

The
Bangladesh Gazette



Extraordinary
Published by Authority

FRIDAY, JANUARY 3, 1975

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Dacca, the 3rd January 1975.

No. S.R.O. 11-L/75.—In exercise of the powers conferred by section 2 of the Emergency Powers Ordinance, 1974 (XXVII of 1974), the Government is pleased to make the following rules, namely:—

THE EMERGENCY POWERS RULES, 1975.

1. **Short title.**—These rules may be called the Emergency Powers Rules, 1975.

2. **Definitions.**—In these rules, unless there is anything repugnant in the subject or context,—

- (a) “Code” means the Code of Criminal Procedure, 1898 (V of 1898);
- (b) “essential commodity” means an essential commodity as defined in the Control of Essential Commodities Act, 1956 (I of 1956);
- (c) “notified” and “notification” mean notified and notification respectively in the official Gazette;
- (d) “Ordinance” means the Emergency Powers Ordinance, 1974 (XXVII of 1974);
- (e) “prejudicial act” means any act which is intended or is likely—
 - (i) to prejudice the sovereignty or defence of Bangladesh;
 - (ii) to prejudice Bangladesh's relation with any foreign power;

(9)

Price 1 60 Palsa.

- (iii) to prejudice the security or the public safety or interest of Bangladesh;
 - (iv) to interfere with or encourage or incite interference with the administration of law or the maintenance of law and order;
 - (v) to cause disaffection among, or to prejudice, prevent or interfere with the discipline of, or the performance of duties by, members of the Armed Forces or public servants;
 - (vi) to render any member of the Armed Forces or any public servant incapable of efficiently performing his duties as such, or to induce any member of such Forces or any public servant to fail in the performance of his duties as such;
 - (vii) to bring into hatred or contempt, or to excite disaffection towards, the Government established by law in Bangladesh;
 - (viii) to promote feelings of enmity or hatred between different communities, classes or sections of people;
 - (ix) to cause fear or alarm to the public or to any section of the public;
 - (x) to impede, delay or restrict the means of transport or locomotion or the supply or distribution of any essential commodity;
 - (xi) to prejudice the maintenance of supplies and services essential to the life of the community;
 - (xii) to prejudice the economic or financial interest of the State;
 - (xiii) to cause, or to instigate or incite, directly or indirectly, the cessation of work by a body of persons employed in any undertaking or establishment, except in furtherance of an industrial dispute as defined in the Industrial Relations Ordinance, 1969 (XXIII of 1969), with which such body of persons is directly concerned;
 - (xiv) to undermine public confidence in the national credit or in any Government loan or security or in any notes, coins or tokens which are legal tender in Bangladesh, or to prejudice the success of any financial or economic measures taken or arrangements made by the Government for the purpose of protecting the economic life of Bangladesh;
 - (xv) to encourage or incite any person or class of persons, or the public generally, to refuse or defer payment of any land revenue, tax, rate, cess or other dues or amount payable to the Government or to any local authority;
 - (xvi) to instigate, directly or indirectly, the use of criminal force against public servants generally or any class of public servants or any individual public servant;
- (f) "prejudicial report" means any report, statement or visible representation, whether true or false, which, or the publishing of which, is, or is an incitement to the commission of, a prejudicial act;
- (g) "prescribed" means prescribed by any order or direction made or given in pursuance of any provision of these rules;
- (h) "public servant" includes any public servant as defined in section 21 of the Penal Code (XLV of 1860), and any servant of any local authority or any corporation or other body or authority established, controlled or managed by the Government.

3. **Interpretation.**—The General Clauses Act, 1897 (X of 1897), shall apply to the interpretation of these rules as it applies to the interpretation of an Act of Parliament.

4. **Non-compliance with rules or orders.**—If any person to whom any provision of these rules relates, or to whom any order made in pursuance of any provision of these rules is addressed or relates, or who is in possession or control of any property to which such provision relates, or in respect of which such order is made—

(a) fails without lawful authority or excuse, himself, or in respect of any property of which he is in possession or control, to comply, or to secure compliance, with such provision or order, or

(b) evades, or attempts to evade, by any means such provision or order,—he shall be deemed to have contravened such provision or order, and in these rules the expression “contravention” with its grammatical variations includes any such failure, evasion or attempt to evade.

