

THE BANGLADESH RIFLES ORDER, 1972

PRESIDENT'S ORDER NO. 148 OF 1972

[15th December, 1972]

WHEREAS it is expedient to provide for the constitution of Bangladesh Rifles and matters ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamation of Independence of Bangladesh, read with the Provisional Constitution of Bangladesh Order, 1972, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:-

1. (1) This Order may be called the Bangladesh Rifles Order, 1972.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once.

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

¹[(a) "Commanding officer" means an officer commanding a unit or a body of men belonging to the Force;

(b) "Company" means a sub-unit composed of several platoons, forming part of, or attached to the Wing;

(c) "Detachment" means a sub-unit of a company and composed of a body of men operating independently, detached from the Company Headquarters;

²[(d) "Director-General" means the Director-General of the Force;]

(e) "Force" means the Bangladesh Rifles constituted under this Order;

¹ Sub-clauses (a) to (c) and clause (2) were substituted by section 2 of the Bangladesh Rifles (Amendment) Act, 1974 (Act No. XV of 1974).

² Clause (d) was substituted by section 2 of the Bangladesh Rifles (Amendment) Act, 1975 (Act No. XL of 1975).

- (f) “officer” means a superior officer or a subordinate officer;
- (g) “prescribed” means prescribed by rules made under this Order;
- (h) “Rifleman or Signaller” means a member of the Force other than an officer specified in clauses (1) and (2) of Article 6;
- (i) “Sector Commander” means an officer of the rank of Deputy Director who commands a sector composed of two to four wings;
- (j) “Special Court” means a Court of not less than two officers, not below the rank of superior officer, constituted and presided over by ¹[the Director-General] and assisted by the Attorney-General or his representative;
- (k) “Special Summary Court” means a Court consisting of two superior officers and one subordinate officer, constituted by ²[the Director-General] and presided over by an officer not below the rank of Assistant Director;
- (l) “subordinate officer” means an officer specified in Article 5(2);
- (m) “superior officer” means an officer specified in Article 5(1);
- (n) “unit” means a unit of the Force; and
- (o) “wing” means any separate unit of the Force composed of several Companies;

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

¹ The words “the Director-General” were substituted for the words “the Director” by section 2 of the Bangladesh Rifles (Amendment) Act, 1975 (Act No. XL of 1975).

² The words “the Director-General” were substituted for the words “the Director” by section 2 of the Bangladesh Rifles (Amendment) Act, 1975 (Act No. XL of 1975).

3. Every person appointed or enrolled under this Order shall be subject to this Order wherever he may be and shall remain so subject until his discharge in accordance with the provisions of this Order.

4. (1) There shall be raised and maintained in accordance with the provisions of this Order a Force to be called the Bangladesh Rifles.

(2) The Force shall consist of such number and classes of Officers and Riflemen and Signalmen and shall be constituted in such manner as the Government may from time to time direct.

¹[(3) The Force shall be a disciplined force within the meaning of Article 152 of the Constitution of the People's Republic of Bangladesh.]

²[5. (1) There shall be ³[a Director-General] of the Force and may be all or any of the following classes of the superior officers of the Force, namely:-

⁴[(a) Director;]

(b) Deputy Director;

(c) Assistant Director;

(d) Deputy Assistant Director.

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

(a) Subedar-Major;

¹ Clause (3) was added by section 2 of the Bangladesh Rifles (Amendment) Act, 1973 (Act No. XXI of 1973).

² Article 5 was substituted by section 3 of the Bangladesh Rifles (Amendment) Act, 1974 (Act No. XV of 1974).

³ The words "a Director-General" were substituted for the words "a Director" by section 3 of the Bangladesh Rifles (Amendment) Act, 1975 (Act No. XL of 1975).

⁴ Sub-clause (a) was substituted by section 3 of the Bangladesh Rifles (Amendment) Act, 1975 (Act No. XL of 1975).

- (b) Subedar;
- (c) Naib-Subedar.

(3) The Government shall appoint the ¹[Director-General] and other superior officers and the ²[Director-General] shall appoint the subordinate officers in such manner and on such terms and conditions as may be prescribed.

(4) The ³[Director-General] and the other superior officers shall possess, and may exercise, such powers and authority over the officers sub-ordinate to them and the Rifleman and Signalman for the time being under their command as is provided by or under this Order.]

