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MINISTRY OF LAW, PARLIAMENTARY AFFAIRS AND JUSTICE
(Law and Parliamentary Affairs Division)

NOTIFICATION

Dacca, the 17th February, 1975.

No. 124-Pub.—The following Ordinance made by the President of the People's Republic of Bangladesh, on the 17th February, 1975 is hereby published for general information:—

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF LAW, PARLIAMENTARY AFFAIRS AND JUSTICE
(Law and Parliamentary Affairs Division)

THE JATIYA RAKKHI BAHINI (AMENDMENT) ORDINANCE, 1975
Ordinance No. IX of 1975.

AN
ORDINANCE

further to amend the Jatiya Rakkhi Bahini Order, 1972.

WHEREAS it is expedient further to amend the Jatiya Rakkhi Bahini Order, 1972 (P. O. No. 21 of 1972), for the purposes hereinafter appearing;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render immediate action necessary;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 93 of the Constitution of the People's Republic of Bangladesh, the President is pleased to make and promulgate the following Ordinance:—

1. Short title.—This Ordinance may be called the Jatiya Rakkhi Bahini (Amendment) Ordinance, 1975.

(581)

Price, 36 Paise

2. Substitution of Article 2, P. O. No. 21 of 1972.—In the Jatiya Rakkhi Bahini Order, 1972 (P. O. No. 21 of 1972), hereinafter referred to as the said Order, for Article 2 the following shall be substituted, namely:—

“2. (1) In this Order, unless there is anything repugnant in the subject or context,—

- (a) “Bahini” means the Jatiya Rakkhi Bahini constituted under Article 4 of this Order ;
- (b) “Battalion” means a Unit composed of several companies, forming part of or attached to a Zone ;
- (c) “commanding officer” means an officer commanding a Unit or a body of Rakkhis ;
- (d) “Company” means a sub-unit composed of several platoons ;
- (e) “Director” means the Director of the Bahini appointed under Article 5 ;
- (f) “misconduct” means conduct prejudicial to good order or service discipline or unbecoming of an officer or gentleman and includes any act, commission or omission which is an offence under Article 10A or 10B ;
- (g) “officer” means a superior officer or a subordinate officer ;
- (h) “platoon” means a sub-unit consisting of three sections of Rakkhis ;
- (i) “prescribed” means prescribed by rules made under this Order ;
- (j) “Rakkhi” means a member of the Bahini other than an officer ;
- (k) “Regiment” means a signal unit composed of several companies ;
- (l) “Special Court” means a court consisting of not less than two superior officers constituted by the Director and presided over by an officer not below the rank of Deputy Director and assisted by a public prosecutor or his representative ;
- (m) “Special Summary Court” means a court consisting of not less than two superior officers or one superior officer and one subordinate officer constituted by the Director and presided over by an officer not below the rank of Assistant Director ;
- (n) “subordinate officer” means a senior Deputy Leader, Deputy Leader, Assistant Leader or Junior Leader ;
- (o) “Superior Officer” means the Director, Joint Director, Deputy Director, Assistant Director, Leader, Chief Medical Officer, Medical Officer, Dental Officer or Nursing Officer, and when used in relation to a subordinate officer or Rakkhi includes any officer who is senior to him in rank or length of service ;

(p) "Unit" means a Unit of the Bahini;

(q) "Zone" means a formation composed of two or more Units.

(2) The expressions "assault", "criminal force", "fraudulently", "reason to believe" and "voluntarily causing hurt" shall have the meanings respectively assigned to them in the Penal Code (XLV of 1860)".

3. Amendment of Article 4, P.O. No. 21 of 1972.—In the said Order, in Article 4 after clause (2), the following new clause shall be added namely:—

"(3) The Bahini shall be a disciplined force within the meaning of the definition of "disciplined force" as given in Article 152(I) of the Constitution."

4. Substitution of Article 5, P.O. No. 21 of 1972.—In the said Order, for Article 5, the following shall be substituted, namely:—

"5. (I) There shall be a Director of the Bahini and may be all or any of the following classes of superior officers of the Bahini, namely:—

- (a) Joint Director ;
- (b) Deputy Director ;
- (c) Assistant Director ;
- (d) Leader ;
- (e) Chief Medical Officer ;
- (f) Medical Officer ;
- (g) Dental Officer ;
- (h) Nursing Officer.