5. **Restriction of movements of suspected persons, restriction orders and detention orders.**—(1) The Government, if satisfied with respect to any person that with a view to preventing him from acting in a manner prejudicial to the security, the public safety or interest of Bangladesh, Bangladesh's relation with any foreign power, the maintenance of public order, the maintenance of peaceful conditions in any part of Bangladesh or the maintenance of supplies and services essential to the life of the community it is necessary so to do, may make an order—

(a) directing that such person be detained;

(b) directing him to remove himself from Bangladesh in such manner, by such time and by such route as may be specified in the order, and prohibiting his return to Bangladesh;

(c) directing that he shall not remain within any specified area in Bangladesh except on the conditions and subject to the restrictions specified in the order or to be specified by any authority or person specified in the order;

(d) requiring him to reside or remain in such place or within such area in Bangladesh as may be specified in the order or to proceed to a place or area within such time as may be specified in the order;

(e) requiring him to notify his movements or to report himself or both to notify his movements and report himself in such manner, at such times and to such authority or person as may be specified in the order;

(f) imposing upon him such restrictions as may be specified in the order in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or propagation of opinion;

(g) otherwise regulating his conduct in regard to any such matter as may be specified in the order:

Provided that no order shall be made under clause (b) in respect of any citizen of Bangladesh.

(2) An order made under sub-rule (1) may require the person in respect of whom it is made to enter into a bond, with or without sureties, for the due observance of the restrictions and conditions specified in the order.

(3) If any person is in any area or place in contravention of an order made under this rule, or fails to leave any area or place in accordance with the requirements of such an order, then, without prejudice to the provisions of sub-rule (7), he may be removed from the area or place by any police officer or other person acting on behalf of the Government.

(4) A person who is ordered to be detained under sub-rule (1)(a) shall be detained in such place and under such conditions as to maintenance, discipline and punishment for breaches of discipline as the Government may from time to time determine.

(5) The Government, if it has reason to believe that a person in respect of whom an order under sub-rule (1) (a) has been made has absconded or is concealing himself so that the order cannot be executed, may—

(a) make a report in writing of the fact to a Magistrate of the first class having jurisdiction in the place where the said person was ordinarily residing and thereupon the provisions of sections 87, 88 and 89 of the Code shall apply in respect of the said person and his property as if he were a person against whom a warrant had been issued by the Magistrate and was absconding; and

(b) by notified order direct the said person to appear before such officer at such place and within such period as may be specified in the order; and if the said person fails to comply with such direction he shall, unless he proves that it was not possible for him to comply with the direction, and that he had, within the period specified in the order, informed the officer of the reason which had rendered compliance impossible and also of his whereabouts, be punishable with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

(6) An order under sub-rule (1) (a) may be executed at any place in Bangladesh in the manner provided for the execution of warrants of arrest under the Code.

(7) If any person contravenes any order made under this rule, other than an order under sub-rule 5(b), he shall be punishable with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

(8) Where by reason of a contravention of an order made under this rule, a bond executed under sub-rule (2) has been forfeited, the Court or Tribunal having jurisdiction to try the person who had contravened the order may call upon any person bound by the bond to pay the penalty thereof or to show cause why it should not be paid, and if sufficient cause is not shown and the penalty is not paid, the Court or Tribunal may proceed to recover the same in the same manner as a Court proceeding on the forfeiture of a bond under the Code.

6. **Power of photographing, etc., suspected persons.**—(1) The Government may, by order, direct that any person in respect of whom an order has been made by the Government under the provisions of rule 5 shall—

- (a) allow himself to be photographed;
- (b) allow his finger and thumb-impresion to be taken;
- (c) furnish specimens of his handwriting and signature; and
- (d) attend at such time and place before such authority or person as may be specified in the order for all or any of the purposes mentioned in this sub-rule.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

7. **Control and winding up of certain organisations.**—(1) If the Government is satisfied with respect to any organisation that there is danger of the utilisation of the organisation for the purposes prejudicial to the security, the public safety or interest of Bangladesh, the maintenance of public order or the maintenance of supplies and services essential to the life of the community, the Government may, by notified order, direct that this rule shall apply to that organisation.

(2) If the Government is satisfied that any organisation is engaged, in succession to any organisation to which this rule applies, in activities substantially similar to those formerly carried on by the organisation to which it has succeeded, the Government may, by notified order, direct that this rule shall apply to that organisation.

