

The Civil Defence Act, 1952

(ACT NO. XXXI OF 1952)

An Act to provide for powers to secure the civil defence of Bangladesh. ¹♣♣

WHEREAS it is necessary to provide for powers to secure the civil defence of Bangladesh;

It is hereby enacted as follows:-

**Short title,
extent and
commencement**

1. (1) This Act may be called the Civil Defence Act, 1952.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once.

Definitions

²[1A. In this Act, unless there is anything repugnant in the subject or context,-

(1) 'civil defence' includes any measures not amounting to actual combat, for affording defence against any form of hostile attack by a foreign power or for depriving any form of hostile attack by a foreign power of its effect wholly or in part, whether such measures are taken before, during or after the time of the attack;

(2) 'Civil Defence Services' means the services formed wholly or mainly to meet the needs of civil defence.]

**Power to
make rules**

2. (1) The Government may by notification in the official Gazette make such rules as appear to it to be necessary or expedient for securing the civil defence of Bangladesh.

(2) Without prejudice to the generality of the powers conferred by sub-section (1) such rules may provide for, or may empower any authority to make orders providing for, all or any of the following matters, namely:-

- (a) the constitution, enrolment, discipline, powers, duties, privileges and protection of Civil Defence Services;
- (b) preventing or prohibiting anything likely to assist the enemy or to prejudice the successful conduct of civil defence including acts, publications or communications prejudicial to civil defence;
- (c) requiring any person or class of persons to comply with any scheme of civil defence;
- (d) ensuring the safety of any place or thing used or intended to be used for the purposes of Government or a local authority, the protection of which is considered necessary or expedient for securing civil defence;
- (e) the control of lights, sounds and vehicles;
- (f) the control of trade or industry for the purposes of regulating or increasing the supply of, and the obtaining of information with regard to, articles or things of any description whatsoever which may be used in connection with the conduct of civil defence;
- (g) the provision, storage and maintenance of commodities and material required for the conduct of civil defence;
- (h) the provision, construction, maintenance or alteration of buildings, premises or other structures required for the conduct of civil defence;
- (i) the measures for preventing and dealing with the outbreak of fire;
- (j) preventing or controlling any use of uniforms, whether official or otherwise, flags, official decorations like medals, badges and other insignia and anything similar thereto, where such use is calculated or likely to deceive the public or to prejudice civil defence;
- (k) the salvage of damaged buildings and property and disposal of the dead;
- (l) the evacuation of areas and the removal of property or animals therefrom;

- (m) the accommodation in any area of persons evacuated from another area and the regulation of the conduct of evacuated persons accommodated in such area;
 - (n) the billeting of evacuated persons;
 - (o) the instruction of members of the public in civil defence;
 - (p) the entry into, and search of, any place reasonably suspected of being used for any purpose prejudicial to civil defence and for the seizure and disposal of anything found there and reasonably suspected of being used for such purpose;
 - (q) the requisition of property and acquisition thereof.
- (3) The rules made under sub-section (1) may further-
- (a) provide for the arrest and trial of persons contravening any of the rules or any order issued thereunder;
 - (b) provide that any contravention of, or any attempt to contravene, and any abetment of, or attempt to abet, the contravention of any of the provisions of the rules, or any order issued under any such provision, shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to five thousand ³[taka], or with both;
 - (c) provide for the seizure, detention and forfeiture of any property in respect of which such contravention, attempt or abetment as is referred to in clause (b) has been committed;
 - (d) prescribe the duties and powers of public servants and other persons as regards preventing the contravention of, or securing the observance of, the rules or any order issued thereunder;
 - (e) provide for preventing the obstruction and deception of, and disobedience to, any person acting, and interfering with any notice issued, in pursuance of the rules or of any order issued thereunder;
 - (f) make provision prohibiting attempts to screen from punishment any person contravening any of the rules or any order issued thereunder.

**Ordinary
avocations
of life to be
interfered
with as little
as possible**

3. An authority or a person acting in pursuance of this Act shall interfere with the ordinary avocations of life and the enjoyment of property as little as may be consonant with the purpose of ensuring the public safety and interest and the defence of Bangladesh.

**Savings as
to orders**

4. (1) No order made in exercise of any power conferred by or under this Act shall be called in question in any Court.

(2) Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Act, the Court shall, within the meaning of the Evidence Act, 1872, presume that such order was so made by that authority.

**Protection
of action
taken under
the Act**

5. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder or any order issued under any such rule.

(2) Save as otherwise expressly provided under this Act, no suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any rules made thereunder or any order issued under any such rule.

**Compensation
to be paid
in
accordance
with certain
principles
for
compulsory
acquisition
of
immovable
property,
etc.**

6. (1) Where under section 7 by or under any rule made under this Act any action is taken of the nature described in ⁴[Article 42 of the Constitution of the People's Republic of Bangladesh], there shall be paid compensation, the amount of which shall be determined in the manner, and in accordance with the principles, hereinafter set out, that is to say:-

(a) Where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement.

(b) Where no such agreement can be reached, the Government shall appoint as arbitrator a person qualified for appointment as a Judge of ⁵[the High Court Division.]