in or near any street or public place, except at such times and places as may, from time to time, be allowed by the Police Commissioner shall be punishable with fine which may extend to one hundred Taka.

Penalty for lighting fires, discharging guns or letting off fire-works

100. Any person who abets the commission of any offence punishable under this Ordinance shall be deemed to have committed that offence.

Abetment of offences

101. If the person committing an offence punishable under this Ordinance is a firm, company or other body corporate, every partner, director, manager, secretary or other officer or agent thereof shall, unless he proves that the commission took place without his knowledge or that he exercised all due diligence to prevent such commission, be deemed to be guilty of such commission.

Offences committed by firms, etc.

Cognizance of offences

102. (1) No Court shall take cognizance of an offence, other than an offence specified in sub-section (2), Punishable under this Ordinance except upon a report in writing made by a police officer.

(2) A Court may take cognizance of an offence punishable under section 49, 50, 51, 52, 53, 54 or 55 either of its own motion or on a complaint made by any person or upon a report in writing made by a police officer.

Power of arrest without warrant

103. Any police officer may arrest without warrant any person committing in his presence or within his views any offence punishable under this Ordinance or under any other law for the time being in force.

Explanation.- Nothing in this section shall be construed as restricting the exercise by any police officer of any power of arrest conferred upon him by any other law.

Disposal of certain specified cases

104. (1) A Court taking cognizance of an offence punishable under section 58, 59, 62, 63, 66, 71, 72, 73, 74, 75, 79, 80, 81, 82, 84, 85, 86, 94, 95, 96, 98 or 99 may state in the summons to be served on the accused person that he may, by a specified date prior to the hearing of the charge, plead guilty to the charge by registered letter and remit to the Court such sum, not exceeding one-fourth of the amount of fine specified for such offence, as the Court may specify.

(2) Where an accused person pleads guilty and remits the sum specified, no further proceeding in respect of the offence shall be taken against him.

Power of police officer to impose penalty in certain cases

105. (1) If a police officer, not below such rank as the Police Commissioner may by public notice specify, finds that an offence punishable under section 67, 68, 69 or 70 has been committed, he may give the person who has committed the offence or, when such person is not available, affix on the body of the vehicle in respect of which the offence has been committed, a notice in the prescribed form specifying-

- (a) the offence committed by such person;
- (b) the penalty, not exceeding fifty Taka, in the case of a motor vehicle and ten Taka, in any other case, which he is to pay; and
- (c) the date on which he is to appear before the Magistrate and pay the penalty.

(2) If such person appears before the Magistrate and pays the penalty on the specified date, no further proceeding in respect of the offence committed by him shall be taken against him.

(3) If such person fails to appear before the Magistrate and pay the penalty on the specified date or does not show any cause to the satisfaction of the Magistrate for such failure, the penalty shall be realised from him in the same manner in which a fine imposed by a Magistrate may be realised as if it were a fine imposed by a Magistrate under this Ordinance.

(4) If such person appears before the Magistrate on the specified date but denies to have committed the offence specified in the notice, the Magistrate shall take cognizance of the offence specified in the notice, treating the notice to be a report in writing made by the police officer who wrote it, and proceed with the case in accordance with the other provisions of this Ordinance, and in the trial of the case the burden shall lie upon such person to prove that he has not committed such offence.

(5) The provisions of this section shall have effect notwithstanding anything contained in this Ordinance or in any other law for the time being in force.

106. Nothing in this Ordinance shall be construed to prevent any person from being prosecuted and punished under any other law for any offence made punishable by this Ordinance or from being prosecuted and punished under this Ordinance for an offence punishable under any other law:

Prosecution for offences under other laws not affected

Provided that all such cases shall be subject to the provisions of section 403 of the Code.

CHAPTER VIII

MISCELLANEOUS

107. No regulation, order, direction, inquiry or notice made or published and no act done under any provision of this Ordinance or of any rule or regulation made thereunder shall be deemed illegal, void, invalid or insufficient by reason of any defect of form or any irregularity of procedure.

