

THE ARMED POLICE BATTALIONS ORDINANCE, 1979

CONTENTS

SECTIONS

1. Short title
 2. Definitions
 3. Raising and maintaining of the Force
 4. Members of the Force to be subject to the Ordinance
 5. Superintendence, etc. of the Force
 6. Duties of the Force
 - 6A. Duties of the Rapid Action Battalion
 - 6B. Power to direct Rapid Action Battalion to investigate offences
 - 6C. Procedure to be followed in respect of investigation of an offence
 - 6D. Powers of officer in respect of investigation of an offence
 7. Discharge from the Force
 8. Offences triable by Special Court
 9. Offences triable by Summary Court, etc.
 10. Departmental proceedings
 11. Imprisonment of persons convicted and dismissed
 12. Delegation of powers
 13. Indemnity
 14. Power to make rules
 15. Power to make regulations, etc.
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**¹THE ARMED POLICE BATTALIONS
ORDINANCE, 1979**

ORDINANCE NO. XXV OF 1979

[31st March, 1979]

An Ordinance to provide for the constitution of Armed Police Battalions.

WHEREAS it is expedient to provide for the constitution of Armed Police Battalions and for matters ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and the 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:-

1. ²[* * *] This Ordinance may be called the Armed Police Battalions Ordinance, 1979. Short title
³[* * *]

(2) [Omitted by section 2 of the Armed Police Battalions (Amendment) Act, 2003 (Act No. XXVIII of 2003).]

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

(a) “Armed Policeman” means a member of the Force other than an officer;

⁴[(aa) Armed Personnel” means an Armed Policeman;]

(b) “battalion” means a full unit composed of several companies of the Force commanded by a Commanding Officer;

(c) “Commanding Officer” means an officer commanding a battalion or a body of Armed Policemen;

(d) “company” means a sub-unit composed of several platoons forming part of a battalion;

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)।

² The dash, brackets and figure “-(1)” were omitted by section 2 of the Armed Police Battalions (Amendment) Act, 2003 (Act No. XXVIII of 2003).

³ The words “and commencement” were omitted by section 2 of the Armed Police Battalions (Amendment) Act, 2003 (Act No. XXVIII of 2003).

⁴ Clause (aa) was inserted by section 3 of the Armed Police Battalions (Amendment) Act, 2003 (Act No. XXVIII of 2003).

¹[(dd) “discipline force” means-

- (i) the army, navy or air force;
- (ii) the police force;
- (iii) any other force declared by law to be disciplined force or declared by the Government, by notification in the *official Gazette*, to be disciplined force within the meaning of this definition.]

(e) “Force” means the Armed Police Battalions constituted under section 3;

(f) “officer” means a superior officer or a subordinate officer;

(g) “platoon” means a body of Armed Policemen composed of a number of sections commanded by a subordinate officer;

(h) “prescribed” means prescribed by rules made under this Ordinance;

²[(hh) “Rapid Action Battalion” means a Rapid Action Battalion raised under this Ordinance;]

(i) “Second-in-Command” means an officer posted to assist the Commanding Officer or an officer in command of an Armed Police Battalion during the absence of the Commanding Officer;

(j) “Section” means a group of Armed Policemen commanded by a subordinate officer;

(k) “Special Court” means,-

- (i) in the case of an offence committed by a superior officer, a Court consisting of the Additional Inspector General of Police and another officer not below the rank of Superintendent of Police, constituted by the Government upon the recommendation of the Inspector General of Police, presided over by the Additional Inspector General of Police and assisted by the Public Prosecutor or a Deputy Superintendent of Police authorised in this behalf by Inspector General of Police or any Court Inspector;

¹ Clause (dd) was inserted by section 3 of the Armed Police Battalions (Amendment) Act, 2003 (Act No. XXVIII of 2003).

² Clause (hh) was inserted by section 3 of the Armed Police Battalions (Amendment) Act, 2003 (Act No. XXVIII of 2003).

