

THE NATIONAL GUARD ACT, 1950**CONTENTS**

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THE NATIONAL GUARD ACT, 1950

ACT NO. LXIII OF 1950

[23rd October, 1950]

An Act to provide for the constitution and discipline of a National Guard for Bangladesh.*

WHEREAS it is necessary to provide for the constitution and discipline of a National Guard for Bangladesh;

It is hereby enacted as follows:-

Short title,
extent and
commencement

1. (1) This Act may be called the National Guard Act, 1950.

(2) It extends to the whole of Bangladesh and applies to all persons enrolled in the Bangladesh National Guard 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,-

(a) “district” means a revenue district¹ [* * *];

(b) “enrolled” means enrolled in the Bangladesh National Guard under this Act;

(c) “non-commissioned officer” means a person holding a non-commissioned rank in the Bangladesh National Guard, and includes an acting non-commissioned officer;

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

¹ The words “in a 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).

- (d) “officer” means an officer of either of the two classes specified in section 5; and
- (e) “prescribed” means prescribed by rules made under this Act.

3. There ¹[may be raised] and maintained in the manner hereinafter provided a force to be designated the Bangladesh National Guard.

Constitution of the Bangladesh National Guard

²4. The Chief of Army Staff may, subject to the control of the Government, constitute for any district one or more units of the Bangladesh National Guard to be recruited from persons residing in such district and may disband or reconstitute any unit so constituted:

Constitution and disbandment of units

Provided that where, in his opinion, it is not for any reason practicable to recruit a unit from the district for which it has been constituted, he may, by order in writing, authorise its recruitment from persons residing in any other district.]

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

Personnel of the Bangladesh National Guard

- (i) Senior officers holding commissions in the Bangladesh National Guard granted by the President with designation of rank corresponding to those of officers of the Bangladesh Army, and
- (ii) junior officers holding commissions in the Bangladesh National Guard granted by the President with designation of rank corresponding to those of junior commissioned officers of the Bangladesh Army.

(2) An officer shall be deemed to be enrolled in the Bangladesh National Guard for so long as he holds a commission therein.

¹ The words “may be raised” were substituted for the words “shall be raised” by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² Section 4 was substituted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

Conditions of enrolment

6. (1) ¹[Any citizen of Bangladesh] may offer himself for enrolment in the Bangladesh National Guard and any such person who satisfies the prescribed conditions may be enrolled for the prescribed period and in the prescribed manner.

²[(2) Any person residing in a district may apply to be enrolled for service in any unit constituted for that district.]

(3) Where, in pursuance of the proviso to section 4, the ³[Chief of Army Staff of Bangladesh Army] authorises the recruitment of a unit from persons belonging to a district other than that for which the unit was constituted, an applicant for enrolment may, notwithstanding anything contained in sub-section (2), apply to be enrolled in any unit so recruited.

Appointment to a unit

⁴[7. Every person enrolled and residing in a district shall, without unnecessary delay, be appointed to a unit constituted under section 4 for the district or, if he applied for enrolment for the district, in which he resides, to such other unit.]

Transfer and attachment

8. (1) Any person appointed to a unit constituted under section 4 may be transferred, whether on disbandment of the unit or, otherwise, to another unit of the Bangladesh National Guard in such manner as may be prescribed.

⁵[* * *]

¹ The words “ Any citizen of Bangladesh ” were substituted for the words “Any person domiciled in Pakistan” by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² Sub-section (2) was substituted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

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

⁴ Section 7 was substituted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

⁵ The proviso was omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

(2) Nothing in sub-section (1) shall be deemed to authorise the transfer without his own consent of any person enrolled any unit other than the unit to which he was appointed under section 7.

(3) Any person enrolled may be attached at his own request to any unit of the Bangladesh National Guard.

9. (1) Any person enrolled who changes his place of residence and thereby leaves the ¹[* * *] district, if the said unit is constituted for that district shall-

Change of residence

- (a) if he does not intend to return to ²[that district] inform the prescribed authority of his new place of residence; or
- (b) if, having intended to return, he does not return within a period of three months, inform the prescribed authority as aforesaid immediately on the expiry of that period.

(2) The prescribed authority on being informed of a change of address under sub-section (1) may, subject to the provisions of section 8, transfer the aforesaid person from the unit in which he is serving to another unit.

10. (1) Every person enrolled shall be entitled to receive his discharge from the Bangladesh National Guard on the expiration of the period for which he was enrolled and may, before the expiration of that period, be discharged from the force by such authority and subject to such conditions as may be prescribed:

Discharge

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

¹ The words and commas “Karachi Division, if the unit in which he is serving is constituted for the Division, or a” were omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words “that district” were substituted for the words and commas “the Division or to that district, as the case may be,” by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

(2) Every person enrolled shall on becoming entitled to his discharge be discharged with all convenient speed.

Liability to
serve and
perform military
service

11. (1) Every person enrolled shall, subject to such conditions as may be prescribed, be bound to serve in any unit, of the Bangladesh National Guard 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 unit.

(2) Every person enrolled shall be liable to perform military service-

- (a) when called out with any portion of the Bangladesh National Guard by an order of the senior officer of the Bangladesh Army 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 the unit to which he belongs has been embodied to support or supplement the Bangladesh Army in the event of an emergency by an order directing such embodiment issued by the Government.

(3) No person enrolled shall be required to perform military service beyond the limits of Bangladesh save under a general or special order of the Government ¹[* * *].