⁴[6. (1) There may be all or any of the following classes of Riflemen of the Force, namely :-

- (a) Havildar-Major;
- (b) Havildar and Havildar Assistant;
- (c) Naik and Naik Assistant;
- (d) Lance-Naik and Lance-Naik Assistant;
- (e) Buglar and Sepoy and Sepoy Assistant;
- (f) Non-combatant (Enrolled).

(2) There may be all or any of the following classes of Signalman of the Force, namely :-

- (a) Havildar-Major;
- (b) Havildar and Havildar Assistant;
- (c) Naik and Naik Assistant;

¹ The words "Director-General" were substituted for the word "Director" by section 3 of the Bangladesh Rifles (Amendment) Act, 1975 (Act No. XL of 1975).

² The words "Director-General" were substituted for the word "Director" by section 3 of the Bangladesh Rifles (Amendment) Act, 1975 (Act No. XL of 1975).

³ The words "Director-General" were substituted for the word "Director" by section 3 of the Bangladesh Rifles (Amendment) Act, 1975 (Act No. XL of 1975).

⁴ Article 6 was substituted by section 4 of the Bangladesh Rifles (Amendment) Act, 1974 (Act No. XV of 1974).

- (d) Lance-Naik and Lance-Naik Assistant;
- (e) Signalmán Sepoy and Sepoy Assistant;
- (f) Non-combatant (Enrolled).

(3) The Riflemen or Signalmén shall be enrolled in such manner, for such period and on such terms and conditions as may be prescribed.]

7. The superintendence of the Force shall vest in the Government and the Force shall be administered, commanded and controlled by the ¹[Director-General] in accordance with the provisions of this Order and any rules made thereunder and such orders and instructions as may be made or issued by the Government from time to time.

8. The Force shall be employed for the purpose of the following services namely:-

- (a) border protection;
- (b) anti-smuggling work; and
- (c) any other task as the Government may direct.

9. It shall be the duty of every Officer or Rifleman or Signalmán promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority and to apprehend all persons whom he is legally authorised to apprehend and for whose apprehension sufficient grounds exist and deliver such persons to the custody of the police.

10. Every persons subject to this Order shall be entitled to receive his discharge from the Force on the expiration of the period for which he was appointed or enrolled and may, before the expiration of that period, be discharged from the Force by the Government, ²[Director-General] or such other officer and subject to such conditions as may be prescribed.

¹ The words "Director-General" were substituted for the word "Director" by section 4 of the Bangladesh Rifles (Amendment) Act, 1975 (Act No. XL of 1975).

² The words "Director-General" were substituted for the word "Director" by section 4 of the Bangladesh Rifles (Amendment) Act, 1975 (Act No. XL of 1975).

¹[10A. (1) A subordinate officer or a Rifleman or a Signalman, 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; or
- (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; or
- (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; or
- (d) in the presence of an enemy or any person in arms against whom it is his duty to act, casts away his arms or his ammunition, or intentionally uses words or any other means to induce any other subordinate officer or Rifleman or Signalman to abstain from acting against the enemy, or any such person, or to discourage any such subordinate officer or Rifleman or Signalman from acting against the enemy or such person, or who otherwise misbehaves; or
- (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 discover immediately to his Commanding officer or superior officer any such correspondence or communication coming to his knowledge; or
- (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; or
- (g) without authority leaves his Commanding officers, or his post or party, to go in search of plunder; or
- (h) quits his guard, picquet, party or patrol without being regularly relieved or without leave; or

¹ Articles 10A and 10B were inserted by section 5 of the Bangladesh Rifles (Amendment) Act, 1974 (Act No. XV of 1974).

- (i) uses criminal force to, or commits and 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 the 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 Taka one hundred.

(2) The Special Court may take cognizance of any offence punishable under this Article either of its own motion or on a complaint by any officer and shall follow such procedures as may be prescribed.

(3) A subordinate officer or a Rifleman or Signalman accused of an offence under this Order shall have the right to conduct his own defence or to have assistance of any officer of the Force or of any legal practitioner of his own choice.