(2) There may be all or any of the following classes of subordinate officers of the Bahini, namely:—

- (a) Senior Deputy Leader ;
- (b) Deputy Leader ;
- (c) Assistant Leader ;
- (d) Junior Leader.

(3) The Director and other superior officers shall be appointed by the Government, and the subordinate officers shall be appointed by the Director, in such manner and on such terms and conditions as may be prescribed.

(4) The Director and other superior officers shall have, and may exercise, such powers and authority over the officers subordinate to them and the Rakkhis for the time being under their command as are provided by or under this Order.”.

5. Insertion of new Articles 10A and 10B, P.O. No. 21 of 1972.—In the said Order, after Article 10, the following new Articles shall be inserted, namely:—

“10A. (1) An officer, other than the Director, or a Rakkhi 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 endeavours 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 ;
- (b) uses, or attempts to use, criminal force to, or commits an assault on, his superior officer, knowing or having reason to believe him to be such, whether on or off duty ;
- (c) abandons or delivers up any garrison, fortress, post or guard or wireless station which is committed to his charge or which it is his duty to defend ;
- (d) in the presence of an enemy or any person in arms against whom it is his duty to act, cast away his arms or his ammunition or intentionally uses words or any other means to induce any other subordinate officer or Rakkhi to abstain from acting against the enemy, or any such person, or to discourage any such subordinate officer or Rakkhi from acting against the enemy or such person, or who otherwise misbehaves ;
- (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 ;
- (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 ;
- (g) without authority leaves his commanding officer, or his post or party, to go in search of plunder ;
- (h) quits his guard, picquet, party or patrol without being regularly relieved or without leave ;
- (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 plunders, destroys or damages any property of any kind ; or

(j) intentionally causes or spreads a false alarm in action, camp, garrison or quarters,

shall, on conviction by a Special Court, be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine which may extend to five hundred taka.

(2) A Special Court shall take cognizance of an offence punishable under this Article in such manner and follow such procedure as may be prescribed.

(3) An officer or a Rakkni accused of an offence under this Article shall have the right to conduct his own defence or to have assistance of any officer of the Bahini or of any legal practitioner of his own choice.

(4) An appeal from the judgement of an Special Court may be preferred to the Government within thirty days of the delivery thereof.

10B. (J) An officer, other than the Director, or a Rakkhi who—

(a) is in a state of intoxication when on or detailed for any duty, or on parade, or on the line of march;

(b) strikes, or forces or attempts to force, any sentry;

(c) being in command of a guard, picquet 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 prisoner to escape;

(d) being deputed to any guard, picquet or patrol, quits it without being regularly relieved or without leave;

(e) being in command of a guard, picquet or patrol, permits gambling or other behaviour prejudicial to good order and discipline;

(f) being under arrest or in confinement, leaves his arrest or confinement before he is set at liberty by proper authority;

(g) is grossly insubordinate or insolent to his superior officer in the execution of his office;

(h) refuses to superintend or assist in the making of any field work or other military work of any description ordered to be made either in quarters or in the field;

(i) strike or otherwise ill-uses a subordinate officer or Rakkhi subordinate to him in rank or position;

(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;

- (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;
- (l) malingers, feigns or produces disease or infirmity in himself, or intentionally delays his cure or aggravates his disease or infirmity;
- (m) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person;
- (n) commits extortion, or without proper authority exacts from any person, carriage, portorage or provisions;
- (o) designedly or through neglect kills, injures, makes away with, ill-treats or loses his horse or any animal used in the public service;
- (p) disobeys the lawful command of his superior officer;
- (q) plunders, destroys or damages any property of any kind;
- (r) being a sentry, sleeps at his post or quits it without being regularly relieved or without leave;
- (s) deserts or attempts to desert the service or absents himself without leave or, without sufficient cause, overstays leave granted to him;
- (t) resigns his appointment or withdraws himself from all or any of the duties of his appointment in contravention of the provisions of Article 14;
- (u) accepts illegal gratification from any person;
- (v) designedly or through neglect fails to apprehend an offender;
- (w) designedly or through neglect fails to perform his duties;
- (x) makes a false accusation against any person subject to this Order knowing or having reason to believe such accusation to be false; or
- (y) neglects to obey Bahini Orders, Zonal Orders, Battalion Orders, Regiment Orders or Unit Orders or any other order or rule made under this Order or commits any act or omission prejudicial to good order and disciplines, such act or omission not constituting any offence under the Penal Code (XLV of 1860), or any other law for the time being,

shall, on conviction by a Special Summary Court, be punished with rigorous imprisonment for a term which may extend to two years and shall also be liable to fine which may extend to two hundred taka.