(3) No person shall—

- (a) manage or assist in managing any organisation to which this rule applies;
- (b) promote or assist in promoting a meeting of any members of such an organisation, or attend any such meeting in any capacity;
- (c) publish any notice or advertisement relating to any such meeting;
- (d) invite persons to support such an organisation; or
- (e) otherwise, in any way, assist the operation of such an organisation.

(4) The provisions of sections 17A to 17E of the Criminal Law Amendment Act, 1908 (XIV of 1908), shall apply in relation to an organisation to which this rule applies as they apply in relation to an unlawful association.

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

(6) In this rule, "Organisation" includes a political party, trade union, club and association.

8. **Sabotage.**—(1) No person shall do any act with intent to impair the efficiency or impede the working of, or to cause damage to,—

- (a) any port, dockyard, aerodrome or lighthouse;
- (b) any railway, road, bridge, canal, culvert, causeway, or any other means of transport by land, water or air;
- (c) any telegraph or telephone line or post, television or wireless installation, signalling apparatus or any other means of communication;

- (d) any source or system of water-supply, works for the supply of water, gas or electricity, any sewerage works or any other works for public purposes;
- (e) any vehicle, vessel or aircraft or any rolling stocks of railway;
- (f) any warehouse or any other place used or intended to be used for storage purposes;
- (g) any jute, jute product, jute godown, jute mills or jute bailing press;
- (h) any building or other property used in connection with the production, distribution or supply of any essential commodity;
- (i) any factory or industrial or commercial undertaking;
- (j) any building, structure, premises, apparatus or other property used or intended to be used for the purposes of the Government or of any local authority or nationalised commercial or industrial undertaking.

(2) The provisions of sub-rule (1) shall apply in relation to any omission on the part of any person to do anything which he is under a duty, either to the Government or to any public authority or to any person, to do as they apply to the doing of any act by a person.

(3) If any person approaches, or is in the neighbourhood of, any such place or property as mentioned in sub-rule (1) under circumstances which afford reason to believe that he intends to contravene that sub-rule, he shall be deemed to have attempted a contravention thereof.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with death, or with transportation for life, or with rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

9. Receiving of sabotaged property.—(1) If any person dishonestly receives or retains, or voluntarily assists in concealing or disposing of or making away with, any sabotaged property, knowing, or having reason to believe, the same to be sabotaged property, he shall be punishable with rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

(2) In this rule, "sabotaged property" means property the possession of which has been transferred by, or in consequence of, any such act as is referred to in rule 8(1).

10. Prohibition of prejudicial acts, etc.—(1) No person shall, without lawful authority or excuse,—

- (a) do any prejudicial act; or
- (b) make, print, publish, possess or distribute any document containing, or spread by any other means whatsoever, any prejudicial report.

(2) The author, editor, printer and publisher of, and any person who otherwise makes or produces, any prejudicial report, and any person who distributes or sells any prejudicial report, knowing it to be prejudicial report, shall be deemed to have contravened this rule.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine:

Provided that in any proceedings arising out of a contravention of this rule,—

- (a) in relation to the making or printing of any document, it shall be a defence for the accused to prove that the said document was made or printed, as the case may be,—
 - (i) with the permission or under the authority of the Government; or
 - (ii) as a proof intended for submission to the Government or to a person or authority designated by the Government in this behalf with a view to obtaining permission for its publication;
- (b) in relation to the publication of any document, it shall be a defence for the accused to prove that the said document was published with the permission or under the authority of the Government.

11. **Proscription, etc., of certain documents.**—(1) Where in the opinion of the Government any document made, printed or published, whether before or after the Ordinance came into force, contains any prejudicial report, the Government may, by order,—

- (a) require the editor, printer, publisher or any person in possession of such document to inform the authority specified in the order of the name and address of any person concerned in the making of such report;
- (b) provide for the safe keeping by persons in possession of such document and copies thereof;
- (c) require the delivery of such document and any copy thereof to an authority specified in the order;
- (d) prohibit the further publication, sale or distribution of such document, of any extract therefrom or of any translation thereof, including, in the case of a newspaper or other periodical, the publication, sale or distribution of any subsequent issue thereof;
- (e) declare such document and every copy or translation thereof or extract therefrom to be forfeited to the Government;
- (f) direct the keeper of the press used for the purpose of printing or publishing such document to deposit as security, within such period as the Government may specify, such amount as the Government may think fit to require;
- (g) where such security has been deposited, declare the same to be forfeited to the Government, if the editor or publisher thereafter makes or publishes such document or if the press is thereafter used for the purpose of printing or publishing such document;
- (h) where such security has not been deposited by the keeper of the press or where the press is used for any such purpose even after the security has been forfeited under clause (g), direct that the press shall be closed down.