10B. (1) A subordinate officer or a Rifleman or a Signalman who-

- (a) is in a state of intoxication when on or detailed for any duty, or on parade, or on the line march; or
- (b) strikes, or forces or attempts to force, any sentry; or
- (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; or
- (d) being deputed to any guard, picquet or patrol, quits it without being regularly relieved or without leave; or
- (e) being in command of a guard, picquet or patrol, permits gambling or other behaviour prejudicial to good order and discipline; or

- (f) being under arrest or in confinement, leaves his arrest or confinement before he is set at liberty by proper authority; or
- (g) is grossly insubordinate or insolent to his officer in the execution of his office; or
- (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; or
- (i) strikes or otherwise ill-uses a subordinate officer or a Rifleman or a Signaller subordinate to him in rank or position; or
- (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; or
- (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; or
- (l) malingers, feigns or produces disease or infirmity in himself, or intentionally delays his cure or aggravates his disease or infirmity; or
- (m) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person; or
- (n) commits extortion, or without proper authority exacts from any person carriage, portage or provisions; or
- (o) designedly or through neglect kills, injures, makes away with, ill-treats or loses his horse or any animal used in the public service; or
- (p) disobeys the lawful command of his officer; or

- (q) plunders, destroys or damages any property of any kind;
or
- (r) being a sentry, sleeps at his post or quits it without being regularly relieved or without leave; or
- (s) deserts or attempts to desert the service or absents himself without leave; or
- (t) accepts illegal gratification from any person; or
- (u) designedly or through neglect fails to apprehend an offender; or
- (v) designedly or through neglect fails to perform his duties;
or
- (w) neglects to obey Force orders or Wing orders or any other orders or rules made under this Order or commits any act or omission prejudicial to good order and discipline, such act or omission not constituting any offence under the Penal Code or any other law in force in Bangladesh;

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

(2) The Special Summary Court may take cognizance of offence punishable under this Article either of its own motion or on complaint by any person and shall follow such procedures as may be prescribed.

(3) A subordinate officer or a Rifleman or a Signaller on conviction by a Special Summary Court under this Article may prefer an appeal to the Sector Commander or to an officer of equivalent rank in the line of command within fifteen days of announcement of the judgement; and a second appeal may be preferred to the ¹[Director-General] within thirty days of disposal of the first appeal.]

¹ The words "Director-General" were substituted for the word "Director" by section 4 of the Bangladesh Rifles (Amendment) Act, 1975 (Act No. XL of 1975).

11. (1) Subject to such rules as the Government may make under this Order, the ¹[Director-General] may, at any time, award any one or more of the following punishments to any subordinate officer or any Rifleman or Signalmán whom he finds to be guilty of disobedient, neglect of duty or remissness in the discharge of any duty, or of rendering himself unfit to discharge his duty, or of other misconduct in his capacity as a subordinate officer or Rifleman or Signalmán, namely:-

- (a) dismissal from service;
- (b) removal from service ;
- (c) compulsory retirement;
- (d) reduction in rank or grade;
- (e) stoppage of promotion;
- (f) forfeiture of seniority for not more than one year;
- (g) forfeiture of pay and allowances for not exceeding twenty-eight days,
- (h) forfeiture of increment in pay;
- (i) fine to any amount not exceeding one month's pay;
- ²[(j) rigorous imprisonment up to twenty-eight days in unit quarter-guard;]
- (k) severe reprimand;
- (l) reprimand;
- (m) extra guard, picquets, patrol or fatigue;
- (n) confinement to lines for a term not exceeding one month with or without drill, extra guard, fatigue or other duty.

(2) The ³[Director-General] may place under suspension any Subordinate Officer or any Rifleman or Signalmán against

¹ The words "Director-General" were substituted for the word "Director" by section 4 of the Bangladesh Rifles (Amendment) Act, 1975 (Act No. XL of 1975).

² Paragraph (j) was substituted by section 6 of the Bangladesh Rifles (Amendment) Act, 1974 (Act No. XV of 1974).

³ The words "Director-General" were substituted for the word "Director" by section 4 of the Bangladesh Rifles (Amendment) Act, 1975 (Act No. XL of 1975).

whom action under clause (i) is required to be taken or against whom any investigation or any enquiry is required to be made.

(3) Notwithstanding anything contained in clause (1), no Subordinate Officer or Rifleman or Signalmán shall be awarded any punishment under this Article unless he has been given an opportunity of being heard.

(4) Any subordinate Officer or Rifleman or Signalmán aggrieved by any action taken under sub-clause (a) to (i) of clause (1) may prefer an appeal to the prescribed authority in the prescribed manner.

¹[11A. Any subordinate officer, Rifleman or Signalmán sentenced under this Order to imprisonment for a period not exceeding three months shall, when he is also dismissed from the Force, be imprisoned in the nearest or such other Jail as the Government may, by general or special order, direct, but when he is not also dismissed from the Force, he may, if the convicting Court or the Magistrate so directs, be confined in the quarter-guard or such other place as such Court or Magistrate may deem fit.]