Provided that if the accused person is an officer of the rank of Superintendent of Police, the other officer of the Court shall be of the rank of Deputy Inspector General of Police, and

- (ii) in the case of an offence committed by a subordinate officer or an Armed Policeman, a Court consisting of an officer of the rank of Deputy Inspector General of Police to be nominated by the Inspector General of Police and another officer not below the rank of an Inspector of Police, constituted by the Inspector General of Police, presided over by an officer of the rank of Deputy Inspector General of Police and assisted by a Public Prosecutor or a Deputy Superintendent of Police authorised in this behalf by the Inspector General of Police or any Court Inspector:

Provided that if the accused person is an officer of the rank of Inspector of Police, the other officer of the Court shall be of the rank of a Deputy Superintendent of Police;

- (l) "subordinate officer" means an Inspector or Sub-Inspector of Police;
- (m) "Summary Court" means,-
 - (i) in the case of an offence committed by a superior officer, a Court consisting of a Deputy Inspector General of Police and another officer not below the rank of Superintendent of Police, constituted by the Additional Inspector General of Police and presided over by the Deputy Inspector General of Police:

Provided that if the accused person is an officer of the rank of Superintendent of Police, the other officer of the Court shall also be of the rank of Deputy Inspector General of Police; and

- (ii) in the case of an offence committed by a subordinate officer or an Armed Policeman, a Court consisting of the Commanding Officer of the battalion concerned and another officer not below the rank of an Inspector of Police, constituted by the Additional Inspector General of Police and presided over by the said Commanding Officer:

Provided that if the accused person is an officer of the rank of Inspector of Police, the other officer of the Court shall be of the rank of Deputy Superintendent of Police;

(n) "superior officer" means an officer of and above the rank of Deputy Superintendent of Police.

(2) The expressions "reason to believe", "criminal force", "assault", "fraudulently" and "voluntarily causing hurt" shall have the meanings assigned to them respectively in the Penal Code (Act No. XLV of 1860).

Raising and maintaining of the Force

3. (1) There shall be raised and maintained in accordance with the provisions of this Ordinance a Force to be called the Armed Police Battalions.

(2) The Force shall consist of such number and classes of officers and Armed Policemen and shall be constituted in such manner as may be prescribed.

¹[(3) The Force shall include one or more Rapid Action Battalion.

(4) A Rapid Action Battalion shall have such number and classes of officers and Armed Personnel and shall be constituted in such manner and under such conditions as may be prescribed.

(5) Notwithstanding anything contained in this Ordinance or in any other law for the time being in force, Armed Personnel and officers in Rapid Action Battalion may, as and when necessary, be appointed on secondment or deputation, as the case may be, from among the persons who are in the service of the Republic, including any disciplined force.

(6) All Rapid Action Battalions shall be under the direct control and superintendence of an officer not below the rank of Deputy Inspector General of Police or equivalent in any disciplined force as may be determined by the Government and such officer shall be appointed on secondment or deputation from among the persons who are in the service of the Republic, including any disciplined force.]

Members of the Force to be subject to the Ordinance

4. Every person appointed or enrolled to the Force shall, wherever he may be, remain subject to this Ordinance until he is discharged in accordance with the provisions of this Ordinance or is transferred out of the Force.

¹ Sub-sections (3), (4), (5) and (6) were added by section 4 of the Armed Police Battalions (Amendment) Act, 2003 (Act No. XXVIII of 2003).

5. The Superintendence of the Force shall vest in the Government and the Force shall be administered, commanded and controlled by the Inspector General of Police in accordance with the provisions of this Ordinance and any rules made thereunder and such orders and instructions as may be made or issued by the Government from time to time.

Superintendence,
etc. of the Force

6. The Force shall be employed for the purpose of the following duties, namely:-

Duties of the
Force

(a) internal security duties;

¹[(aa) intelligence in respect of crime and criminal activities;]

(b) recovery of unauthorised arms, ammunitions, explosives and such other articles as the Government may, from time to time, direct;

²[(bb) investigation of any offence on the direction of the Government;]

(c) apprehension of armed gangs of criminals;

(d) assisting other law enforcing agencies including the Police for maintaining law and order; and

(e) such other duties as the Government may, from time to time, assign.

³**6A.** A Rapid Action Battalion along with other Battalions of the Force, shall perform all duties mentioned in section 6, but no Battalion, except Rapid Action Battalion, shall perform any duty mentioned in clauses (aa) and (bb) of section 6.

