

**'THE DEFENCE SERVICES LAWS AMENDMENT
ORDINANCE, 1978**

ORDINANCE NO. XVIII OF 1978

[12th June, 1978]

An Ordinance further to amend the Navy (Extension of Service) Act, 1950, the Army and Air Force Reserves Act, 1950, the Army Act, 1952, the Air Force (Extension of Service) Act, 1952, the Air Force Act, 1953, and the Navy Ordinance, 1961.

WHEREAS it is expedient further to amend the Navy (Extension of Service) Act, 1950 (XXIV of 1950), the Army and Air Force Reserves Act, 1950 (XLVII of 1950), the Army Act, 1952 (XXXIX of 1952), the Air Force (Extension of Service) Act, 1952 (XLVI of 1952), the Air Force Act, 1953 (VI of 1953), and the Navy Ordinance, 1961 (XXXV of 1961), for the purposes hereinafter appearing;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and the 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

Short title

1. This Ordinance may be called the Defence Services Laws Amendment Ordinance, 1978.

Amendment of Act XXIV of 1950

2. In the Navy (Extension of Service) Act, 1950,-

- (a) throughout the Act, unless otherwise provided, *for* the word “Pakistan” the word “Bangladesh” shall be *substituted*;
- (b) in section 1, in sub-section (1), the word “Pakistan” shall be *omitted*;
- (c) in section 2, *for* the words “Central Government” the word “Government” shall be *substituted*; and
- (d) section 3 shall be *omitted*.

¹ The Ordinance was declared void and non est by the Appellate Division of the Supreme Court of Bangladesh in Civil Petition for leave to Appeal Numbers 1044 and 1045 of 2009 and subsequently the Ordinance has been made effective as an Act of Parliament by section 4 and Schedule of ১৯৭৫ সালের ১৫ আগস্ট হইতে ১৯৭৯ সালের ৯ এপ্রিল তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৬ নং আইন)।

3. In the Army and Air Force Reserves Act, 1950 (XLVII of 1950),- Amendment of Act XLVII of 1950

- (a) throughout the Act, unless otherwise provided,-
 - (i) *for* the word “Pakistan” the word “Bangladesh” shall be *substituted*; and
 - (ii) *for* the words “Central Government” the word “Government” shall be *substituted*;
- (b) in section 1, *for* the words and brackets “Pakistan (Army and Air Force)” the words “Army and Air Force” shall be *substituted*;
- (c) in section 4,-
 - (i) the words, comma and the figures “Indian Army Act, 1911 or the Pakistan” shall be *omitted*; and
 - (ii) the words, comma and figures “Indian Air Force Act, 1932 or the Pakistan” shall be *omitted*; and
- (d) *for* section 7 the following shall be *substituted*, namely:-

“**7. Power to make regulations.**- The Government may make regulations for all or any of the purposes of this Act, other than those specified in section 6.”.

4. In the Army Act, 1952 (XXXIX of 1952),-

Amendment of Act XXXIX of 1952

- (a) throughout Act, unless otherwise provided,-
 - (i) *for* the word “Pakistan” the word “Bangladesh” shall be *substituted*;
 - (ii) *for* the words, comma and figures “Pakistan Navy Ordinance, 1961” the words, comma and figures “Navy Ordinance, 1961” shall be *substituted*;

- (iii) *for* the words, comma and figures “Pakistan Air Force Act, 1953” the words, comma and figures “Air Force Act, 1953” shall be *substituted*;
 - (iv) the words, commas and figures “the Indian Air Force Act, 1932, or” shall be *omitted*;
 - (v) *for* the word “rupees” the word “Taka” shall be *substituted*; and
 - (vi) *for* the words “Central Government” the word “Government” shall be *substituted*;
- (b) in section 1, in sub-section (1), the word “Pakistan” shall be *omitted*;
 - (c) in section 2, in sub-section (1), in clause (b), the word “Indian” shall be *omitted*;
 - (d) in section 3, in sub-section (2), *for* the word “inferior” the word “lower” shall be *substituted*;
 - (e) in section 4, in the proviso, *for* the word “inferior” the word “lower” shall be *substituted*;
 - (f) section 6 shall be *omitted*;
 - (g) in section 8, in clause (17), *for* the words “Pakistan Penal Code” the words “Penal Code” shall be *substituted*;
 - (h) section 15A shall be *omitted*;
 - (i) in section 19, *for* the word “English” the word “Bengali” shall be *substituted*;
 - (j) in section 23, in sub-section (1), *for* the words “officers by whom” the words and comma “officers, junior commissioned officers or non-commissioned officers by whom” shall be *substituted*;

- (k) in sections 57 and 58 , *for* the words “before in this Act specified” wherever occurring the words “specified in this Act” shall be *substituted*;
- (l) in sections 114 and 117, *for* the words “service of the Government” the words “service of the Republic” shall be *substituted*;
- (m) in section 172, *for* the words, brackets, commas and figures “Pakistan (Army and Air Force) Reserves Act, 1950,” the words, commas and figures “Army and Air Force Reserves Act, 1950,” shall be *substituted*;
- (n) sections 177, 178 and 179 shall be *omitted*; and
- (o) the Schedule shall be *omitted*.

5. In the Air Force (Extension of Service) Act, 1952 (XLVI of 1952),-

Amendment of
Act XLVI of
1952

- (a) throughout the Act, unless otherwise provided, *for* the word “Pakistan” the word “Bangladesh” shall be *substituted*;
- (b) in section 1, in sub-section (1), the word “Pakistan” shall be *omitted*; and
- (c) in section 2,-
 - (i) *for* the words “Central Government” the word “Government” shall be *substituted*; and
 - (ii) the words, comma and figures “Indian Air Force Act, 1932 or the Pakistan” shall be *omitted*.

