

The Air Force Act, 1953

(ACT NO. VI OF 1953)

An Act to consolidate and amend the law relating to the government and discipline of the Bangladesh Air Force.^{1♠♠♦}

WHEREAS it is expedient to consolidate and amend the law relating to the government and discipline of the Bangladesh Air Force;

It is hereby enacted as follows:-

CHAPTER I PRELIMINARY

Short title and

commencement 1. (1) This Act may be called the ²[* * *] Air Force Act, 1953.
(2) It shall come into force on such date as the Government may, by notification, appoint in this behalf.

Persons subject to this Act

2. The following persons shall be subject to this Act wherever they may be, namely:-

- (a) ³[officers, master warrant officers and] warrant officers of the Air Force;
- (b) persons enrolled under the ⁴[* * *] Air Force Act, 1932, before the date notified in pursuance of sub-section (2) of section 1 and serving in the Air Force on that date, and persons enrolled under this Act;
- (c) persons belonging to the Bangladesh Air Force Reserves in the circumstances prescribed by rules made under section 6 of the ⁵[Army and Air Force Reserves Act, 1950];
- (d) persons not otherwise subject to Air Force law who on active service, in camp, on the march, or at any frontier post specified by the

Government, by notification in this behalf, are employed by, or are in the service of, or are followers of, or accompany any portion of, the Air Force;

⁶[(dd) persons not otherwise subject to Air Force law who are accused of-

(i) seducing or attempting to seduce any person subject to this Act from his duty or allegiance to Government, or

(ii) having committed, in relation to any work of defence, arsenal, naval, military or air force establishment or station, ship or aircraft or otherwise in relation to the naval, military or air force affairs of Bangladesh, an offence under the Official Secrets Act, 1923.]

(e) to such extent and subject to such conditions as the Government may direct, persons subject to the ⁷[* * *] Army Act, 1952 (XXXIX of 1952), or the ⁸[* * *] Navy Ordinance, 1961 (XXXV of 1961), when seconded for service with the Air Force.

Termination of application of the Act

3. Every person subject to this Act under clauses (a) to (c) of section 2 shall remain so subject until duly retired, discharged, released, removed or dismissed from the service and every person subject to this Act under clause (e) of section 2 shall remain so subject during the period of his secondment to the Air Force.

Secondment to Army or Navy

⁹[3A. The Government may by order in writing direct that any person referred to in clause (a), clause (b), clause (c) or clause (d) of section 2 shall, under such conditions as may be specified by regulations, be seconded for service with the Bangladesh Army or the Bangladesh Navy.]

Definitions

4. In this Act, unless the context otherwise requires,-

(i) "active service", as applied to a person subject to this Act, means the time during which such person-

(a) is attached to, or forms part of, a force which is engaged in operations against an enemy, or

(b) is engaged in Air Force operations in, or is on the line of march to, a country or place wholly or partly occupied by an enemy, or

(c) is attached to, or forms part of, a force which is in military occupation of any foreign country;

(ii) “aircraft” includes aeroplanes, balloons, kite balloons, airships, gliders or other machines for flying;

(iii) “aircraft material” includes any engines, fittings, guns, gear, instruments or apparatus for use in connection with aircraft, and any of its components and accessories and petrol, oil, and any other substance used for providing motive power for planes;

(iv) “Air Force” means officers, ¹⁰[master warrant officers, warrant officers] and airmen who by their commission, junior commission, terms of enrolment or otherwise, are liable to render continuously for a term air force service to Bangladesh in every part of the world or any specified part of the world, including persons belonging to the Bangladesh Air Force Reserves when called up for training or exercise or into actual service;

(v) “Air Force custody” means the arrest or confinement of a person according to the usages of the service and includes military or naval custody;

(vi) “Air Force law” means the law enacted by this Act and the rules made thereunder and includes the usages of the service;

(vii) “Air Force reward” includes any gratuity or annuity for long service or good conduct, badge pay or pension, and any other Air Force pecuniary reward;

(viii) “airman” means any person subject to this Act other than an officer ¹¹[or a master warrant officer or a warrant officer];

(ix) “air officer” means any officer of the Air Force above the rank of group captain;

(x) “air signal” means any signal intended for the guidance of aircraft, whether given by flag, ground signal, light, wind indicator or in any manner whatsoever;

(xi) “civil offence” means an offence which is triable by a criminal court;

(xii) “civil prison” means any jail or place used for the detention of any criminal prisoner under the Prisons Act, 1894, or under any other law for the time being in force;

(xiii) “Chief of Air Staff” means the Officer Chief of Air Staff the Air Force;

(xiv) “commanding officer” used in relation to a person subject to this Act, means the officer prescribed as commanding officer for the purpose of all or any of the provisions of this Act, or in the absence of any such prescription, the officer for the time being in command of the unit or detachment to which such person belongs or is attached;

(xv) “court-martial” means a court-martial held under this Act;

(xvi) “criminal court” means a court of ordinary criminal justice in any part of Bangladesh or established elsewhere by the authority of the Government;

(xvii) “enemy” includes all armed mutineers, armed rebels, armed rioters, pirates and any person in arms against whom it is the duty of any person subject to naval, military or Air Force law to act;

(xviii) “the Forces” means the regular Army, Navy and Air Force or any part or parts of any one or more of them;

¹²[* * *]

(xx) “Judge Advocate General” means a person appointed as such by the Chief of Air Staff to give advice on matters relating to Air Force law and to perform such other duties of a legal character as may arise in connection therewith;

¹³[(xxa) “master warrant officer” means a person commissioned, gazetted or in pay as a master warrant officer of the Air Force and includes an 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;]

(xxi) “non-commissioned officer” means a person holding a non-commissioned rank or an acting non-commissioned rank in the Air Force,

and includes any person holding a non-commissioned rank or an acting non-commissioned rank in the Bangladesh Air Force Volunteer Reserve when subject to this Act;

(xxii) “notification” means a notification published in the official Gazette;

(xxiii) “offence” means any act or omission punishable under this Act, and includes a civil offence, as hereinbefore defined;

(xxiv) “officer” means a person commissioned, gazetted or in the pay as an officer in the Air Force and includes-

(i) an officer of the Bangladesh Air Force Voluntary Reserve who is for the time being subject to this Act; and

(ii) an officer of the Bangladesh Army or the Bangladesh Navy when serving under the prescribed conditions;

but does not include a junior commissioned officer, ¹⁴[master warrant officer, warrant officer], petty officer or non-commissioned officer;

(xxv) “prescribed” means prescribed by rules made under this Act;

(xxvi) “provost-marshal” means a person appointed as such under this Act and includes any of his deputies or assistants or any other person legally exercising authority under him or on his behalf;

(xxvii) “regulation” includes a regulation made under this Act;

(xxviii) “service” when qualifying institution, necessaries, books, band, mess, money, goods and other property, means belonging to or connected with the air service or any unit or part of a unit thereof;

(xxix) “superior officer” when used in relation to a person subject to this Act, includes a warrant officer and a non-commissioned officer, and as regards persons serving under such conditions as may be prescribed, an officer, junior commissioned officer, ¹⁵[master warrant officer, warrant officer], petty officer and non-commissioned officer of the regular Army or the Navy;

(xxx) “unit” includes-