Application of
the Indian Army
Act, 1911

12. (1) Every officer of the Bangladesh National Guard when doing duty as such officer shall be subject to the provisions of ²[* * *] the ³[* * *] Army Act, 1952, and the rules and regulations made thereunder, in the same manner and to the same extent as if such officer held the same rank in the

¹ The words and commas “and save, in the case of a person who is a subject of an Acceding State, with the consent of the Ruler” were omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words, commas and figures “the Indian Army Act, 1911 or” 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 word “Pakistan” was omitted by Article 6 of the The Bangladesh (Adaptation of Existing Laws) Order, 1972 (President’s Order No. 48 of 1972).

Bangladesh Army as he holds for the time being in the Bangladesh National Guard but subject to the terms of his commission and to any order of the President made in this behalf.

(2) Every non-commissioned officer and man of the Bangladesh National Guard-

- (a) when called out or embodied for military service under section 11, or
- (b) when embodied for, or otherwise undergoing military training in the prescribed manner, shall be subject to ¹[* * *] the ²[* * *] Army Act, 1952, and the rules and regulations made thereunder, and the said Act, rules and regulations shall apply to him, subject to any order of the President made in this behalf as if he held the same rank in the Bangladesh Army as he holds for the time being in the Bangladesh National Guard:

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.

(3) When any offence punishable under ³[* * *] the ⁴[* * *] Army Act, 1952, has been committed by any person while subject to that Act under the provisions of this section such person may, notwithstanding that he may have ceased to be so subject, be taken into and kept in military custody and tried and punished for such offence as aforesaid in like manner as if he had not ceased to be so subject.

¹ The words, commas and figures “the Indian Army Act, 1911 or” were omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The word “Pakistan” was omitted by Article 6 of the The Bangladesh (Adaptation of Existing Laws) Order, 1972 (President’s Order No. 48 of 1972).

³ The words, commas and figures “the Indian Army Act, 1911 or” were omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

⁴ The word “Pakistan” was omitted by Article 6 of the The Bangladesh (Adaptation of Existing Laws) Order, 1972 (President’s Order No. 48 of 1972).

Summary trial
and punishment

13. In addition to, or in substitution for, any punishment to which he may be liable under ¹[* * *] the²[* * *] Army Act, 1952, any person enrolled other than an officer may be punished by a court of competent criminal jurisdiction, or summarily by order of the prescribed authority, for any offence under that Act or for the contravention of any provision of this Act or of any rule made thereunder, with fine which may be extend to one hundred ³[taka] to be recovered in such manner and by such authority as may be prescribed:

Provided that no fine shall be summarily inflicted by an order of the prescribed authority in any case in which the accused claims to be tried by a criminal court:

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

Presumption as
to certain
documents

14. When any person enrolled, other than an officer, is required by or in pursuance of any rule 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 has failed to attend in accordance with such requirement shall, without proof of the signature or appointment of such officer be evidence of the matter stated therein.

Persons subject
to the Act to be
deemed part of
the Bangladesh
Army

15. 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 National Guard who have been appointed to a unit shall be deemed to be officers, non-commissioned officers and soldiers respectively of the Bangladesh Army.

¹ The words, commas and figures “the Indian Army Act, 1911 or” were omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The word “Pakistan” was omitted by Article 6 of the The Bangladesh (Adaptation of Existing Laws) Order, 1972 (President’s Order No. 48 of 1972).

³ The word “taka” was substituted for the word “rupees” by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

16. No person shall be liable to pay any municipal or other tax in respect of any horse, bicycle, motor bicycle, motor car or other conveyance which he is required or authorised by a general or special order of the ¹[Chief of Army Staff of Bangladesh Army] to maintain in his capacity as a person enrolled in or as a person otherwise connected with the Bangladesh National Guard.

Exemption from local taxation

17. (1) The Government may by notification in the *official Gazette* make such rules as appear to it to be necessary for carrying into effect the provisions of this Act.

Power to make rules

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

- (a) prescribe the conditions subject to which, the period for which and the manner in which, persons may be enrolled under section 6;
- (b) prescribe the manner in which a person enrolled may be transferred under section 8;
- (c) prescribe the authorities by whom and the conditions subject to which persons enrolled may be discharged under section 10;
- (d) prescribe the authorities by which offences under this Act may be punished and the manner in which fine inflicted may be recovered;
- (e) prescribe the military training, compulsory or voluntary, for any person or class of persons enrolled and to provide for the embodiment of any unit for that purpose;
- (f) prescribe the extent to which and the manner in which the provisions of ²[* * *] the ³[* * *] Army Act, 1952, shall

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

² The words, commas and figures “the Indian Army Act, 1911 or” 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 word “Pakistan” was omitted by Article 6 of the The Bangladesh (Adaptation of Existing Laws) Order, 1972 (President’s Order No. 48 of 1972).

be modified in their application to non-commissioned officers and men of the Bangladesh National Guard when embodied for or otherwise undergoing military training;

- (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;
- (h) prescribe the officers by whom certificates may be signed under section 14;
- (i) provide for the medical examination of persons offering themselves for enrolment under section 5; and
- (j) provide for any other matter which under this Act is to be or may be prescribed.

Power to make regulations

18. (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 National Guard and for the duties, military training, clothing, equipment, allowance and leave of persons enrolled.

(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.

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

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