Regulations, orders, etc., not invalidated by defect of form or irregularity in procedure

- 108.** No police officer shall be liable to any penalty or to payment of any damage on account of an act done in good faith in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Ordinance or any other law for the time being in force or any rule, regulation, order or direction made or given thereunder.
- 109.** Notwithstanding anything contained in any other law for the time being in force, any legal proceeding, whether civil or criminal, which may lawfully be brought against any police officer for anything done or intended to be done under any provision of this Ordinance or of the rules, regulations or orders made thereunder, shall be commenced within six months after the act complained of has been committed, and a notice, in writing, of such proceeding and of the cause thereof shall be given to the police officer concerned and his superior officer at least one month before the commencement of such proceeding.
- 110.** Any public notice required to be given under any of the provisions of this Ordinance shall be in writing, shall be signed by the Police Commissioner, and shall be published in the locality to be affected thereby by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums or by advertising the same in such local newspaper as the Police Commissioner may deem fit, or by any two or more of these means and by any other means he may think suitable.
- 111.** Every licence, written permission, notice, or other document, not being a summons or warrant, required by this Ordinance or by any rule or regulation made thereunder to bear the signature of the Police Commissioner shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon.
- 112.** The Government may, by notification in *official Gazette*, include within the limits of the Metropolitan Area any area adjacent thereto or exclude from the limits of the Metropolitan Area any area comprised therewith.
- 113.** The Government may, by notification in the *official Gazette*, make rules for carrying out the purposes of this Ordinance.

114. The laws specified in column 3 of Schedule III shall be amended in the manner specified in column 4 of that Schedule.

Amendment of certain laws

SCHEDULE I

Chittagong Metropolitan Area

[See section 2(c)]

The Chittagong Metropolitan Area comprises the areas included within the boundaries of the following police-stations in the district of Chittagong:

1. Kotwali.
2. Panchlaish.
3. Doublemooring.
4. Port.
5. Chandgaon.
6. Pahartali.

SCHEDULE II

Certificate of appointment in the Chittagong Metropolitan Police

[See section 8 (4)]

Mr....., whose photograph is affixed hereto, has been appointed as of the Chittagong Metropolitan Police, and is vested with the powers, duties and privileges of a police officer.

.....
Appointing Authority.

SEAL
CHITTAGONG;

The.....,20 .

SCHEDULE III
(See section 114)

1	2	3	4
Sl. No.	No. and year.	Short title.	Amendments.
1	XXII of 1867.	The Sarais Act, 1867	In section 17, <i>for</i> the words “the Dacca Metropolitan Area” the words “a Metropolitan Area” shall be <i>substituted</i> .
2	Ben. Act II of 1867.	The Gambling Act, 1867.	In section 1, <i>for</i> the words “the Dacca Metropolitan Area” the words “a Metropolitan Area” shall be <i>substituted</i> .
3.	XIX of 1876	The Dramatic Performances Act, 1876.	In section 1, in the second paragraph, <i>for</i> the words “the Dacca Metropolitan Area” the words “a Metropolitan Area” shall be <i>substituted</i> .
4	IV of 1884	The Explosives Act, 1884.	In section 9, sub-section (1), <i>for</i> the words “the Dacca Metropolitan Area” the words “a Metropolitan Area” shall be <i>substituted</i> .
5	X of 1897	The General Clauses Act, 1897.	<p>In section 3,-</p> <p>(a) <i>after</i> clause (9a), the following new clause shall be <i>inserted</i>, namely:-</p> <p style="padding-left: 40px;">“(9aa) “Chittagong Metropolitan Area” means the Chittagong Metropolitan Area as defined in the Chittagong Metropolitan Police Ordinance, 1978 (Ord. XLVIII of 1978);”;</p> <p>(b) <i>after</i> clause (32), the following new clause shall be <i>inserted</i>, namely:-</p> <p style="padding-left: 40px;">“(32a) “Metropolitan Area” means the Chittagong Metropolitan Area or the Dacca Metropolitan Area;” and</p>