12. [Omitted by section 8 of the Bangladesh Rifles (Amendment) Act, 1974 (Act No. XV of 1974).]

13. Whenever any person subject to this Order deserts, his Commanding Officer shall give written information of the desertion to such civil authorities as in his opinion may be able to afford assistance towards the capture of the deserter and such authorities shall thereupon take steps for apprehension of the said deserter in like manner as if he were a person for whose apprehension a warrant had been issued by a Magistrate and shall deliver the deserter, when apprehended, to the custody of the Force.

14. No person subject to this Order shall be at liberty to resign his appointment or to withdraw himself from all or any of the duties of his appointment, without the sanction of the Commanding Officer with whom he is serving or of some other Officer authorised by the Commanding Officer to grant such sanction.

¹ Article 11A was inserted by section 7 of the Bangladesh Rifles (Amendment) Act, 1974 (Act No. XV of 1974).

15. [Omitted by section 8 of the Bangladesh Rifles (Amendment) Act, 1974 (Act No. XV of 1974).]

¹[**16.** (1) The Government may, by order in writing, delegate, in respect of such Superior Officer as it may think fit, its power of ²[appointment,] posting and transfer to the Director General.

(2) The Director General may, by order in writing, delegate, to such extent and in respect of such Subordinate Officer or such Rifleman or Signalmán as he may think fit, the powers conferred upon him by any provision of this Order to any Superior Officer.]

³[**16A.** Notwithstanding anything contained in the Police Act, 1861 (V of 1861), or in any other enactment for the time being in force, the Government may invest the ⁴[Director-General] with the powers of a Magistrate First Class for the purpose of enquiring into or trying any offence committed by a subordinate officer, Rifleman or Signalmán against the person or property of another subordinate officer, Rifleman or Signalmán and punishable under any provision of the Penal Code (Act XLV of 1860), or of any other law in force in Bangladesh.

16B. [Omitted by section 5 of the Bangladesh Rifles (Amendment) Act, 1975 (Act No. XL of 1975).]

16C. No suit, prosecution or other legal proceedings shall lie against any superior officer for anything which is done or intended to be done in good faith under this Order.]

17. (1) The Rifles Act, 1920 (Act II of 1920) is hereby repealed.

¹ Article 16 was substituted by section 2 of the Bangladesh Rifles (Amendment) Act, 1980 (Act No. XXXIII of 1980).

² The word and comma "appointment," were inserted by section 2 of the Bangladesh Rifles (Amendment) Ordinance, 1983 (Ordinance No. LXII of 1983).

³ Articles 16A, 16B and 16C were inserted by section 9 of the Bangladesh Rifles (Amendment) Act, 1974 (Act No. XV of 1974).

⁴ The words "Director-General" were substituted for the word "Director" by section 4 of the Bangladesh Rifles (Amendment) Act, 1975 (Act No. XL of 1975).

(2) All employees of the Organisation set up under the Rifles Act, 1920 (Act II of 1920) who were appointed before the commencement of this Order shall, on such commencement, become employees of the Organisation set up under this Order and shall hold their offices and services in that Organisation on the same terms and conditions as are applicable to them immediately before the commencement of this Order.

(3) All properties, movable and immovable, funds, liabilities and records of the Organisation set up under the Rifles Act, 1920 (Act II of 1920) shall on the commencement of this Order, stand transferred to and vested in the Organisation set up, under this Order.

18. All rules and regulations made under the Rifles Act, 1920 (Act II of 1920), and in force immediately before the repeal thereof shall *mutatis mutandis* and so far as they are not inconsistent with the provisions of this Order, continue in force until repealed or altered by rules made under this Order.

19. (1) The Government may, by notification in the *official Gazette*, make rules for carrying out the purposes of this Order.

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

- (a) prescribe the period for which and the manner in which persons may be appointed as Officers or enrolled as Riflemen or Signalmen;
- (b) prescribe the training of Officers, Riflemen and Signalmen;
- (c) prescribe the discharge of Officers, Riflemen and Signalmen;
- (d) prescribe the terms and conditions of service of Officers, Riflemen and Signalmen;
- (e) regulate the powers and functions of the ¹[Director-General] and other Officers;

¹ The words "Director-General" were substituted for the word "Director" by section 6 of the Bangladesh Rifles (Amendment) Act, 1975 (Act No. XL of 1975).

- (f) regulate the classes of Officers, Riflemen and Signalmen;
 - (g) provide for any other matter necessary for the constitution, maintenance, administration, command, control and discipline of the Force and for carrying the provisions of this Order into effect.
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