(2) A Special Summary Court shall take cognizance of an offence punishable under this Article in such manner and follow such procedure as may be prescribed.

(3) An officer or a Rakkhi accused of an offence under this Article shall have the right to conduct his own defence or to have assistance of any officer of the Bahini of his own choice..

(4) An appeal from the judgement of a Special Summary Court may be preferred to the Director or, where the Director presided over the Court, the Government within thirty days of the delivery thereof."

6. Amendment of Article 11, P. O. No. 21 of 1972.—In the said Order, in Article 11, in clause (3), for the fullstop at the end of a semicolon shall be *substituted*, and thereafter the following proviso shall be *added*, namely:—

"Provided that this clause shall not apply where a subordiante officer or Rakkhi is dismissed or removed from service or reduced in rank on the ground of conduct which has led to his conviction of an offence under article 10A or 10B or any other criminal offence."

7. Insertion of new Article 11A, P. O. No. 21 of 1972.—In the said Order, after Article 11, the following new Article shall be *inserted*, namely:—

"11A. Any officer or Rakkhi sentenced under this Order to imprisonment shall be imprisoned in the nearest or such other jail as the Government may, by general or special order, direct."

8. Omission of Article 12, P. O. No. 21 of 1972.—In the said Order, Article 12 shall be *omitted*.

9. Amendment of Article 13, P. O. No. 21 of 1972.—In the said Order, Article 13 shall be renumbered as clause (1) of that Article and after clause (1) as so renumbered, the following new clause shall be *added*, namely—

"(2) It shall be lawful for any police officer to arrest without warrant any person whom he reasonably believes to be a member of the Bahini and to be a deserter or absentee without leave, and to bring him without delay before the nearest Magistrate to be dealt with according to law."

10. Omission of Article 15, P. O. No. 21 of 1972.—In the said Order, Article 15 shall be *omitted*.

11. Insertion of new Article 16B, P. O. No. 21 of 1972.—In the said Order after Article 16A, the following new Article shall be *inserted*, namely:—

"16B. Notwithstanding anything contained in any other law for the time being in force, the Government may invest the Director with the powers of a Magistrate of any class for the purpose of enquiring into or trying any offence committed by an officer or Rakkhi against the person or property of another officer or Rakkhi and punishable under any provision of the Penal Code (XLV of 1860), or of any other law for the time being in force."

12. Amendment of Article 17. P. O. No. 21 of 1972.—In the said Order in Article 17 after clause (2), the following new clause shall be added, namely:—

“(3) Any rules under this Article may be made so as to be retrospective to any date not earlier than the date of commencement of this Order.”.

DACCA ;
The 14th February, 1975.

SHEIKH MUJIBUR RAHMAN
*President of the
People's Republic of Bangladesh.*

JUSTICE M. H. RAHMAN
Secretary.

MINISTRY OF EDUCATION, SCIENTIFIC, TECHNOLOGICAL
RESEARCH AND ATOMIC ENERGY

(Education Division)

Dacca, the 6th February 1975.

No. S.R.O. 82-L/75/SVIII/89-Edn.—The following draft of certain rules which it is proposed to make in exercise of the powers conferred by section 6 of the Primary Schools (Taking Over) Act, 1974 (VIII of 1974), is hereby published, as required by the said section, for information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after a period of one month from the date of publication of these rules in the official Gazette.

Any objection or suggestion which may be received with respect to the said draft before the said period specified above will be considered by the Government.

DRAFT RULES

1. **Short title.**—These rules may be called the Taken Over Primary Schools (Managing Committee) Rules, 1975.

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

- (a) “Committee” means the Managing Committee of a primary school;
- (b) “District Inspector of Schools” means the District Inspector of Schools of the district in which the primary school is situated;
- (c) “Subdivisional Education Officer” means the Subdivisional Education Officer of the Subdivision in which the primary school is situated;
- (d) “Thana or Circle Education Officer” means the Thana or Circle Education Officer of the Thana or the Circle, as the case may be, in which the primary school is situated;
- (e) “Union Parishad” means a Union Parishad constituted under the Bangladesh Local Government (Union Parishad and Paurashava) Order, 1973 (P.O. No. 22 of 1973);
- (f) “ward member” means a member from the ward of the Union Parishad in which the primary school is situated;

- (g) "Head Teacher" means the Head Teacher of the primary school concerned; and
- (h) "primary school" means a primary school taken over under section 3 of the Primary Schools (Taking Over) Act, 1974 (VIII of 1974).

