

**'THE POLICE OFFICERS (SPECIAL PROVISIONS)
ORDINANCE, 1976**

ORDINANCE NO. LXXXIV OF 1976

[8th November, 1976]

An Ordinance to provide for special provisions for maintaining discipline among certain members of the police force.

WHEREAS it is expedient to provide for special provisions for maintaining discipline among certain members of the police force;

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:-

1. This Ordinance may be called the Police Officers (Special Provisions) Ordinance, 1976. Short title

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

- (a) "authority" means an authority specified in column 2 of the Schedule;
- (b) "misconduct" means conduct prejudicial to good order or service discipline or contrary to the Government Servants (Conduct) Rules, 1966, or unbecoming an officer or gentleman; and
- (c) "police officer" means a police officer of, and below, the rank of Inspector mentioned in column 1 of the Schedule.

3. This Ordinance shall have effect notwithstanding anything contained in any law, rules and regulations relating to police force nor shall prejudice the operation of any other law, rules and regulations including the service conditions of the said police force. Ordinance to override all other laws, etc.

4. Where a police officer is guilty of- Offences

- (i) misconduct;
- (ii) dereliction of duty;
- (iii) act of cowardice and moral turpitude;
- (iv) corruption or having persistent reputation of being corrupt;
- (v) subversive activity or association with persons or organisations engaged in subversive activities;
- (vi) desertion from service or unauthorised absence from duty without reasonable excuse; or
- (vii) inefficiency,

the authority concerned may impose on such police officer any of the penalties mentioned in section 5.

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 ১৯৭৫ সালের ১৫ আগস্ট হইতে ১৯৭৯ সালের ৯ এপ্রিল তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৬ নং আইন), ধারা ৪।

- Penalties **5.** The following shall be the penalties which may be imposed under this Ordinance, namely:-
- (a) dismissal from service;
 - (b) removal from service;
 - (c) discharge from service;
 - (d) compulsory retirement ; and
 - (e) reduction to lower rank.
- Inquiry **6.** (1) When a police officer is to be proceeded against any of the offences mentioned in section 4, the authority concerned shall frame a charge and specify therein the penalty proposed to be imposed and communicate it to the police officer, hereinafter called the accused, requiring him to show cause within a specified time which shall not be less than seven days and not more than ten days from the date the charge has been communicated to him why the penalty proposed to be imposed on him shall not be imposed and also to state whether he desires to be heard in person.
- ¹(2) If, after consideration of the cause shown, if any, under sub-section (1) and hearing the accused in person, if he so desires, the authority concerned finds the accused guilty of the charge, or, if no such cause is shown within the specified time, the authority concerned shall, within twenty-one days of the cause shown or, as the case may be, on the expiry of the said time, by notice specifying the penalty proposed to be imposed, require the accused to show cause within a specified time which shall not be less than seven days nor more than ten days from the date of service of the notice why the proposed penalty shall not be imposed on him.
- (3) If after consideration of the cause shown, if any, under sub-section (2), or, where no such cause is shown within the specified time, the authority concerned decides to impose any penalty on the accused, it shall, within fifteen days of the showing of the cause or, as the case may be, on the expiry of the said time, impose on him the penalty specified in the notice under sub-section (2) or any other lesser penalty.
- (4) For the purpose of this section, a notice shall be deemed to have been validly served if it is served by delivery to the accused or by affixing it to a conspicuous place of his last known residence or by publication in at least two newspapers.]
- Appeal **7.** A police officer on whom a penalty has been imposed under section 6 may, within seven days of the receipt of the order of punishment, appeal against the order to the appellate authority concerned specified in column 3 of the Schedule, who shall, within

¹ Sub-sections (2), (3) and (4) were substituted by section 2 of the Police Officers (Special Provisions) (Amendment) Ordinance, 1982 (Ordinance No. XXII of 1982).

¹[forty-five] days of the date of receipt of the appeal, communicate to the appellant his decision which shall be final.

²[7A. Notwithstanding anything contained in section 7, the Government may, upon an application made to it by an aggrieved police officer or on its own motion, within one month from the date of making of a decision by an appellate authority under that section,-

Revision and review

- (a) revise such decision, if made by an appellate authority other than the Government;
- (b) review such decision, if made by it as an appellate authority.]

8. No order passed under any of the provisions of this Ordinance shall be called in question in any Court.

Court's jurisdiction barred

³[The Schedule

[See section 2 and 7]

Police officer	Authority	Appellate Authority
1	2	3
(1) Inspector	Inspector-General of Police or Additional Inspector-General of Police.	Government.
(2) Sub-Inspector and Sergeant	Deputy Inspector-General of Police and, in the case of Metropolitan Police, Police Commissioner or Additional Police Commissioner.	Inspector General of Police or Additional Inspector General of Police.
(3) Assistant Sub-Inspector, Head Constable, Naik and Constable.	Additional Deputy Inspector-General of Police or Superintendent of Police and, in the case of Metropolitan Police, Deputy Police Commissioner.	Deputy Inspector-General of Police and, in the case of Metropolitan Police, Police Commissioner or Additional Police Commissioner.]

¹ The word “forty-five” was substituted, for the word “fifteen” by section 3 of the Police Officers (Special Provisions) (Amendment) Ordinance, 1982 (Ordinance No. XXII of 1982).

² Section 7A was inserted by section 4 of the Police Officers (Special Provisions) (Amendment) Ordinance, 1982 (Ordinance No. XXII of 1982).

³ The Schedule was substituted by section 2 of the Police Officers (Special Provisions) (Amendment) Act, 1994 (Act No. VII of 1994).