Explanation—In this rule, “document” includes gramophone records, sound tracks and any other articles on which sounds have been recorded with a view to their subsequent reproduction.

(2) Where in pursuance of sub-rule (1) any document is required to be delivered to a specified authority, that authority may enter upon and search any premises whereon or wherein such document or any copy thereof is or is reasonably suspected to be.

(3) Where in pursuance of sub-rule (1) any document has been declared to be forfeited to the Government, any police officer may seize any copy thereof wherever found and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any premises whereon or wherein such document or any copy thereof is or is reasonably suspected to be.

(4) If any person contravenes any order made under this rule, he shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

12. Power to impose censorship.—(1) The Government may, for the purpose of ensuring the security or public safety of Bangladesh, or for securing the maintenance of public order or for the maintenance of supplies and services essential to the life of the community, by order addressed to a printer, publisher or editor, or to printers, publishers and editors generally,—

(a) require that all matter, or any matter relating to a particular subject or class of subjects, shall, before being published in any document or class of documents, be submitted for scrutiny to an authority specified in the order;

(b) prohibit or regulate the making or publishing of any document or class of documents, or of any matter relating to a particular subject or class of subject, or the use of any press.

(2) If any person contravenes any order made under sub-rule (1), then, without prejudice to any other proceedings which may be taken against such person, the Government may declare to be forfeited to it every copy of any document published or made in contravention of such order, and any press used in the making of such document; and, if the document so forfeited is a newspaper, the Government may also cancel the declaration made and subscribed in respect of such newspaper.

(3) If any person contravenes any order made under this rule, he shall be punishable with rigorous imprisonment for a term which may extend to five years, and shall also be liable to fine.

(4) In this rule, "press" has the same meaning as in the Printing Presses and Publications (Declarations and Registration) Act, 1973 (XXIII of 1973).

13. Power to intercept and censor postal articles.—(1) Notwithstanding anything contained in section 26 of the Post Office Act, 1898 (VI of 1898), any person appointed by the Government to be a censor may—

(a) order that any postal article or class or description of postal articles in course of transmission by post shall be intercepted or detained or shall be disposed of in such manner as the censor may direct;

(b) open and examine the contents of any postal article, and delete, destroy or remove any part thereof which the censor considers to be prejudicial to the security, the public safety or interest of Bangladesh.

(2) Any person who delivers any postal article for transmission, either by an indirect route or otherwise, in such a manner as is calculated to evade examination by a censor, shall be punishable with rigorous imprisonment for a term which may extend to five years, and shall also be liable to fine.

14. **Carrying and possession of arms and explosives.**—(1) The Government may, by general or special order, prohibit, restrict, or impose conditions on, the possession, carrying, use, sale or disposal otherwise of—

- (a) arms as defined in the Arms Act, 1878 (XI of 1878), or articles capable of being used as arms;
- (b) ammunition as defined in the Arms Act, 1878 (XI of 1878);
- (c) substances which are, or are declared to be, explosives within the meaning of the Explosives Act, 1884 (IV of 1884), or which are declared in the order to be capable of being used in the manufacture of explosives (all of which substances are hereinafter referred to as explosive substances).

(2) Without prejudice to any powers conferred by or under any other law for the time being in force,—

- (a) if any police officer not below the rank of head constable, or any other public servant authorised by the Government to act under this rule, suspects that any arms, articles capable of being used as arms, ammunition or explosive substances are in or upon any land, vehicle, vessel, aircraft, building or other premises in contravention of an order made under sub-rule (1), he may enter, if necessary by force, and search the land, vehicle, vessel, aircraft, building or premises in or upon which he suspects that a contravention of an order made under sub-rule (1) has been committed at any time of the day or night, and may seize any arms, articles capable of being used as arms, ammunition, or explosive substances found therein or thereon which he suspects to be therein or thereon in contravention of such order;
- (b) if any police officer, or any other public servant authorised by the Government to act under this rule, suspects that any person is carrying, or is in possession of, arms, articles capable of being used as arms, ammunition or explosive substances in contravention of an order made under sub-rule (1), such officer or other public servant may stop and search or cause to be searched such person and seize any arms, articles capable of being used as arms, ammunition or explosive substances possessed or carried by him which such officer or other public servant suspects to be possessed or carried in contravention of such order:

Provided that no female shall be searched in pursuance of the provisions of this rule except by a female.