3. Constitution of the Committee.—(1) The District Inspector of Schools shall, on receiving the names of the elected members and nominated members, constitute a Committee for a primary school for a period of three years counted from the date on which such Committee assumes charge of office.

(2) The Committee shall consist of the following, namely:—

- (a) a ward member of the Union Parishad representing the ward in which the primary school is situated to be nominated by the Union Parishad concerned;
- (b) the Head Teacher, *ex-officio*;
- (c) three members to be elected by the guardians of the students of the primary school from amongst themselves;
- (d) one person interested in education to be nominated by the Thana or Circle Education Officer;
- (e) one person to be nominated by the Thana or Circle Education Officer from amongst the donors and benefactors of the primary school;
- (f) one person to be nominated by the Thana or Circle Education Officer from amongst the founders of the primary school.

(3) The Chairman of the Committee shall be elected by the members of the Committee from amongst themselves.

(4) The Head Teacher shall be the *ex-officio* Secretary of the Committee.

4. Extension of term.—(1) The term of a Committee may be extended for a period not exceeding six months, on an application along with a resolution of the Committee, by the District Inspector of Schools only when he is satisfied that there is reasonable cause of delay in reconstituting the Committee.

(2) An application under sub-rule (1) shall be made at least two months before the date of expiry of the term.

5. Dissolution of the Committee.—(1) If the Committee fails to function properly or fails to conduct the affairs of the school according to the general or specific instructions issued by the Director of Public Instruction the District Inspector of Schools, on the recommendation of the Thana or Circle Education Officer and the Subdivisional Education Officer may dissolve the Committee.

(2) A Committee dissolved under sub-rule (1) shall cease to function from the date of receipt of the orders to that effect by the Head Teacher.

6. Formation of an ad hoc Committee.—(1) The Subdivisional Education Officer shall form an *ad hoc* Committee for a period not exceeding six months at a time with three members, one of whom shall be the Head Teacher, who shall be the *ex-officio* Secretary of the *ad hoc* Committee.

(2) The *ad hoc* Committee shall carry on the normal functions of the primary school, and shall take steps for the reconstitution of a Committee within ninety days of the dissolution of the Committee.

7. Procedure for election of members by the guardians of students.—(1) The election of the three members from amongst the guardians of the students of the primary school, for the purpose of constitution of the Committee, shall be held at least thirty days before the expiry of the term of the existing Committee.

(2) The election shall take place on such date as may be fixed by the Thana or Circle Education Officer.

(3) Subject to the provision of sub-rule (5), the voters' list for the election of the three members from amongst the guardians shall be prepared by the Head Teacher forty days before the date of election.

(4) The guardians of all students whose names occur in the class attendance registers of students on the date referred to in sub-rule (2) shall be voters. The date on which the preparation of the voters' list is made shall be recorded in a bound register by the Head Teacher.

(5) No guardians notwithstanding that he has more than one ward in the primary school shall have more than one vote.

(6) The voters' list prepared under sub-rule (3) shall be read out in all classes for information of voters through students and a copy of the same shall be kept hung up in the notice board of the school for five days for inspection. This shall be treated as publication of the voters' list.

(7) Petitions for alteration or revision of voters' list shall be made to the Thana or Circle Education Officer through the Head Teacher within five days from the last day of publication of the voters' list.

(8) Within three days of the expiry of the date of receiving petitions for alteration and revision, the voters' list along with the petitions, if any, shall be forwarded to the Thana or Circle Education Officer who shall dispose of all the petitions within ten days from the date of receipt of the petitions and the voters' list revised or altered according to his decision shall be the final voters' list; and a copy of the final voters' list shall be sent to the Head Teacher.

(9) Where no objection petition is filed under sub-rule (7), the voters' list prepared under sub-rule (3), shall also be submitted to the Thana or Circle Education Officer and such voters' list shall be treated as the final voters' list; and a copy of the final voters' list shall be sent to the Head Teacher.

(10) The final voters' list shall be read out in all classes on the day following of its receipt from the Thana or Circle Education Officer and the same shall be kept hung up in the notice board of the primary school for three days from the date of receipt. This shall be treated as the publication of the final voters' list.

(11) Nomination for election of members of the Committee duly proposed and seconded by the enrolled voters shall be received by the Head Teacher up to seven days from the date on which the final voters' list was read out in the class.