1	2	3	4
Sl. No.	No. and year.	Short title.	Amendments.
6	Act V of 1898.	The Code of Criminal Procedure, 1898.	<p>(c) <i>for</i> clause (39a) the following shall be <i>substituted</i>, namely:-</p> <p>“(39a) “Police Commissioner” means the Police Commissioner appointed under the Dacca Metropolitan Police Ordinance, 1976 (Ord. III of 1976), or the Chittagong Metropolitan Police Ordinance, 1978 (Ord. XLVIII of 1978), and includes an Additional Police Commissioner, a Deputy Police Commissioner and an Assistant Police Commissioner appointed under any of those Ordinances;”.</p> <ol style="list-style-type: none"> 1. In section 83,- <ol style="list-style-type: none"> (a) in sub-section (1), <i>for</i> the words “the Dacca Metropolitan Area” the words “a Metropolitan Area” shall be <i>substituted</i>; and (b) in sub-section (2), <i>after</i> the words “District Superintendent”, the words “or Police Commissioner”, shall be <i>inserted</i>. 2. In section 85, <i>for</i> the words “the Dacca Metropolitan Area” the words “a Metropolitan Area” shall be <i>substituted</i>. 3. In section 129, <i>for</i> the words “the Dacca Metropolitan Area” the words “a Metropolitan Area” shall be <i>substituted</i>. 4. In section 132A, <i>for</i> the words “the Dacca Metropolitan Area” the words “a Metropolitan Area” shall be <i>substituted</i>. 5. In section 144, in sub-section (7), <i>for</i> the words “the Dacca Metropolitan Area” the words “a Metropolitan Area” shall be <i>substituted</i>.

1	2	3	4
Sl. No.	No. and year.	Short title.	Amendments.
7	XII of 1919	The Poisons Act, 1919.	In section 7, in sub-section (1), <i>for</i> the words “the Dacca Metropolitan Area” the words “a Metropolitan Area” shall be <i>substituted</i> .
8	XIX of 1923	The Official Secrets Act, 1923.	1. In section 8, in sub-section (1), <i>for</i> the words “the Dacca Metropolitan Area” the words “a Metropolitan Area” shall be <i>substituted</i> . 2. In section 10, in sub-section (2), <i>for</i> the words “the Dacca Metropolitan Area” the words “a Metropolitan Area” shall be <i>substituted</i> .
9	Ben. Act X of 1933.	The Places of Public Amusement Act, 1933.	In section 1, in sub-section (2), <i>after</i> the word “Bangladesh”, the words “except a Metropolitan Area” shall be <i>added</i> .
10	Ben. Act VII of 1943.	The Vagrancy Act, 1943.	In section 6, <i>for</i> the words “the Dacca Metropolitan Area” the words “a Metropolitan Area” shall be <i>substituted</i> .
11	E.B. Act VII of 1948.	The Ansars Act, 1948.	1. In section 3, in sub-section (3), <i>for</i> the words “the Dacca Metropolitan Area” the words “a Metropolitan Area” shall be <i>substituted</i> . 2. In section 4,- (a) in sub-section (1), <i>for</i> the words “the Dacca Metropolitan Police” the words “the Chittagong or Dacca Metropolitan Police” shall be <i>substituted</i> ; and (b) in sub-section (2), <i>after</i> the brackets at the and, the words, commas, brackets and figures “or the Chittagong Metropolitan Police Ordinance, 1978 (Ord. No. XLVIII of 1978)” shall be <i>added</i> .
12	XIV of 1974.	The Special Powers Act, 1974.	In section 24, in sub-section (1), <i>for</i> the words “the Dacca Metropolitan Area” the words “a Metropolitan Area” shall be <i>substituted</i> .