(3) Any arms, ammunition, explosive substances or other articles seized under the provisions of this rule may be destroyed or otherwise disposed of as may be ordered by the Government.

(4) If any person contravenes any order made under this rule, he shall be punishable with rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

15. Control of processions, meetings, etc.—(1) The Government may, for the purpose of ensuring the security, the public safety or interest of Bangladesh, or for securing the maintenance of public order, by general or special order, prohibit, restrict or impose conditions upon the holding of or taking part in public processions, meetings or assemblies.

(2) For the purposes of sub-rule (1), any procession, meeting or assembly which is open to the public or to any class or portion of the public, whether held in a public or a private place and whether admission thereto is restricted by the issue of tickets or otherwise, shall be deemed to be a public procession, meeting or assembly, as the case may be.

(3) Any police officer may take such steps, and use such force, as may be reasonably necessary for securing compliance with any order made under this rule.

(4) If any person contravenes any order made under this rule, he shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

16. Power to appoint special police officers.—(1) A District Magistrate or any other officer of Government authorised in this behalf by the Government may, by order, appoint persons to act as special police officers for such time and within such limits as may be specified in the order; and every person so appointed shall have the same powers, privileges and protection, shall be liable to perform the same duties and subject to the same disciplinary measures, and shall be subordinate to the same authorities as the ordinary officers of police within those limits.

(2) If any person being appointed a special police officer under sub-rule (1) neglects or refuses, without sufficient excuse, to serve as such or to obey such lawful orders or directions as may be given to him for the performance of his duties, or withdraws from the duties of his office without permission, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred taka, or with both.

17. Power to control production, supply distribution, etc., of essential commodities.—(1) If the Government is of opinion that it is necessary or expedient so to do for the maintenance or increase of supplies and services essential to the life of the community or for securing the equitable distribution and availability of any article or thing at fair prices, it may, by order, provide for regulating or prohibiting the production, manufacture, supply and distribution, use and consumption of articles or things and trade and commerce therein or for preventing any corrupt practice or abuse of authority in respect of any such matter.

(2) Without prejudice to the generality of the powers conferred by sub-rule (1), an order made thereunder may provide—

(a) for regulating by licences, permits or otherwise the production, manufacture, treatment, keeping, storage, movement, transport, distribution, disposal, acquisition, use or consumption of articles or things of any description whatsoever;

(b) for prohibiting the withholding from sale, either generally or to specified persons or class or classes of persons, of articles or things ordinarily kept for sale and for requiring articles or things ordinarily kept for sale to be sold, either generally or to specified persons or class or classes of persons or in specified circumstances;

- (c) for requiring any person holding in stock any article or thing to sell the whole or a specified part of the stock to the Government or to an officer or agent of the Government or to such other person or class or classes of persons and in such circumstances and at such price as may be specified in the order;
- (d) for securing the production or manufacture of specified articles or things in specified quantities;
- (e) for the minimum and maximum stock of any article or thing appearing to the Government essential to any of the purposes specified in sub-rule (1) to be held by any consumer or by any producer, manufacturer, distributor, dealer or other person;
- (f) for controlling the prices or rates at which articles or things of any description whatsoever may be sold or hired;
- (g) for requiring persons carrying on any industry, trade or business or employed in connection with any undertaking to produce to such authority as may be specified in the order any books, account or other documents relating thereto; and for requiring such persons to furnish to such authority as may be specified in the order such estimates, returns or other information relating to any industry, trade or business or any undertaking as may be specified in the order or demanded thereunder;
- (h) for any incidental and supplementary matters for which the Government thinks it expedient for the purposes of the order to provide, including in particular entry into, search and inspection of premises, places, vehicles, vessels or aircraft, the seizure, subject to the provisions of sub-rule (3), by a person authorised to make such search of any articles or things in respect of which such person has reason to believe that a contravention of the order has been, or is being or is about or likely to be committed; the grant or issue of licences, permits, and other documents, and the charging of fees therefor.

(3) Any articles or things seized under the authority of any order made under sub-rule (2) (h) shall be conveyed without delay before a Magistrate who may give such directions as to their temporary custody as he thinks fit, so, however, that where no prosecution is instituted for a contravention of the order in respect of the articles or things seized within a period in his opinion reasonable, the Magistrate shall direct their return to the person from whom they were seized; and subject to the foregoing provisions of this sub-rule, the provisions of the Code shall, so far as they may be applicable, apply to any search or seizure under the authority of any such order as they apply to any search or seizure under Chapter VII of that Code.

