

THE SPECIAL SECURITY FORCE ORDINANCE, 1986

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¹THE SPECIAL SECURITY FORCE ORDINANCE, 1986

ORDINANCE NO. XLIII OF 1986

[19th June, 1986]**An Ordinance to provide for the constitution of Special Security Force. ***

WHEREAS it is expedient to provide for the constitution of Special Security Force and matters ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance: -

Short title and commencement

1. (1) This Ordinance may be called the Special Security Force Ordinance, 1986.

²[(2) It shall come into force on the 19th day of June, 1986.]

Definitions

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

³[(a) “Director-General” means the Director-General of the Force;]

(b) “Force” means Special Security Force;

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

(d) “very important person” means a head of state or Government of a foreign state and includes any other person who is declared by the Government, by notification in the *official Gazette*, to be such person for the purposes of this Ordinance.

* Throughout this Ordinance the word “Special” was substituted for the word “Presidential” by section 2 of the Presidential Security Force (Amendment) Act, 1992 (Act No. XXIV of 1992)

¹ The Ordinance was declared void by the Appellate Division of the Supreme Court of Bangladesh in Civil Appeal No. 48 of 2011 and subsequently the Ordinance has been made effective as an Act of Parliament by ১৯৮২ সনের ২৪ মার্চ হইতে ১৯৮৬ সালের ১১ নভেম্বর তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৭ নং আইন), ধারা ৪।

² Sub-section (2) was substituted by section 2 of the Special Security Force (Amendment) Act, 1995 (Act No. XXVI of 1995).

³ Clause (a) was substituted by section 3 of the Special Security Force (Amendment) Act, 1995 (Act No. XXVI of 1995).

3. (1) There shall be raised and maintained in accordance with the provisions of this Ordinance a Force to be called the Special Security Force. Constitution of the Force

(2) The Force shall consist of a ¹[Director-General] and such number of other officers and shall be constituted in such manner as the Government may, from time to time, direct.

(3) The Force shall be a disciplined force within the meaning of article 152 of the Constitution.

(4) Notwithstanding anything contained in any other law for the time being in force, the Government may, by order in writing, direct that-

(a) any person subject to any law relating to defence services shall, under such conditions as may be prescribed, be seconded ²[or temporarily attached] for service with the Force;

(b) any person subject to any law relating to any disciplined force shall, under such conditions as may be prescribed, be deputed ³[or temporarily attached] for service with the Force.

4. (1) The ⁴[Director-General] and other officers of the Force shall be appointed by the ⁵[Prime Minister]. Appointment of Director, etc.

⁶[(2) Subject to the other provisions of this Ordinance, the terms and conditions of service of the Director-General and other officers of the Force shall be such as may be prescribed.]

¹ The words “Director-General” were substituted for the word “Director” by section 4 of the Special Security Force (Amendment) Act, 1995 (Act No. XXVI of 1995).

² The words “or temporarily attached” were inserted after the word “seconded” by section 4 of the Special Security Force (Amendment) Act, 1995 (Act No. XXVI of 1995).

³ The words “or temporarily attached” were inserted after the word “deputed” by section 4 of the Special Security Force (Amendment) Act, 1995 (Act No. XXVI of 1995).

⁴ The words “Director-General” were substituted for the word “Director” by section 5 of the Special Security Force (Amendment) Act, 1995 (Act No. XXVI of 1995).

⁵ The words “Prime Minister” were substituted for the word “President” by section 2 of the Presidential Security Force (Amendment) Act, 1992 (Act No. XXIV of 1992).

⁶ Sub-section (2) was substituted by section 5 of the Special Security Force (Amendment) Act, 1995 (Act No. XXVI of 1995).

Superintendence
of the Force

5. (1) The superintendence and command of the Force shall vest in the ¹[Prime Minister].

²[(2) Subject to the provisions of sub-section (1), the Force shall be administered by the Director-General in accordance with the provisions of this Ordinance and the rules made thereunder.]

Application of
Act XXXIX of
1952

6. (1) Notwithstanding anything contained in any other law for the time being in force, the Government may, by order notified in the *official Gazette*, apply, with or without modifications, all or any provisions of the Army Act, 1952 (XXXIX of 1952), to the Force and suspend the operation of any provision of this Ordinance or the rules made thereunder or of any other enactment for the time being applicable to the Force.

(2) The provisions of the said Act so applied shall have effect in respect of the officers of the Force as they have effect in respect of the officers of the Bangladesh Army holding the same rank as or equivalent to that which the aforesaid officers hold for the time being in the Force.

