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THE TERRITORIAL FORCE ACT, 1950

ACT NO. L OF 1950

[23rd October, 1950]

An Act to constitute a Bangladesh Territorial Force. *

WHEREAS it is expedient to provide for the constitution of a Bangladesh Territorial Force and for its administration and discipline;

It is hereby enacted as follows:-

Short title,
extent and
commencement

1. (1) This Act may be called the Territorial Force Act, 1950.

(2) It extends to the whole of Bangladesh, and applies to persons enrolled in the Bangladesh Territorial Force wherever they may be.

(3) It shall come into force at once.

Definitions

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

“enrolled” means enrolled or re-enrolled in the Bangladesh Territorial Force under this Act;

“non-commissioned officer” means a person holding non-commissioned rank in the Bangladesh Territorial Force, and includes an acting non-commissioned officer;

“officer” means a commissioned officer or a junior commissioned officer;

“prescribed” means prescribed by rules made under this Act.

* Throughout this Act, the words “Bangladesh Territorial Force”, “Government”, “Bangladesh Army” and “Bangladesh” were substituted for the words “Pakistan Territorial Force”, “Central Government”, “Pakistan Army” and “Pakistan” respectively by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

¹[3. There may be raised and maintained in the manner hereinafter provided a Force to be called the Bangladesh Territorial Force:

Constitution of
Bangladesh
Territorial Force

Provided that the Government may establish all or any of the branches of the Force as circumstances may permit from time to time.]

4. (1) The Government may constitute any corps or unit of the Bangladesh Territorial Force and may disband or reconstitute any corps or unit so constituted.

Constitution and
disbandment of
units

(2) The Government may constitute ²[* * *] a university corps consisting of one or more units of the Territorial Force, for the appointment thereto of students of, and other persons connected with, a university established by law in Bangladesh, or colleges affiliated to such a university, and may disband or reconstitute any unit so constituted.

5. (1) There shall be the following classes of officers in the Bangladesh Territorial Force, namely:-

Classes of
officers

(a) commissioned officers, and

(b) junior commissioned officers.

(2) An officer shall be deemed to be enrolled in the Bangladesh Territorial Force for so long as he holds a commission in that Force.

6. (1) ³[Any person who is a citizen of Bangladesh] may offer himself for enrolment in the Bangladesh Territorial Force, and any such person who satisfies the prescribed conditions may be enrolled in the prescribed manner for such period, not exceeding six years, as may be prescribed.

Enrolment

¹ Section 3 was substituted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words "for any province or an Acceding State" were omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ The words "Any person who is a citizen of Bangladesh" were substituted for the words and commas "Any male person who is a citizen of, or is domiciled in, Pakistan or an Acceding State" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

(2) An applicant for enrolment may apply to be enrolled for service in any particular branch, corps or unit.

Appointment to
corps or unit

7. (1) Every person enrolled shall without unnecessary delay be appointed in the prescribed manner to a corps or unit constituted under section 4.

(2) Any person who has been enrolled for service in any particular branch, corps or unit shall be appointed to a corps or unit of that branch or to that corps or unit, as the case may be.

Transfer and
attachment

8. (1) Any person appointed to a corps or unit under section 7 may be transferred, whether on disbandment of the corps or unit or otherwise, to another corps or unit of the same branch of the Bangladesh Territorial Force, in such manner as may be prescribed.

(2) Any person enrolled may be attached at his own request to any corps or unit of the Bangladesh Territorial Force or to any unit of the Bangladesh Army.

Change of
residence

9. (1) Any enrolled person who changes his residence otherwise than temporarily shall inform the prescribed authority of his new residence.

(2) The prescribed authority on being so informed may, subject to the provisions of section 8, transfer such person from the corps or unit in which he is serving to another corps or unit.

Discharge

10. Every person enrolled shall be entitled to receive his discharge from the Bangladesh Territorial Force on the expiration of the period for which he was enrolled and any such person may, before the expiration of that period, be discharged from the said Force by such authority and subject to such conditions as may be prescribed, and shall be so discharged on a recommendation of the officer commanding the unit in this behalf:

Provided that no person enrolled who is for the time being engaged in military service under the provisions of this Act shall be entitled to receive his discharge before the termination of such service.

11. (1) Every person enrolled shall, subject to such conditions as may be prescribed, be bound to serve in any corps or unit of the Bangladesh Territorial Force to which he has been appointed or transferred, or is for the time being attached, and shall be subject to all rules and regulations that may be made under this Act relating to such corps or unit.

Liability to serve and perform military service

(2) Every person enrolled in a corps or unit other than a university corps or unit shall be liable to perform military service-

- (a) when called out with any portion of the Bangladesh Territorial Force by an order of the senior military officer present either to act in support of the civil power or to provide guards, which, in the opinion of such officer, are essential; or
- (b) when any portion of the Bangladesh Territorial Force to which he belongs has been embodied to support or supplement the Bangladesh Army in the event of an emergency by a notification directing such embodiment issued by the Government and published in the *official Gazette*; or
- (c) when attached at his own request to any unit of the Bangladesh Army.

12. No person embodied under section 11 shall be required to perform military service beyond the limits of Bangladesh save under a general or special order of the Government.

Territorial limits of liability to, and duration of, military service

13. (1) Every officer of the Bangladesh Territorial Force when doing duty as such officer, shall be subject to the ¹[* * *] Army Act, 1952, and the rules and regulations made thereunder, whereupon the said Act, rules and regulations shall apply to him as if he held the same rank in the Bangladesh Army as he holds for the time being in the said Force, subject to the terms of his commission and the orders of the President.