(4) If any person contravenes any order made under this rule, he shall be punishable with rigorous imprisonment for a term which may extend to five years, and shall also be liable to fine; and, if the order so provides, any Court or Tribunal trying such contravention may direct that any property in respect of which the Court or Tribunal is satisfied that the order has been contravened shall be forfeited to the Government:

Provided that if any person sells or buys any essential commodity for purposes of trade at a price higher than the maximum price fixed by or under any order made under this rule or stocks or stores for purposes of gain any essential commodity in excess of the maximum quantity of that commodity allowed to be held in stock or storage at any one time by any person by or under any order made under this rule, he shall be punishable with death, or with transportation for life, or with rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine:

Provided further that where an order made under this rule relating to foodstuffs so provides, any Court or Tribunal trying a contravention of the order may also direct that all packages, coverings or receptacles in which such foodstuffs are found and every animal, vessel or other conveyance used in carrying such foodstuffs shall be forfeited to the Government.

18. **Smuggling.**—(1) No person shall, in contravention of the prohibitions or restrictions for the time being in force under the provisions of or by virtue of sections 15 and 16 of the Customs Act, 1969 (IV of 1969), or evading payment of customs duties or taxes leviable thereon under any law for the time being in force, take out of Bangladesh jute, gold or silver bullion, manufactures of gold or silver, currency, articles of food, drugs, imported goods or any other goods, or bring into Bangladesh any goods.

(2) Where any goods are seized in the reasonable belief that they have been smuggled into Bangladesh in contravention of the prohibitions or restrictions aforesaid, the burden of proving that they are not smuggled goods shall be on the person from whose possession the goods are seized.

(3) If any person contravenes any of the provisions of this rule, he shall without prejudice to any confiscation or penalty to which the goods or he may be liable under the Customs Act, 1969 (IV of 1969), be punishable with death, or with transportation for life, or with rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

19. **Avoidance of strikes and lockouts.**—(1) If in the opinion of the Government it is necessary or expedient so to do for ensuring the security, the public safety or interest of Bangladesh, or for securing the maintenance of public order, or for maintaining supplies and services essential to the life of the community, the Government may, by general or special order, applying generally or to any specified area and to any undertaking or establishment or class of undertakings or establishments, make provision—

- (a) for prohibiting, subject to the provisions of the order, a strike or lockout;
- (b) for referring any industrial dispute for conciliation or adjudication in the manner provided in the order;
- (c) for enforcing for such period as may be specified in the order all or any of the decisions of the authority to which any industrial dispute has been referred for adjudication;
- (d) for any incidental and supplementary matters which appear to the Government necessary or expedient for the purposes of the order.

(2) Where an industrial dispute referred for adjudication under sub-rule (1) (b) has arisen only in a particular undertaking or establishment or group of undertakings or establishments, the Government may include in the adjudication proceedings any other undertaking or establishment, either on its own initiative or on application received in this behalf, whether an industrial dispute exists at the time in that undertaking or establishment or not, provided that the Government is satisfied—

- (a) that the undertaking or establishment to be so included is engaged in the same type of industry or business as the undertaking or establishment or group of undertakings or establishments in which the industrial dispute referred for adjudication has arisen;
- (b) that the inclusion of the undertaking or establishment in the adjudication proceedings will not materially delay the award; and
- (c) that the issues involved in the industrial dispute referred for adjudication have already given rise, or are such as, in the circumstances, may reasonably be expected to give rise, to a similar dispute in the undertaking or establishment to be so included.

(3) Where an undertaking or establishment has been included in adjudication proceedings under sub-rule (2), the provisions of this rule and of any order or award made thereunder shall, save as may be expressly provided to the contrary in any such order or award, apply to and in relation to such undertaking or establishment as they apply to and in relation to any undertaking or establishment or group of undertakings or establishments in which the industrial dispute referred for adjudication has arisen.

(4) Nothing in the Arbitration Act, 1940 (X of 1940), shall apply to any proceedings under any such order.