(3) While any of the provisions of the said Act apply to the Force, the ³[Director-General] shall exercise and perform all the powers and duties of the Chief of Army Staff of the Bangladesh Army incident to the operation of these provisions in respect of the Force, and the Government may, by order notified in the *official Gazette*, direct by what other authority any other powers or duties incident to the operation of these provisions shall be exercised or performed in respect of the Force.

Officers of the
Force to have
powers of police
officers in
certain cases

7. (1) Notwithstanding anything contained in any other law for the time being in force, an officer of the Force shall have throughout Bangladesh all the powers of an officer-in-charge of

¹ The words “Prime Minister” were substituted for the word “President” by section 2 of the Presidential Security Force (Amendment) Act, 1992 (Act No. XXIV of 1992).

² Sub-section (2) was substituted by section 6 of the Special Security Force (Amendment) Act, 1995 (Act No. XXVI of 1995).

³ The words “Director-General” were substituted for the word “Director” by section 7 of the Special Security Force (Amendment) Act, 1995 (Act No. XXVI of 1995).

a police station, including the power of search, seizure and arrest, but shall not exercise such powers unless it is necessary for the performance of his duties under this Ordinance.

(2) While any of the powers of an officer-in-charge of a police station is exercised by any officer of the Force under sub-section (1) he shall have all the duties, privileges and liabilities which such officer-in-charge have in connection with the exercise of such power under any law for the time being in Force.

8. (1) The principal duty of the Force shall be to provide physical security to ¹[the President and the Prime Minister wherever they may be].

Powers and duties of the Force

(2) The Force shall also provide physical security to a very important person in Bangladesh.

(3) The Force shall collect and communicate intelligence affecting the physical security of ²[the President, the Prime Minister and] a very important person and take all such measures as may be necessary for providing physical security to them.

(4) Notwithstanding anything contained in any other law for the time being in force and without prejudice to the provisions of section 7, an officer of the Force may arrest without warrant any person when there is reason to believe that the presence or movement of such person at or near the place where ³[the President or the Prime Minister] or a very important person is living or staying or through which he is passing or about to pass is prejudicial to the physical security of

¹ The words “the President and the Prime Minister wherever they may be” were substituted for the word “the Prime Minister wherever he may be” by section 8 of the Special Security Force (Amendment) Act, 1995 (Act No. XXVI of 1995).

² The words and comma “the President, the Prime Minister and” were substituted for the words “the Prime Minister or” by section 8 of the Special Security Force (Amendment) Act, 1995 (Act No. XXVI of 1995).

³ The words “the President or the Prime Minister” were substituted for the words “the Prime Minister” by section 8 of the Special Security Force (Amendment) Act, 1995 (Act No. XXVI of 1995).

¹[the President or the Prime Minister] or such very important person, and if such person forcibly resists the endeavour to arrest him, or attempts to evade arrest, such officer may use all means necessary to effect the arrest, and may, if necessary and after giving such warning as may be appropriate in the circumstances of the case, fire upon him or otherwise so use force against him as to cause death.

Assistance from other services

9. (1) The Force may, if it is deemed necessary for the purpose of effectively performing its duties, seek the assistance from the law enforcing agencies, the Bangladesh Rifles, the defence services and the intelligence agencies; and when such assistance is sought from any of them it shall be rendered.

(2) It shall be the duty of every intelligence agency forthwith to report to the Force any information that it may come across regarding the physical security of ²[the President or the Prime Minister] or a very important person.

Training, etc.

10. The officers of the Force shall be trained in such manner, equipped with such weapons and wear such uniform as the Government may determine from time to time.

Validation

³[**10A.** Notwithstanding anything contained in this Ordinance, all acts and things done, all actions taken, all appointments made, all notifications issued, all powers exercised and all duties performed, or purported to have been done, taken, made, issued, exercised or performed under this Ordinance on or after the 19th June, 1986 shall be deemed to have been lawfully done, taken, made, issued, exercised or performed, as the case may be, and shall not be called in question in or before any Court, tribunal or authority on any ground whatsoever.]

¹ The words “the President or the Prime Minister” were substituted for the words “the Prime Minister” by section 8 of the Special Security Force (Amendment) Act, 1995 (Act No. XXVI of 1995).

² The words “the President or the Prime Minister” were substituted for the words “the Prime Minister” by section 9 of the Special Security Force (Amendment) Act, 1995 (Act No. XXVI of 1995).

³ Section 10A was inserted by section 10 of the Special Security Force (Amendment) Act, 1995 (Act No. XXVI of 1995).

11. No prosecution, suit or other legal proceedings shall be instituted against any officer of the Force in respect of anything done or purporting to be done in exercise of the powers conferred by any provision of this Ordinance, except with the previous sanction in writing of the Government. Bar to suits, etc.

12. The Government may, by notification in the *official Gazette*, make rules to carry out the purposes of this Ordinance. Power to make rules