The Army Act, 1952

¹ The word "Pakistan" was omitted by section 4 of the Defence Services Laws Amendment Ordinance, 1978 (Ordinance No. XVIII of 1978).

(2) Every non-commissioned officer and man of the Bangladesh Territorial Force,-

- (a) when called out or embodied for military service under section 11, or
- (b) when attached to, or otherwise acting as part of, or with, any unit of the Bangladesh Army, or
- (c) when embodied for, or otherwise undergoing, military training in the prescribed manner,

shall be subject to the ¹[* * *] Army Act, 1952, and the rules and regulations made thereunder, whereupon the said Act, rules and regulations shall apply to him as if he held the same rank in the Bangladesh Army as he holds for the time being in the said Force, subject to the orders of the President:

Provided that the said Act, rules and regulations shall, in their application to such non-commissioned officers and men when embodied for or otherwise undergoing military training, be modified to such extent and in such manner as may be prescribed:

Provided further that non-commissioned officers and men of a university corps when undergoing training, shall, in respect of such training, be subject only to such disciplinary and other rules as may be prescribed.

(3) Where an offence punishable under the ²[* * *] Army Act, 1952, or, as the case may be, under that Act as modified under sub-section (2), has been committed by any person whilst subject to that Act under the provisions of this section, such person may be taken into and kept in military custody and tried and punished for such offence, although he has ceased to be so subject as aforesaid, in like manner as he might have been taken into and kept in military custody, tried or punished if he had continued to be so subject:

¹ The word "Pakistan" was omitted by section 4 of the Defence Services Laws Amendment Ordinance, 1978 (Ordinance No. XVIII of 1978).

² The word "Pakistan" was omitted by section 4 of the Defence Services Laws Amendment Ordinance, 1978 (Ordinance No. XVIII of 1978).

Provided that no such person shall be kept in military custody after he has ceased to belong to the Bangladesh Territorial Force, unless he has been taken into or kept in military custody on account of the offence before the date on which he ceased so to belong; nor shall he be kept in military custody or be tried or punished for the offence after the expiry of two months from that date, unless his trial has already commenced before such expiry.

14. In addition to, or in substitution for, any punishment or punishments to which he may be liable under the ¹[* * *] Army Act, 1952, a junior commissioned officer, non-commissioned officer or man of the Bangladesh Territorial Force not being a member of a university corps, may be punished either by a criminal court or summarily by order of the prescribed authority for any offence under that Act, or for the contravention of any rule or regulation under this Act, with fine which may extend to fifty rupees, to be recovered in such manner and by such authority as may be prescribed:

Summary trial
and
punishments

Provided that no court inferior to that of a magistrate of the first class shall try any offence made punishable by or under this Act.

15. Where a junior commissioned officer, non-commissioned officer or man of the Bangladesh Territorial Force is required by or in pursuance of any rule, regulation or order made under this Act to attend at any place, a certificate purporting to be signed by the prescribed officer, stating that the person so required to attend failed to do so in accordance with such requirement, shall without proof of the signature or appointment of such officer, be evidence of the matters stated therein.

Presumption as
to certain
documents

16. (1) The Government may make rules to carry out the purposes of this Act.

Power to make
rules

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may-

- (a) prescribe the manner in which, the period for which and the conditions subject to which, persons may be enrolled under section 6;

¹ The word "Pakistan" was omitted by section 4 of the Defence Services Laws Amendment Ordinance, 1978 (Ordinance No. XVIII of 1978).

- (b) prescribe the manner in which persons enrolled may be appointed to corps and units under section 7 or transferred under section 8 or section 9;
- (c) prescribe the authorities by which and the condition subject to which persons enrolled may be discharged under section 10;
- (d) prescribe preliminary and periodical military training, compulsory and voluntary, for any person or class of persons enrolled and provide for the embodiment of any corps or unit for that purpose;
- (e) prescribe the military or other obligations to which members of a university corps shall be liable when undergoing military training and provide generally for the maintenance of discipline in such cases;
- (f) provide for the medical examination of persons offering themselves for enrolment under section 6;
- (g) provide for and regulate the remuneration, allowances, gratuities or compensation (if any) to be paid to any person or class of persons enrolled or to their dependents; and
- (h) provide for any other matter which under this Act, is to be or may be prescribed.

(3) All rules made under this Act shall be published in the *official Gazette*, and on such publication shall have effect as if enacted in this Act.

Power to make regulations

17. (1) The ¹[Chief of Army Staff of Bangladesh Army] may make regulations not inconsistent with this Act, and the rules made thereunder, providing generally for all details connected with the organisation and personnel of the Bangladesh Territorial Force and for the duties, military training, clothing, equipment, allowances and leave of persons enrolled.

¹ The words "Chief of Army Staff of Bangladesh Army" were substituted for the words "Commander-in-Chief of the Pakistan Army" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may specify the courses of training or instruction to be followed by any person or class of persons enrolled.

18. For the purposes of sections 128, 130 and 131 of the Code of Criminal Procedure, 1898, all officers, non-commissioned officers and men of the Bangladesh Territorial Force who have been appointed to a corps or unit shall be deemed to be officers, non-commissioned officers and soldiers, respectively, of Bangladesh Army.

Certain persons subject to this Act to be deemed part of Bangladesh Army for certain purposes

19. No person shall be liable to pay any municipal or other tax in respect of any horse, bicycle, motor bicycle, motor car, or other means of conveyance which he is authorised by regulations made under section 16 to maintain in his capacity as a person enrolled in or otherwise connected with the Bangladesh Territorial Force.

Exemption from local taxation

20. [*Repeal.- Repealed by section 2 and 1st Schedule of the Repealing and Amending Ordinance, 1965 (Ordinance No. X of 1965).*]