

THE CADET COLLEGE ORDINANCE, 1964

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THE CADET COLLEGE ORDINANCE, 1964

ORDINANCE NO. II OF 1964

[30th June, 1964]

An Ordinance to make provision for establishment of Cadet Colleges in Bangladesh. **

WHEREAS it is expedient to make provision for establishment of Cadet Colleges in Bangladesh;

AND WHEREAS the Provincial Assembly of East Pakistan is not in session and the Governor is satisfied that circumstances exist which render immediate legislation necessary;

NOW, THEREFORE, in exercise of the powers conferred by Article 79 of the Constitution of the Islamic Republic of Pakistan and all other powers enabling him in that behalf, the Governor is pleased to make and promulgate the following Ordinance, namely:-

1. (1) This Ordinance may be called the ¹[* * *] Cadet College Ordinance, 1964. Short title,
extent and
commencement

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once.

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

(a) "Cadet" means a student of the College;

* Throughout this Ordinance the word "Bangladesh" was substituted for the words "East Pakistan" by Article 5 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

^ Throughout this Ordinance the words "Government of the People's Republic of Bangladesh" were substituted for the words "Provincial Government" by Article 2 of the Cadet College Ordinance (Amendment) Order, 1972 (President's Order No. 89 of 1972).

¹ The words "East Pakistan" were omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

(b) "College" means a Cadet College established under section 3;

¹[(bb) "Council of Cadet Colleges" means the Council of Cadet Colleges constituted under section 4A;]

(c) "Governing Body" means the Governing Body of Cadet College;

(d) "regulation" means regulation made by the Governing Body under this Ordinance; and

(e) "rules" means the rules made by the Council of Cadet Colleges.

Establishment
of Cadet
Colleges

3. (1) As soon as may be after the commencement of this Ordinance, the Government of the People's Republic of Bangladesh, if it thinks fit, may, by notification in the *official Gazette*, establish one or more Cadet College or Colleges in such area or areas on such date or dates as may be specified in the notification.

(2) Every College shall be a body corporate by the name of the Cadet College and shall have perpetual succession and a common seal, and shall, by the said name, sue and be sued, with power to acquire and hold property, both movable and immovable, and, subject to prescribed conditions, to transfer any property held by it, and to contract and do all other things necessary for the purposes of this Ordinance.

(3) The headquarter of the College shall be located at such place as may be specified in the notification.

Powers and
functions of the
College

4. The College shall exercise the following powers and perform the following duties, namely:-

(a) to provide a sound liberal public school education;

(b) to provide elementary military training to Cadets;

(c) to provide for instruction in such branches of learning as the College may think fit; and

¹ Clause (bb) was inserted by section 3 of the Cadet College (Amendment) Ordinance, 1970 (East Pakistan Ordinance No. II of 1970).

- (d) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the College as a teaching institution and to cultivate and promote arts, science and other branches of learning.

¹²[4A. The Council of Cadet Colleges shall consist of the following, namely:-

Constitution of
the Council of
Cadet Colleges

Chairman

- (a) Secretary, Ministry of Defence, *ex-officio*;

Members

- (b) Chairman, Governing Body, *ex-officio*;
- (c) Additional Secretary, Ministry of Finance, *ex-officio*;
- (d) Joint Secretary, Ministry of Education (Education Division), *ex-officio*;
- ³[(e) Director, Army Education, Bangladesh Army, *ex-officio*;
- (f) one person to be nominated by the Chief of Naval Staff, Bangladesh Navy;
- (g) one person to be nominated by the Chief of Air Staff, Bangladesh Air Force;
- (h) Director of Public Instruction, *ex-officio*;
- (i) Principal, Faujdarhat Cadet College, *ex-officio*;
- (j) Principal, Jhenidah Cadet College, *ex-officio*;
- (k) Principal, Momenshahi Cadet College, *ex-officio*;
- (l) Principal, Rajshahi Cadet College, *ex-officio*;

¹ Sections 4A, 4B and 4C were inserted by section 4 of the Cadet College (Amendment) Ordinance, 1970 (East Pakistan Ordinance No. II of 1970).

² Section 4A was substituted by section 2 of the Cadet College (Amendment) Ordinance, 1976 (Ordinance No. X of 1976).

³ Clause (e) was substituted by section 2 of the Cadet College (Amendment) Ordinance, 1978 (Ordinance No. XXVIII of 1978).

Member-Secretary

(m) Joint Secretary, Ministry of Defence, *ex-officio*.]

Meeting of the
Council of
Cadet Colleges

4B. (1) The Council of Cadet Colleges shall ordinarily meet twice a year at Dacca on a date to be fixed by the Chairman.

(2) The Chairman may, whenever he thinks fit, convene a special meeting of the Council of Cadet Colleges.

Powers and
duties of the
Council of
Cadet Colleges

4C. (1) The Council of Cadet Colleges shall-

(a) prescribe, subject to availability of funds, the scales of pay of the teaching and administrative staff;

(b) determine the duties and conditions of service of the employees of the Cadet Colleges;

(c) prescribe, subject to prior approval of the Boards of Intermediate and Secondary Education, the courses of study for all classes of the Cadet Colleges;

(d) consider and approve the annual accounts, balance sheet and annual budget estimate of the Cadet Colleges;

(e) determine the award of scholarships to cadets;

(f) regulate admission of cadets to the Cadet Colleges; ¹[* * *]

(g) dealt with any other matter common to all Cadet Colleges ²]; and]

³[(h) appoint the Principal and the Vice-Principal of the Colleges.]

