

The Navy Ordinance, 1961

(Ordinance NO. XXXV OF 1961)

An Ordinance to consolidate and amend the law relating to the government and discipline of the Bangladesh Navy.^{1♠ ♠}

WHEREAS it is expedient to consolidate and amend the law relating to the government and discipline of the Bangladesh Navy;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

CHAPTER I

PRELIMINARY

**Short title
and**

commencement 1. (1) This Ordinance may be called the ²[* * *] Navy Ordinance, 1961.
(2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

**Persons
subject to
this
Ordinance**

2. (1) The following persons shall be subject to this Ordinance, wherever they may be, namely:-

(a) officers on the active list of officers of the Bangladesh Navy, and ³[sailors] of the Bangladesh Navy;

(b) officers on the retired or emergency lists of officers of the Bangladesh Navy, when ordered on any duty or service for which as such officers they are so liable;

(c) persons belonging to any of the Bangladesh Naval Reserve Forces when called up for training, exercise or service (including active service) in pursuance of regulations;

(d) persons belonging to any auxiliary force raised in Bangladesh to which this Ordinance is applied to such extent and subject to such conditions as may be prescribed.

(2) The following persons, not otherwise subject to this Ordinance shall be so subject to such extent and under such conditions as the Government may direct:-

(a) persons subject to the ⁴[Army Act], 1952 or the ⁵[Air Force Act], 1953-

(i) when seconded for service with the Bangladesh Navy; or

(ii) when embarked for passage on board any of the naval ships;

(b) persons, other than those mentioned in the last preceding clause, when embarked as passengers on board any of the naval ships;

(c) persons who are employed by, or are in the service of, or are followers of, or accompany any body or member of the naval force on active service.

(3) Persons not otherwise subject to this Ordinance, shall be so subject if they are accused of-

(i) seducing or attempting to seduce any person subject to this Ordinance 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.

Secondment to Army or Air Force

3. Persons subject to this Ordinance, when seconded for service with the Bangladesh Army or the Bangladesh Air Force, shall be subject to the ⁶[Army Act], 1952, or as the case may be, the ⁷[Air Force Act], 1953, to such extent and under such conditions as the Government may direct.

Definitions

4. In this Ordinance unless the context otherwise requires,-

(i) "active service" as applied to a person subject to this Ordinance, means the time during which such person-

(a) is attached to, or forms part of a force which is engaged in operations against an enemy,

(b) is engaged in naval operations in, or is on his way to a country or place wholly or partly occupied by an enemy, or

(c) is attached to, or forms part of a force which is in military occupation of any foreign country;

(ii) “armed forces” means the Bangladesh Army, the Bangladesh Navy and the Bangladesh Air Force and includes their reserves when called up for training, exercise or service;

(iii) “civil offence” means an offence which is triable by a criminal Court;

(iv) “civil prison” means any jail or place used for the detention of any criminal prisoner under the Prisons Act, 1894, or under any other law for the time being in force;

(v) “Chief of Naval Staff” means the flag officer appointed by the President as the Chief of Naval Staff, Bangladesh Navy, or in his absence on leave or otherwise the officer appointed by the Government to officiate as such, or, in the absence of such officiating appointment, the officer on whom the command may devolve in accordance with the regulations made by the Government;

(vi) “commanding officer” means the officer appointed in command of a naval ship, vessel or establishment or the officer on whom such command may devolve in accordance with the regulations made by the Government, or, the officer, specified by the Government as the commanding officer for the purpose of all or any of the provisions of this Ordinance;

(vii) “court-martial” means a court-martial held under this Ordinance;

(viii) “criminal Court” means a Court of ordinary criminal justice in any part of Bangladesh or established elsewhere by the authority of the Government;

(ix) “desertion” has the meaning assigned to it by section 45 and “desert” and its cognate expressions shall be construed accordingly;

(x) “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 military, naval or air force law to act;

(xi) “flag officer” means an officer of the rank of Admiral of the Fleet, Admiral, Vice-Admiral or Rear-Admiral;

8[* * *]

(xiii) “intoxication” has the meaning assigned to it by section 58;

(xiv) “Judge Advocate General” means a person appointed as such to give advice on matters relating to naval law and to perform such other duties of a legal character as may arise in connection therewith;

(xv) “long imprisonment” means rigorous imprisonment for a term exceeding two years but not exceeding fourteen years;

(xvi) “mutiny” has the meaning assigned to it by section 36;

(xvii) “naval custody” means the arrest or confinement of a person in the prescribed manner or in accordance with the usages and customs of the naval service and includes military or air force custody;

(xviii) “naval establishment” means an establishment belonging to or under the control of the navy, whether within or without Bangladesh;

(xix) “naval law” means the law contained in this Ordinance and the rules and regulations and includes the usages and customs of the navy;

(xx) “naval reserve forces” means the Bangladesh Naval Reserve Forces and includes the Bangladesh Naval Fleet Reserve, the Bangladesh Naval Volunteer Reserve, the Bangladesh Naval Reserve and the Bangladesh Women Naval Reserve;

(xxi) “naval reward” includes any gratuity or annuity for long service or good conduct or pension and any other naval pecuniary reward;

(xxii) “naval ship” means a ship commissioned for service in the Bangladesh Navy and flying the Naval Ensign;

(xxiii) “naval vessel” means ^{The Navy Ordinance, 1961} a ship or vessel, other than a naval ship, engaged in the naval service of Bangladesh;

(xxiv) “navy” means the regular naval forces of Bangladesh and includes the Bangladesh Naval Reserves Forces, when called up for training, exercise or into actual service;

(xxv) “notification” means a notification published in the official Gazette;

(xxvi) “offence” means any act or omission punishable under this Ordinance and includes a civil offence;

(xxvii) “officer” means a person holding a commission not being a Junior Commission in the Navy, and includes a subordinate officer, and when serving under prescribed conditions, an officer of the Bangladesh Army or the Bangladesh Air Force;

(xxviii) “prescribed” means prescribed by rules made under this Ordinance;

(xxix) “provost-marshal” means a person appointed as such under this Ordinance and includes any of his deputies or assistants or any other person legally exercising authority under him or on his behalf;

(xxx) “sailor” means a person enrolled under this Ordinance of or below the rank of ⁹[master chief petty officer];

(xxxi) “regulations” means regulations made under this Ordinance;

(xxxii) “rules” means rules made under this Ordinance;

(xxxiii) “service” when qualifying institution, necessaries, books, band, mess, money, goods or other property, means belonging to or connected with the army, the navy or the air force or any part thereof;

(xxxiv) “service law” means this Ordinance, the ¹⁰[Army Act], 1952, the ¹¹[Air Force Act], 1953, and the rules and regulations made thereunder;

(xxxv) “short imprisonment” means simple or rigorous imprisonment for a term not exceeding two years;

(xxxvi) “subordinate officer” means a person appointed as an acting sub-lieutenant, a midshipman or a cadet in any branch of the navy;