

**THE SERVICES (TEMPORARY POWERS)
ORDINANCE, 1963**

ORDINANCE NO. II OF 1963

[15th July, 1963]

An Ordinance to provide for powers for the maintenance of services and supplies essential to the life of the community and for the maintenance of public order.*

WHEREAS it is necessary to provide for powers for the maintenance of services and supplies essential to the life of the community and for the maintenance of public order;

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 Republic of Pakistan and of 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[* * *] Services (Temporary Powers) Ordinance, 1963.

Short title,
extent and
commencement

(2) It extends to the whole of ²[Bangladesh].

(3) It shall come into force at once.

2. Whenever the Government is satisfied that, in the interest of public order or for the maintenance of services or supplies essential to the life of the community, it is necessary to prohibit

Prohibition of
strikes, etc., by
employees

* Throughout this Ordinance, the words "Government" and "Taka" were substituted for the words "Provincial Government" and "rupees" 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 "East Pakistan" were omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

² The word "Bangladesh" was substituted for the words "East Pakistan" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

any strike by any employee of the Government or ¹[of any body or establishment], the Government may, by notification in the *official Gazette*, prohibit any strike for a period of three months from the date of the notification.

Penalty

3. (1) Notwithstanding anything contained in ²[the Industrial Relations Ordinance, 1969 (Ord. No. XXIII of 1969)], or in any other law for the time being in force, any strike, preparation, propagation or organisation for strike or cessation of work or abandonment of work ³[by any employee] during the period specified in section 2 shall be punishable with rigorous imprisonment for a term which may extend to one year or with fine of Taka one thousand or with both.

(2) Any person who abets, instigates or incites others to take part in, or otherwise acts in furtherance of, a strike, shall be punishable with rigorous imprisonment for a term which may extend to one year, or with fine of Taka one thousand or with both.

Jurisdiction and mode of trial

4. (1) No Magistrate other than a Magistrate of the first class shall try an offence under this Ordinance.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence under this Ordinance shall be cognizable.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, a Magistrate trying an offence under this Ordinance, shall have power to try such offence summarily and in trying such offences such Magistrates shall follow the procedure laid down in the Code of Criminal Procedure, 1898.

5. [*Cognizance of offences.- Omitted by section 2 of the East Pakistan Services (Temporary Powers) (Amendment) Ordinance, 1970 (East Pakistan Ordinance No. XXII of 1970).*]

¹ The words “of any body or establishment” were substituted for the words “of a local authority” by section 4 of the Essential Services Laws (Amendment) Act, 1974 (Act No. XXXVI of 1974).

² The words, comma, brackets and figures “the Industrial Relations Ordinance, 1969 (XXIII of 1969)” were substituted for the words “the East Pakistan Trade Unions Act, 1965, or the East Pakistan Labour Disputes Act, 1965” by section 4 of the Essential Services Laws (Amendment) Act, 1974 (Act No. XXXVI of 1974).

³ The words “by any employee” were substituted for the words “in offices by any employee of the Government or of a local authority” by section 4 of the Essential Services Laws (Amendment) Act, 1974 (Act No. XXXVI of 1974).