

¹THE JATIYA RAKKHI BAHINI (ABSORPTION IN THE ARMY) ORDINANCE, 1975

ORDINANCE NO. LII OF 1975

[9th October, 1975]

An Ordinance to provide for the absorption of the members of the Jatiya Rakkhi Bahini in the Bangladesh Army.

WHEREAS it is expedient to provide for the absorption of the members of the Jatiya Rakkhi Bahini in the Bangladesh Army and for matters connected therewith or ancillary thereto;

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

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

Short title and commencement

1. (1) The Ordinance may be called the Jatiya Rakkhi Bahini (Absorption in the Army) Ordinance, 1975.

(2) It shall be deemed to have come into force on the 3rd day of September, 1975.

Definitions

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

(a) "Bahini" means the Jatiya Rakkhi Bahini constituted under the Order;

(b) "commencement of this Ordinance" means the 3rd day of September, 1975;

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 ১৯৭৫ সালের ১৫ আগস্ট হইতে ১৯৭৯ সালের ৯ এপ্রিল তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৬ নং আইন), ধারা ৪।

- (c) “member of the Bahini” means a person appointed or enrolled in the Bahini under the Order;
- (d) “Order” means the Jatiya Rakkhi Bahini Order, 1972 (P.O. No. 21 of 1972).

3. The provisions of this Ordinance and any order made thereunder shall have effect notwithstanding anything contained in the Order or in any other law for the time being in force, or in any contract, agreement, document or other instrument.

Ordinance to override other laws, etc.

4. On the commencement of this Ordinance,-

Absorption of members of the Bahini in the Army

- (a) all members of the Bahini, who are willing to serve in the Bangladesh Army and found suitable in all respects for such service, shall be appointed in the Bangladesh Army on such terms and conditions as the Government may determine;
- (b) all rights and assets and all propertis, movable or immovable, cash and bank balances, funds, arms, ammunition, explosives, wireless sets, equipment, stores, vehicles, vessels, and work shops, and all rights and interests in or arising out of such property, of the Bahini shall be transferred to the Bangladesh Army, or to such other Defence Service or branch thereof, in such manner as the Government may, by order, specify;
- (c) all debts, obligations and liabilities incurred, all contracts entered into, all agreements made, and all matters and things engaged to be done, by, with or for the Bahini shall be deemed to have been incurred, entered into, made or engaged to be done by, with or for the Bangladesh Army or such other Defence Service or branch thereof as the Government may, by order, specify;
- (d) all deeds, bonds, agreements, powers of attorney, documents and other instruments of whatever nature to which the Bahini is a party or which are in favour of the Bahini shall be enforceable and of effect by, against or in favour of the Bangladesh Army or such other Defence Service or branch thereof as the Government may, by order, specify as if in place of the Bahini the Bangladesh Army or the Defence Service or branch thereof specified in the order had been named therein;

- (e) all budget grants made and sums sanctioned for the Bahini shall be deemed to be budget grants made and sums sanctioned for the Bangladesh Army;
- (f) all projects and schemes of the Bahini shall be deemed to be projects and schemes of the Bangladesh Army;
- (g) all suits and other legal proceedings by or against the Bahini shall be deemed to be suits and proceedings by or against the Bangladesh Army and may be proceeded or otherwise dealt with accordingly.

Abolition of
Bahini
Organisation

5. As soon as may be after action under clauses (a) and (b) of section 4 has been taken and the accounts of the Bahini have been audited, the Government shall, by notification in the *official Gazette* appoint a date on which the Bahini Organisation shall stand abolished.

Repeal of the
Order

6. On the abolition of the Bahini Organisation under section 5, the Order shall stand repealed.

Responsibility
of Director-
General

7. (1) The Director-General of the Bahini shall, for the purpose of giving effect to the provisions of clauses (a) and (b) of section 4 and abolition of the Bahini Organisation, take such steps as he deems necessary or as the Government may direct.

(2) The Government shall make available to the Director-General such staff and fund as may be necessary for the discharge of his functions under this Ordinance.

Removal of
difficulties

8. If any difficulty arises in giving effect to the provisions of this Ordinance, the Government may, by order, do anything which appears to it to be necessary for the purpose of removing the difficulty, and any such order shall be deemed to be, and given effect to as, part of the provisions of this Ordinance.