(5) An order made under sub-rule (1) referring an industrial dispute for adjudication shall specify, as far as may be practicable, the matters upon which adjudication is necessary or desirable:

Provided that—

- (i) the Government may of its own motion or at the instance of any adjudication authority add to, amend or vary the matters so specified
- (ii) the Government may, with a view to specifying the said matters; direct the adjudicating authority to make a preliminary inquiry into the nature of the dispute, and postpone specification for such time as may be reasonably required.

(6) If any person contravenes any order made under this rule, he shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(7) In this rule, the expressions “employer”, “establishment”, “lockout”, “strike” and “industrial dispute” shall have the meanings respectively assigned to them in the Industrial Relations Ordinance, 1969 (XXIII of 1969).

20. **Power to obtain information.**—(1) Without prejudice to any special provision contained in these rules, the Government may, by order, require any person to furnish or produce to any specified authority or person any such information or article in his possession as may be specified in the order, being information or article which the Government considers it necessary or expedient for the security, the public safety or interest of Bangladesh to obtain or examine.

(2) If any person fails to furnish or produce any information or article in compliance with an order made under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

21. **False statements.**—If any person—

(a) when required by or under any provision of these rules to make any statement or furnish any information, makes any statement or furnishes any information which he knows or has reasonable cause to believe to be false, or not true, in any material particular, or

(b) makes any such statement as aforesaid in any account, declaration, estimate, return or other document which he is required by or under any provision of these rules to furnish,

he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

22. **Power to require production of books, etc.**—(1) Where any person is required by or under any provision of these rules to make any statement or furnish any information to any authority, that authority may, by order, with a view to verifying the statement made or the information furnished by such person, further require him to produce any books, accounts or other documents relating thereto which may be in his possession or under his control.

(2) If any person fails to produce any books, accounts or other documents in compliance with an order made under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

23. **Publication, affixation and defacement of notices.**—(1) Save as otherwise expressly provided in these rules, every authority, officer or person who makes any order in writing in pursuance of any provision of these rules shall, in the case of an order of a general nature or affecting a class of persons, publish notice of such order in such manner as may, in the opinion of such authority, officer or person, be best adapted for informing persons whom the order concerns, in the case of an order affecting an individual, corporation or firm serve the order or cause the order to be served in the manner provided for the service of a summons in rule 2 of Order XXIX, or rule 3 of Order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908 (V of 1908), and in the case of an order affecting an individual person, not being a corporation or firm, serve the order or cause the order to be served on that person—

(a) personally, by delivering or tendering to him the order,

(b) by post, or

(c) where the person cannot be found, by leaving an authentic copy of the order with some adult male member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for gain.

(2) Where any provision of these rules empowers an authority, officer or person to take action by notified order, the provisions of sub-rule (1) shall not apply in relation to such order.

(3) If in the course of any judicial proceedings a question arises whether a person was duly informed of an order made in pursuance of these rules, compliance with sub-rule (1) or, in a case to which sub-rule (2) applies, the notification of the order, shall be conclusive proof that he had information of the order; but a failure to comply with sub-rule (1) shall not preclude proof by other means that he was so informed and shall not affect the validity of the order.

(4) Any police officer or any other person authorised by the Government in this behalf may, for any purpose connected with the security, the public safety or interest of Bangladesh, the maintenance of public order, maintaining supplies and services essential to the life of the community or the administration of these rules, affix any notice to or cause any notice to be displayed on, any premises, vehicle or vessel, and may for the purpose of exercising the power conferred by this rule enter any premises, vehicle or vessel at any time.

(5) Any person authorised by the Government in this behalf may, for any purpose mentioned in sub-rule (4), by order direct the owner or other person in possession or control of any premises, vehicle or vessel to display any notice on or in the premises, vehicle or vessel in such manner as may be specified in the order.

(6) If any person without lawful authority removes, alters, defaces, obliterates or in any way tampers with any notice affixed or displayed in pursuance of these rules or contravenes any order under sub-rule (5), he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

24. Attempts, etc., to contravene the rules.—Any person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to a contravention of any of the provisions of these rules or of any order made thereunder, shall be deemed to have contravened that provision or, as the case may be, that order.

25. Offence by corporations.—If the person contravening any of the provisions of these rules, or of any order made thereunder, 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 contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

26. Assisting offenders.—Any person who, knowing or having reasonable cause to believe that any other person has contravened any of the provisions of these rules or of any order made thereunder, gives that other person any assistance with intent thereby to prevent, hinder or otherwise interfere with his arrest, trial or punishment for the said contravention, shall be deemed to have abetted that contravention.