Duties of the
Rapid Action
Battalion

6B. (1) The Government may, at any time, direct the Rapid Action Battalion to investigate any offence.

Power to direct
Rapid Action
Battalion to
investigate
offences

(2) When any direction is issued under sub-section (1), the Commanding Officer of the concerned Rapid Action Battalion shall assume the control of investigation of such offence.

(3) The Commanding Officer of a Rapid Action Battalion may himself investigate any such offence or direct an officer subordinate to him to investigate the offence.

¹ Clause (aa) was inserted by section 5 of the Armed Police Battalions (Amendment) Act, 2003 (Act No. XXVIII of 2003).

² Clause (bb) was inserted by section 5 of the Armed Police Battalions (Amendment) Act, 2003 (Act No. XXVIII of 2003).

³ Sections 6A, 6B, 6C and 6D were inserted by section 6 of the Armed Police Battalions (Amendment) Act, 2003 (Act No. XXVIII of 2003).

Procedure to be followed in respect of investigation of an offence

6C. (1) An officer of a Rapid Action Battalion shall, while investigating an offence, follow the procedure prescribed in the Code of Criminal Procedure, 1898 (Act No. V of 1898) or in any other law, as the case may be, for the investigation of such offence.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act No. V of 1898) or in any other law for the time being in force, the concerned officer shall, on completion of the investigation of any offence under this Ordinance, file his report to the Officer-in-Charge of the concerned police-station, and the Officer-in-Charge shall, within forty eight hours of the receipt of such report, forward the same as it is to the competent Court or tribunal, as the case may be.

Powers of officer in respect of investigation of an offence

6D. An officer of any Rapid Action Battalion may, while investigating an offence or performing any duties under this Ordinance with respect to the cases originated from that offence, exercise all such powers and perform all such functions and duties as may be exercised or performed by a police officer under the Code of Criminal Procedure, 1898 (Act No. V of 1898).]

Discharge from the Force

7. Every Armed Policeman shall, subject to this Ordinance, be entitled to receive his discharge from the Force on the expiration of the period for which he was appointed or enrolled and may, before the expiration of that period, be discharged from the Force by the Inspector General of Police or such other Officer, and subject to such conditions, as may be prescribed.

Offences triable by Special Court

8. (1) An officer or an Armed Policeman, who-

- (a) begins, excites, causes or joins in any mutiny or sedition or, being present at any mutiny or sedition, does not make his utmost endeavour to suppress it, or, knowing, or having reason to believe in the existence, of any mutiny or sedition, does not, without delay, give information thereof to his Commanding Officer or superior officer; or
- (b) uses or attempts to use, criminal force to commit an assault on his superior officer knowing or having reason to believe him to be such superior officer, whether on or off duty; or
- (c) abandons or delivers up any post or guard or wireless station which is committed to his charge or which it is his duty to defend; or

- (d) in the presence of an enemy or any person in arms against whom it is his duty to act, casts away his arms or his ammunition, or intentionally uses words or any other means to induce any other subordinate officer or Armed Policeman to abstain from acting against the enemy, or any such person or to discourage any such subordinate officer or Armed Policeman from acting against the enemy, or any such person; or
- (e) directly or indirectly holds correspondence with, or communicates intelligence to, or assists, or relieves, any enemy or person in arms against the State, or omits to disclose immediately to his Commanding Officer or superior officer any such correspondence or communication coming to his knowledge; or
- (f) directly or indirectly assists or relieves with money, victuals or ammunition, or knowingly harbours or protects any enemy or person in arms against the State; or
- (g) without authority leaves his Commanding Officer, or his post or party; or
- (h) quits his guard, post, party or patrol without being regularly relieved or without leave; or
- (i) uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to camp or quarters, or forces a safeguard, or without authority breaks into any house or any other place for plunder, or destroys or damages any property of any kind; or
- (j) intentionally causes or spreads a false alarm in action, camp, battalion headquarters or barracks; or
- (k) accepts illegal gratification from any person; or
- (l) commits or attempts to commit rape on any woman;

shall, on conviction by a Special Court, be punished with,-

- (a) in the case of an offence mentioned in clause (a) or (l), transportation for life, or rigorous imprisonment for a term of not less than ten years;
- (b) in the case of an offence mentioned in clause (b), (c), (d), (e) or (f), rigorous imprisonment for a term which may extend to ten years; and
- (c) in the case of an offence mentioned in clause (g), (h), (i), (j) or (k) rigorous imprisonment for a term which may extend to seven years.

