

# The Army Act, 1952

( ACT NO. XXXIX OF 1952 )

**An Act to consolidate and amend the law relating to the Bangladesh Army. <sup>1♠2♦♠</sup>**

WHEREAS it is expedient to consolidate and amend the law relating to the Bangladesh Army;

It is hereby enacted as follows:-

## CHAPTER I PRELIMINARY

### **Short title and**

### **commencement**

1. (1) This Act may be called the <sup>3</sup>[\* \* \*] Army Act, 1952.

(2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint in this behalf.

### **Persons subject to the Act**

2. (1) The following persons shall be subject to this Act, namely:-

(a) officers <sup>4</sup>[and junior commissioned officers] of the Bangladesh Army;

(b) persons enrolled under the <sup>5</sup>[\* \* \*] Army Act, 1911, before the date notified in pursuance of sub-section (2) of section 1, and serving with the Bangladesh Army immediately before that date, and persons enrolled under this Act;

<sup>6</sup>[(bb) persons subject to the Navy Ordinance, 1961, or the Air Force Act, 1953, when seconded for service with the Bangladesh Army, to such extent and subject to such regulations as the Government may direct;]

(c) persons not otherwise subject to this Act, who, on active service, in camp, on the march, or at any frontier post specified by the Government by notification in this behalf, are employed by, or are in the service of or are followers of, or accompany any portion of the Bangladesh Army;

(d) persons not otherwise subject to this Act who are accused of-

(i) seducing or attempting to seduce any person subject to this Act from his duty or allegiance to Government, or

(ii) having committed, in relation to any work of defence, arsenal, naval, military or air force establishment or station, ship or aircraft or otherwise in relation to the naval, military or air force affairs of Bangladesh, an offence under the Official Secrets Act, 1923.

(2) Every person subject to this Act under clause (a) or clause (b) of sub-section (1) shall remain so subject until duly retired, released, discharged, removed or dismissed from the service.

(3) Every person subject to this Act under clause (bb) of sub-section (1) shall remain so subject during the period of his secondment to the Bangladesh Army.

**Secondment  
to Navy or  
Air Force**

<sup>7</sup>[2A. The Government may by order in writing direct that any person referred to in clause (a), clause (b) or clause (c) of sub-section (1) of section 2 shall, under such conditions as may be laid down by regulations, be seconded for service with the Bangladesh Navy or the Bangladesh Air Force.]

**Special  
provision  
as to rank  
in certain  
cases**

3. (1) The Government may, by notification, direct that any persons or class of persons subject to this Act under clause (c) of sub-section (1) of section 2 shall be so subject as officers, <sup>8</sup>[junior commissioned officers] or non-commissioned officers, and may authorise any officer to give a like direction with respect to any such person or to cancel such direction.

(2) All persons subject to this Act other than officers, <sup>9</sup>[junior commissioned officers] or non-commissioned officers shall, if they are not persons in respect of whom a notification or direction under sub-section (1) is in force, be deemed to be of a rank <sup>10</sup>[lower] to that of a non-commissioned officer.

**Commanding  
officer of**

**certain  
persons  
subject to  
the Act**

4. Every person subject to the Act under clause (c) of sub-section (1) of section 2 shall, for the purposes of this Act, be deemed to be under the command of the commanding officer of the corps, unit or detachment (if any) to which he is attached, and if he is not so attached, then he shall be under the command of any officer who may for the time being be named as his commanding officer by the officer commanding the force with which such person may for the time being be serving, or if no such officer is named, under the command of the said officer commanding the force:

Provided that an officer commanding a force shall not place a person under the command of an officer of rank <sup>11</sup>[lower] to that of such person, if there is present at the place where such person is any officer of a higher rank under whose command he can be placed.

**Powers to  
apply Act to  
certain  
forces  
under the  
Government**

5. (1) The Government may, by notification, apply all or any provisions of this Act to any force raised and maintained in Bangladesh under the authority of the Government.

(2) On such notification being made any provisions of this Act so applied shall have effect in respect of persons belonging to any such force as they have effect in respect of persons subject to this Act holding in the Bangladesh Army the same rank as or equivalent to that which the aforesaid persons hold for the time being in the said force; and shall have effect in respect of persons who are employed by, or are in the service of, or are followers of, or accompany any portion of any such force as they have effect in respect of persons subject to this Act under clause (c) of sub-section (1) of section 2.

(3) While any of the provisions of this Act apply to any such force, the Government may, by notification, direct by what authority any jurisdiction, powers or duties incident to the operation of these provisions shall be exercised or performed in respect of that force, and may suspend the operation of any other enactment for the time being applicable to that force.

**[Omitted.]**

6. <sup>12</sup>[\*\*\*]

**Power to  
declare  
persons to  
be on active  
service**

7. Notwithstanding anything contained in clause (1) of section 8, the Government may, by notification, direct that any person or class of persons subject to this Act shall, with reference to any area in which they may be serving or with reference to all or any of the provisions of this Act or of any other law for the time being in force, be deemed to be on active service within the meaning of this Act.

**Definitions**

8. In this Act, unless the context otherwise requires,-

(1) “active service”, as applied to a person subject to this Act, means the time during which such person is attached to, or forms part of a force which is engaged in operations against an enemy, or is engaged in military operations in, or is on the line of march to, a country or place wholly or partly occupied by an enemy, or is attached to or forms part of a force which is in military occupation of a foreign country;

(2) “civil offence” means an offence which, if committed in Bangladesh, would be triable by a criminal court;

(3) “Chief of Army Staff” means the Chief of Army Staff of the Bangladesh Army;

(4) “commanding officer” means:-

(i) when used in any provision of this Act with reference to any separate portion of the Bangladesh Army, the officer whose duty it is under the regulations of the Bangladesh Army, or in the absence of such regulations by the custom of the service, to discharge with respect to that portion, the functions of the commanding officer, and

(ii) when used in relation to a person subject to this Act, the officer for the time being in command of any separate portion of the Bangladesh Army or of any unit of a force to which such person belongs or is attached;

(5) “corps” means any separate body of the Bangladesh Army or of any force which is prescribed as a corps for the purposes of all or any of the

(6) “court martial” means a court martial held under this Act;

(7) “criminal court” means a court of ordinary criminal justice in Bangladesh, or established elsewhere by the authority of the Government;

(8) “enemy” includes all armed mutineers, armed rebels, armed rioters, pirates and any person in arms against whom it is the duty of any person subject to this Act to act;

(9) “junior commissioned officer” means a person commissioned, gazetted or in pay as a junior commissioned officer in the Bangladesh Army;

<sup>13</sup>[(9a) “military custody” means the arrest or confinement of a person according to the usage of the service and includes naval or Air force custody;

(9b) “military reward” includes any gratuity or annuity for long service or good conduct, any good service pay or pension, and any other military pecuniary award;]

(10) “non-commissioned officer” means a person attested under this Act who holds a non-commissioned rank in the Bangladesh Army and includes an active non-commissioned officer;

(11) “offence” means any act or omission punishable under this Act and includes a civil offence as hereinbefore defined;

(12) “officer” means a person commissioned, gazetted or in pay as an officer of the Bangladesh Army and includes:-

(i) an officer who being a citizen of Bangladesh holds a commission in Her Majesty's Land Forces, but does not include a junior commissioned officer; and

(ii) in relation to a person subject to this Act when serving under such conditions as may be prescribed, an officer of the Bangladesh Navy and an officer of the Bangladesh Air Force;

(13) “prescribed” means prescribed by rules made under this Act;