27. **Burden of proof in certain cases.**—When any person is prosecuted for contravening any of the provisions of these rules or of any order made thereunder which prohibits him from doing an act or being in possession of a thing without lawful authority or excuse or without a permit, licence, certificate or permission, the burden of proving that he had such authority or excuse or, as the case may be, the requisite permit, licence, certificate or permission shall be on him.

28. **Power to issue search warrants.**—(1) If a District Magistrate, Sub-divisional Magistrate or Magistrate of the first class has reason to believe that a contravention of any of the provisions of these rules or an offence prejudicial to the security or the public safety or interest of Bangladesh has been, is being or is about to be committed in any place, he may by warrant authorise any police officer above the rank of constable—

(a) to enter and search the place in the manner specified in the warrant, and

(b) to seize anything found in or on such place which the police officer has reason to believe has been, is being or is intended to be used, for the purposes of or in connection with, any such contravention or offence as aforesaid; and the provisions of the Code shall, so far as they may be applicable, apply to any such search or seizure, as they apply to any search or seizure made under the authority of a warrant issued under section 98 of the Code.

(2) Any Magistrate before whom anything seized under sub-rule (1) is conveyed shall forthwith report the fact of such seizure to the Government and, pending the receipt of its orders, may detain in custody anything so seized or take such other order for its safe custody as he may think proper.

(3) Anything seized under sub-rule (1) shall be disposed of in such manner as the Government may direct.

(4) In this rule, and in rule 29, “place” includes a house, building, tent, vehicle and aircraft.

29. **Further powers of search.**—(1) The Government may, by general or special order, empower any person to—

(a) stop and search any vessel, vehicle or animal;

(b) search any place and seize anything including a vessel, vehicle or animal or animal found on search under this sub-rule which he has reason to believe has been, is being or is about to be, used for any purpose prejudicial to the security, or the public safety or interest of Bangladesh.

(2) Any person empowered under sub-rule (1) shall forthwith report to the Government in detail any seizure made by him and, pending the receipt of its orders, may detain in custody anything so seized or take such other order for its safe custody as he may think proper.

(3) Anything seized by a person empowered under sub-rule (1) shall be disposed of in such manner as the Government may direct.

30. **Special powers of arrest and detention.**—(1) Any police officer, or any other officer of Government empowered in this behalf by general or special order of the Government, may arrest without warrant any person whom he reasonably suspects of having acted, of acting, or of being about to act, in a manner prejudicial to the security, the public safety or interest of Bangladesh or the maintenance of supplies and services essential to the life of the community.

(2) Any officer who makes an arrest under sub-rule (1) shall forthwith report the fact of such arrest to the Government, and, pending the receipt of the orders of the Government, may, by order in writing, commit any person so arrested to such custody as the Government may by general or special order specify:

Provided that—

- (i) no person shall be detained in custody under this sub-rule for a period exceeding fifteen days without the order of the Government; and
- (ii) no person shall be detained in custody under this sub-rule for a period exceeding two months.

(3) On receipt of any report made under the provision of sub-rule (2), the Government may, in addition to making such order, subject to the proviso to sub-rule (2), as may appear to be necessary for the temporary custody of any person arrested under this rule, make, in exercise of any power conferred upon it by any law for the time being in force such final order as to his detention, release, residence or any other matter concerning him as may appear to it in the circumstances of the case to be reasonable or necessary.

31. **Power to give effect to rules, etc.**—(1) Any authority, officer or person who is empowered by any of the provisions of these rules to make any order or to exercise any other power may, in addition to any other action prescribed by or under these rules, take, or cause to be taken, such steps and use, or cause to be used, such force as may, in the opinion of such authority, officer or person, be reasonably necessary for securing compliance with, or for preventing or rectifying any contravention of, such order, or for the effective exercise of such power.

(2) Where in respect of any of the provisions of these rules there is no authority, officer or person empowered to take action under sub-rule (1), the Government may take, or cause to be taken, such steps and use, or cause to be used, such force as may, in the opinion of the Government, be reasonably necessary for securing compliance with, or preventing or rectifying any breach of, such provision.

(3) The power to take steps under this rule includes the power to enter upon any land or other property whatsoever.

By order of the President

H. M. R. SIDDIQUI

Joint Secretary.

Printed by the Special Officer, Bangladesh Government Press, Dacca.

Published by the Assistant Controller-in-charge, Bangladesh Forms & Publications Office, Dacca.