(2) A Special Court may take cognizance of any offence punishable under this section either of its own motion or on a complaint by any person and shall follow such procedure as may be prescribed.

(3) An officer or an Armed Policeman accused of an offence under this Ordinance shall have the right to conduct his own defence or to have assistance of any superior or subordinate officer of his battalion or of any legal practitioner of his own choice.

(4) Any person aggrieved by a judgment of a Special Court may prefer an appeal within thirty days of the delivery the judgment,-

- (a) in the case of superior officer, to the Government; and
- (b) in the case of a subordinate officer or an Armed Policeman, to the Inspector General of Police.

(5) When a Special Court passes sentence of transportation for life, the proceedings of the case shall be submitted,-

- (a) in the case of superior officer, to the President; and
- (b) in the case of a subordinate officer or an Armed Policeman, to the Inspector General of Police,

and the sentence shall not be executed unless it is confirmed by the President or, as the case may be, by the Inspector General of Police.

(6) In any case submitted under sub-section (5), the President or, as the case may be, the Inspector General of Police may-

- (a) confirm the sentence, or pass any other sentence warranted by law, or
- (b) annul the conviction, and convict the accused of any offence of which the Special Court might have convicted him, or order a new trial on the same or an amended charge, or
- (c) may acquit the accused:

Provided that no order of confirmation shall be made under this sub-section until the period allowed for preferring an appeal has expired, or, if an appeal is preferred within such period, until such appeal is disposed of.

9. (1) An officer or an Armed Policeman who-

Offences triable
by Summary
Court, etc.

- (a) is in a state of intoxication when on or detailed for any duty, or on parade, or on the line march; or
- (b) strikes, or forces or attempts to force, any sentry; or
- (c) being in command of a guard, post or patrol, refuses to receive any prisoner duly committed to his charge, or, whether in such command or not, releases any prisoner without proper authority or negligently suffers any prisoners to escape; or
- (d) being deputed to any guard, post or patrol, quits it without being regularly relieved or without leave; or
- (e) being in command of a guard, post or patrol, permits gambling or other behaviour prejudicial to good order and discipline; or
- (f) being under arrest or in confinement, leaves his arrest or confinement before he is set at liberty by proper authority; or
- (g) is grossly insubordinate or insolent to his superior officer in the execution of his office; or
- (h) refuses to superintend or assist in the making of any field work or other police work of any description ordered to be made either in headquarters or in the field; or
- (i) strikes or otherwise misbehaves with a subordinate officer or an Armed Policeman; or
- (j) being in command at any post or on the march and receiving a complaint that any one under his command has beaten or otherwise maltreated or oppressed any person, or has committed any riot or trespass, fails, on proof of the truth of the complaint, to have due reparation made as far as possible to the injured person and to report the case to the proper authority; or
- (k) designedly, or through neglect, injures or loses or fraudulently or without due authority disposes of his arms, clothes, tools, equipment, ammunition, accoutrements, any means of transport or other necessaries or any such articles entrusted to him or belonging to any other person; or

- (l) malingers, feigns or produces disease or infirmity in himself, or intentionally delays his cure or aggravates his disease or infirmity; or
- (m) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person; or
- (n) commits extortion, or without proper authority extracts from any person carriage, portage or provisions; or
- (o) designedly, or through neglect, kills, injures, makes away with or ill-treats or loses his horse or any animal used in the public service; or
- (p) disobeys the lawful command of his officer; or
- (q) plunders, destroys or damages any property of any kind; or
- (r) being a sentry, sleeps at his post or quits it without being regularly relieved or without leave; or
- (s) designedly or through neglect fails to apprehend an offender; or
- (t) designedly or through neglect fails to perform his duties; or
- (u) neglects to obey Battalion orders or company orders or any other orders or rules made under this Ordinance or commits any act or omission prejudicial to good order and discipline;

shall, on conviction by a Summary Court, be punished with rigorous imprisonment for a term which may extend to three years.