6. In the Air Force Act, 1953 (VI of 1953),-

Amendment of
Act VI of 1953

- (a) throughout the Act, unless otherwise provided,-
 - (i) *for* the word “Pakistan” the word “Bangladesh” shall be *substituted*;

- (ii) *for the words “Central Government” the word “Government” shall be substituted;*
 - (iii) *for the words “Pakistan Penal Code” the words “Penal Code” shall be substituted; and*
 - (iv) *for the word “rupees” the word “Taka” shall be substituted;*
- (b) in section 1, in sub-section (1), the word “Pakistan” shall be *omitted*;
- (c) in section 2,-
- (i) in clause (a), *for the words “officers and” the words and comma “officers, master warrant officers and” shall be substituted;*
 - (ii) in clause (b), the word “Indian” shall be *omitted*;
 - (iii) in clause (c), *for the words, brackets, comma and figures “Pakistan (Army and Air Force) Reserves Act, 1950” the words, comma and figures “Army and Air Force Reserves Act, 1950” shall be substituted; and*
 - (iv) in clause (e), the word “Pakistan” twice occurring shall be *omitted*;
- (d) in section 4,-
- (i) in clause (iv), *for the words “Warrant officer” the words and comma “master warrant officers, warrant officers” shall be substituted;*
 - (ii) in clause (viii), *for the words “or a warrant officer” the words “or a master warrant officer or a warrant officer” shall be substituted;*
 - (iii) clause (xix) shall be *omitted*;

- (iv) *after* clause (xx), the following new clause shall be *inserted*, namely:-
- “(xxa) “master warrant officer” means a person commissioned, gazetted or in pay as a master warrant officer of the Air Force and includes and acting master warrant officer, and a master warrant officer of the Bangladesh Air Force Volunteer Reserve who is for the time being subject to this Act.”;
- (v) in clauses (xxiv) and (xxix), *for* the words “warrant officer” the words and comma “master warrant officer, warrant officer” shall be *substituted*; and
- (vi) in clause (xxx), *for* the words “warrant officers” the words and comma “master warrant officers, warrant officers” shall be *substituted*;
- (e) in section 6,-
- (i) *after* the word and comma “officers,” the words and comma “master warrant officers,” shall be *inserted*; and
- (ii) in sub-section (2), *for* the word “inferior” the word “lower” shall be *substituted*;
- (f) in section 7, in sub-section (2), *for* the word “inferior” the word “lower” shall be *substituted*;
- (g) in section 11, *for* the words “warrant officer” the words “master warrant officer or a warrant officer” shall be *substituted*;
- (h) *for* section 12, the following shall be *substituted*, namely:-
- “**12. Ineligibility of aliens for enrolment.**- No person who is not a citizen of Bangladesh shall, except with the consent of the Government signified in writing, be granted a Commission or junior commission or be enrolled in the Air Force.”;

- (i) in section 26,-
 - (i) in sub-section (1), *for* the words, “Warrant officer”, the words “Master warrant officer or warrant officer” shall be *substituted*; and
 - (ii) in sub-section (2), *after* the word “aggrieved” the words “master warrant officer or” shall be *inserted*;
- (j) in section 45, *after* the words “Any officer or” the words “master warrant officer or” shall be *inserted*;
- (k) in sections 47 and 61, *after* the words and comma “Any officer,” the words and comma “master warrant officer,” shall be *inserted*;
- (l) in section 73, in clauses (g) and (i), *after* the word and comma “officers,” the words and comma “master warrant officers,” shall be *inserted*;
- (m) in section 76, *after* the words “officer or a” the words “master warrant officer or a” shall be *inserted*;
- (n) in section 82, *for* the words “warrant officer” the words “master warrant officer or warrant officer” shall be *substituted*;
- (o) in section 107, in sub-section (4), the word “Pakistan” twice occurring shall be *omitted*;
- (p) in section 118, *for* the words “warrant officer” the words “master warrant officer or warrant officer” shall be *substituted*;
- (q) in section 134, *for* the words “High Court” twice occurring the words “High Court Division” shall be *substituted*;

- (r) in section 138, *for* the words “service of the Government” the words “service of the Republic” shall be *substituted*;
- (s) in section 140, in sub-section (2), *for* the words “warrant officers” the words “master warrant officers or warrant officers” shall be *substituted*;
- (t) in section 141, in sub-section (1), *for* the words “service of the Government” the words “service of the Republic” shall be *substituted*;
- (u) in section 147, *for* the words “that Government” the words “the Government” shall be *substituted*;
- (v) in section 189, *after* the words “officer or” the words “master warrant officer or” shall be *inserted*;
- (w) in section 191, *for* the words “warrant officer” the words “master warrant officer or warrant officer” shall be *substituted*;
- (x) in section 192, *for* the words “and warrant officers” the comma and words “,master warrant officers and warrant officers” shall be *substituted*;
- (y) in sections 193, 195, 196, 198, 199 and 200, *for* the words “warrant officer” wherever occurring, the words “master warrant officer or warrant officer” shall be *substituted*; and
- (z) sections 204, 205 and 206 shall be *omitted*.

7. In the Navy Ordinance, 1961 (Ord. XXXV of 1961), in section 53, *for* the words “High Court” the words “High Court Division” shall be *substituted*.

Amendment of
Ordinance
XXXV of 1961