(12) Scrutiny of nominations shall be completed by the Thana or Circle Education Officer three days before the election and the result thereof be announced on the same day. The Thana or Circle Education Officer shall preside over the election meeting.

(13) Where, on scrutiny under sub-rule (12), it is found by the Presiding Officer that the number of validly nominated candidates is equal to or less than the number of seats, he shall declare such candidate or candidates to be elected to the seats.

(14) After such declaration if it is found that there are seats still vacant in the category, the Presiding Officer shall accept duly proposed and seconded nominations for such vacancy or vacancies at the election meeting up to a time fixed by him.

(15) The election shall be held at the primary school premises by means of secret ballot. The notice of such election specifying therein the date and time shall be hung up by the Head Teacher on the notice board of the primary school and circulated in all classes, at least seven clear days before the date of election.

(16) Publication of all notices concerning the election on the notice board of the school and their circulation in the classes shall be deemed to be due and adequate notification for the purpose of the election.

(17) The result of the election shall be declared soon after the election and on the spot. Records of the election containing the number of votes secured by each candidate shall be preserved until the next election.

(18) The names of the persons elected shall then be forwarded to the District Inspector of Schools by the Presiding Officer within five days from the date of election with a copy of the proceedings.

(19) Complaints, if any, regarding election should be addressed to the District Inspector of Schools within five days of the election with intimation to the Thana or Circle Education Officer in writing. The District Inspector of Schools shall dispose of the complaint before the Committee is constituted.

8. **Disqualification or ineligibility to be a member of the Committee.**—A person who has been convicted of any offence involving moral turpitude shall be disqualified from being a member or from being elected as a member of the Committee.

9. **Conduct of meeting of the Committee.**—(1) The Committee shall meet at least four times a year and the date and time of each meeting shall be fixed by the Secretary in consultation with the Chairman. A notice of seven days shall be given for such meetings.

(2) The notice for a meeting of the Committee shall contain the business to be transacted at the meeting and no business other than those included in the agenda shall be transacted except with the consent of three-fourths of the members present.

(3) Five members shall form the quorum.

(4) In the absence of the Chairman of the Committee, the members present shall elect one amongst themselves, other than the Secretary, to preside over the meeting.

(5) The Chairman of the meeting shall have a casting vote in addition to his ordinary vote when the votes of the members are equally divided.

(6) Emergency meeting, if necessary, may be convened only at the instance of the Chairman on a notice of not less than twenty-four hours.

(7) Ordinarily, all meetings shall be held in the primary school premises.

(8) Any elected member of the Committee absenting himself from four consecutive meetings shall cease to be a member unless the Committee otherwise decided by three-fifths majority. Attention of such absenting member shall be drawn in writing to this provision, after his absence for three consecutive meetings.

10. **Casual vacancies.**—Casual vacancies occurring during the term of the Committee shall be filled up—

- (a) in the case of an elected member, by the person securing the next highest votes in the preceding election and in the absence of any such person, the vacancy may be filled up by co-option from amongst the guardians of the students of the school; and
- (b) in the case of a nominated member, by a person nominated by the Thana or Circle Education Officer or the Union Parishad, as the case may be.

11. **Duties of the Secretary.**—The Secretary of the Committee shall convene meeting and shall make all correspondence with the proper authorities on behalf of the Committee. He shall also keep a record of the proceedings of the Committee. The proceedings of each meeting shall be confirmed at the subsequent meeting.

12. **Functions of the Committee.**—The functions of the Committee shall be to—

- (a) execute the construction work connected with the development programme of the primary school when entrusted to them by the Thana or Circle Education Officer;
- (b) raise funds from the locality for construction and repairs of the primary school buildings and for the supply of furniture and equipments;
- (c) ensure regular attendance of students and to see that the teachers attend to their duties regularly;
- (d) take prompt action to rehabilitate the primary school, if and when affected by natural calamities;
- (e) ensure all-round improvement for the primary schools; and
- (f) ensure good administration and arrange for proper education.

13. **Fund.**—Any amount raised under clause (b) of rule 12 shall be deposited in a public account in the Postal Savings Bank or in a scheduled Bank. The account shall be operated by the Secretary jointly with the Chairman.

14. **Custody of records.**—All records of the primary school including account, merit book shall remain under the charge of the Secretary, but shall be open to inspection by the officers of the Education Department and the Committee.

By order of the President,

MOKAMMEL HAQ

Secretary.