(2) A Summary Court may take cognizance of an offence punishable under this section either of its own motion or on complaint by any person and shall follow such procedure as may be prescribed.

(3) Any person aggrieved by a judgment of a Summary Court may prefer an appeal,-

- (a) in the case of a superior officer, to the Government; and
- (b) in the case of a subordinate officer or an Armed Policeman, to the Inspector General of Police.

10. (1) Subject to such rules as the Government may make under this Ordinance, in the case of superior officers, the Government and in the case of subordinate officers and Armed Policeman, the Inspector General of Police or any other officer authorised by him in this behalf, may, at any time, award any one or more of the following punishments to any officer or any Armed Policeman whom he finds to be guilty of disobedience, neglect of duty or remissness in the discharge of any duty, or of rendering himself unfit to discharge his duty or of other misconduct as an officer, or an Armed Policeman, namely:-

Departmental
proceedings

- (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;
- (g) forfeiture of pay and allowance;
- (h) forfeiture of increment in pay;
- (i) fine of any amount not exceeding one month's pay;
- (j) severe reprimand;
- (k) reprimand;
- (l) extra guard, picquets, patrol or fatigue duties;
- (m) confinement to lines for a term not exceeding one month with or without drill, extra guard, fatigue or other duties:

Provided that the punishments mentioned in clauses (l) and (m) shall not apply to officers.

(2) An officer or an Armed Policeman against whom action under sub-section (1) is required to be taken or against whom any inquiry is to be made may be placed under suspension-

- (a) in the case of a superior officer, by the Government; and
- (b) in the case of a subordinate officer or an Armed Policeman, by the Inspector General of Police.

(3) Notwithstanding anything contained in sub-section (1), an officer or an Armed Policeman against whom action under that sub-section is required to be taken shall have the right to conduct his own defence or to have assistance of any superior or subordinate officer of his battalion.

(4) Any officer or any Armed Policeman aggrieved by any action under sub-section (1), may prefer an appeal within thirty days of the passing of the order or the action taken,-

- (a) in the case of a superior officer, to the Government; and
- (b) in the case of a subordinate officer or an Armed Policeman, to the Inspector General of Police.

Imprisonment of persons convicted and dismissed

11. Any officer or Armed Policeman sentenced under this Ordinance to imprisonment for a period not exceeding three months shall, when he is also dismissed from the Force, be imprisoned in the nearest or such other jail as the Government may, by general or special order, direct, but when he is not also dismissed from the Force, he may, if the convicting Court so directs, be confined in the quarter-guard or such other place as such Court may deem fit.

Delegation of powers

12. The Inspector General of Police may delegate, by order in writing, to such extent and in respect of such subordinate officer or such Armed Policeman as he may think fit, the powers conferred on him by any provision of this Ordinance, except sub-sections (4) and (5) of section 8 and sub-section (3) of section 9, to any superior officer.

Indemnity

13. No suit, prosecution or other legal proceedings shall be against any member of the Force for anything which is done or intended to be done in good faith under this Ordinance.

Power to make rules

14. (1) The Government may, by notification in the *official Gazette*, make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:-

- (a) organisation, classification and distribution of the Force;
- (b) appointment, control, supervision, condition of service, transfer, suspension, removal, dismissal and punishment of the members of the Force;

- (c) grant of leave, absentee or acting allowance to the members of the Force;
- (d) places at which the members of the Force shall reside and the duties to be performed by them;
- (e) description of arms, ammunitions and accoutrements to be furnished to the members of the Force;
- (f) rations and supplies and other necessaries to be provided to the members of the Force;
- (g) accommodation and messing facilities;
- (h) drill, musketry and signalling;
- (i) preparation and maintenance of accounts and the manner in which such accounts shall be audited;
- (j) general administration of the Force and security measures; and
- (k) generally for the efficient conduct of the Force.

15. The Inspector General of Police, may, from time to time, make such regulations and orders not inconsistent with the provisions of this Ordinance and the rules made thereunder, to provide for matters relating to collection and communication of intelligence by the members of the Force, prevention of abuse or neglect of duty and for such other matters which he may consider necessary for rendering the Force efficient in the discharge of its duties but are not required to be provided for by rules.

Power to make regulations, etc.