(2) Subject to the provisions of this Ordinance, the Council of Cadet Colleges may make rules for the proper discharge of its functions specified in sub-section (1) of this section.]

¹ The word “and” was omitted by Article 4 of the Cadet College Ordinance (Amendment) Order, 1972 (President’s Order No. 89 of 1972).

² The semi-colon and the word “; and” were substituted for the full stop (.) by Article 4 of the Cadet College Ordinance (Amendment) Order, 1972 (President’s Order No. 89 of 1972).

³ Clause (h) was inserted by Article 4 of the Cadet College Ordinance (Amendment) Order, 1972 (President’s Order No. 89 of 1972).

¹[5. The Governing Body shall consist of the following, Constitution of the Governing Body
namely:-

Chairman

²[(a) Adjutant General, Bangladesh Army (*ex-officio*);]

Members

- (b) one representative of the Commissioner of the Division;
- (c) Deputy Director of Public Instruction of the Division (*ex-officio*);
- (d) Local Brigade Commander (*ex-officio*);

Member-Secretary

(e) Principal of the College (*ex-officio*).]

6. (1) The Governing Body shall be the Executive Body of the College and subject to other provisions of the Ordinance and the powers conferred on the Council of Cadet Colleges, shall have the general management and superintendence over the affairs, concerns and property of the College. The assets of the College shall vest in the Governing Body. Powers and duties of the Governing Body

(2) Subject to other provisions contained in this Ordinance, the Governing Body,-

- (a) shall hold, control and administer the property and funds of the College;
- (b) shall determine the form, provide for the custody and regulate the use, of the common seal of the College;
- (c) shall submit to the Government of the People's Republic of Bangladesh annually a full statement of the financial requirements of the College;
- (d) shall administer any funds placed at the disposal of the College for specific purposes;

¹ Section 5 was substituted by section 3 of the Cadet College (Amendment) Act, 1973 (Act No. XX of 1973).

² Clause (a) was substituted by section 2 of the Cadet College (Amendment) Ordinance, 1979 (Ordinance No. XIII of 1979).

(e) shall have power to accept on behalf of the College transfers any movable or immovable property;

¹[(f) subject to the provisions of this Ordinance shall except the Principal and the Vice-Principal, appoint the members of the staff and shall provide for the filling of temporary vacancies in their posts;]

(g) shall consider, examine and initiate proposals for the improvement of the College;

²[* * *]

(i) shall consider and pass such resolutions on the annual report, the annual accounts and the financial estimates as it thinks fit; and

(j) shall exercise such other powers and functions and such other duties as may be conferred or imposed on it by this Ordinance or the regulation.

Power to
supersede the
Governing
Body

7. The ³[Government of the People's Republic of Bangladesh] may, by an order in the *official Gazette*, supersede the Governing Body when he considers that it has failed to discharge its duties properly.

Annual report

8. (1) The annual report of the College shall be prepared under the direction of the Governing Body, and shall be submitted to the Government of the People's Republic of Bangladesh within three months of the close of the academic year to which such report relates.

(2) The Government of the People's Republic of Bangladesh may make suggestions on the annual report and communicate the same to the Governing Body which shall take such actions as it thinks fit, and the Governing Body shall inform the Government of the People's Republic of Bangladesh of the action taken by it.

¹ Clause (f) was substituted by Article 6 of the Cadet College Ordinance (Amendment) Order, 1972 (President's Order No. 89 of 1972).

² Clause (h) was omitted by section 6 of the Cadet College (Amendment) Ordinance, 1970 (East Pakistan Ordinance No. II of 1970).

³ The words "Government of the People's Republic of Bangladesh" were substituted for the words "Governor of East Pakistan" by Article 9 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

9. (1) The annual accounts and balance sheets of the College shall be prepared under the direction of the Governing Body and shall be submitted to the Council of Cadet Colleges for consideration and approval. Annual account

(2) The accounts of the College shall be audited by the Accountant-General, Bangladesh and the audit report together with the Governing Body's comments thereon shall be submitted to the Government of the People's Republic of Bangladesh for approval.

(3) The annual budget estimate shall be prepared by the Governing Body which shall submit the same to the Council of Cadet Colleges for consideration and approval.

(4) The Government of the People's Republic of Bangladesh shall contribute annually to the Cadet Colleges such sum of money as may be determined by them.

10. The Governing Body of the College may make regulations, not inconsistent with the provisions of this Ordinance, for carrying out the purposes of this Ordinance. Power to make regulations

11. No act or proceeding of the Governing Body of the College shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members. Proceeding of the College authorities not invalidated by vacancies

12. If any difficulty arises with respect to the establishment of the College or Governing Body of the College or otherwise in first giving effect to the provisions of this Ordinance, ¹[Government of the People's Republic of Bangladesh] may, by order, make any appointment or do anything which appears to him necessary or expedient and every such order shall have effect as if such appointment or action had been made or taken in the manner provided in this Ordinance. Power to remove difficulties

13. [*Repeal and saving.- Repealed by section 3 and the Second Schedule of the East Pakistan Repealing and Amending Ordinance, 1966 (East Pakistan Ordinance No. XIII of 1966).*]

¹ The words "Government of the People's Republic of Bangladesh" were substituted for the words "the Governor" by Article 9 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).