

The Dhaka Metropolitan Police Ordinance, 1976

(Ordinance NO. III OF 1976)

An Ordinance to provide for the constitution of a separate police-force for the Dhaka Metropolitan Area and for the regulation thereof.♣

WHEREAS it is expedient to provide for the constitution of a separate police-force for the Dhaka Metropolitan Area and for the regulation thereof and for matters connected therewith or ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and 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:-

CHAPTER I PRELIMINARY

Short title, extent and commencement

1. (1) This Ordinance may be called the Dhaka Metropolitan Police Ordinance, 1976.

(2) It extends to the Dhaka Metropolitan Area.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

Definitions

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

(a) "cattle" includes elephants, horses, asses, mules, sheep, goats and swine;

(b) "Code" means the Code of Criminal Procedure, 1898 (V of 1898);

(c) "Dhaka Metropolitan Area" or "Metropolitan Area" means the area described in Schedule I;

(d) "Force" means the Dhaka Metropolitan Police constituted under this Ordinance;

(e) "Inspector-General" means the Inspector-General of Police appointed under the Police Act, 1861 (V of 1861);

(f) "place" includes a building, tent, booth, enclosure or any other erection, whether permanent or temporary;

(g) "place of public amusement" means any place where music, singing, dancing or any game or diversion, or the means of carrying on the same, is provided and to which the public are admitted, either on payment of money or with the intention that money may be collected from those admitted, and includes a race course, circus, theatre, cinema, music-hall, billiard-room, gymnasium, swimming pool or dancing-hall;

(h) "place of public entertainment" means any place in which the public are admitted and where any kind of food, drink or intoxicating drug is supplied for consumption, and includes a lodging-house, boarding house, residential hotel, refreshment room, eating house, tea shop, liquor house, hotel, restaurant, ganja shop, bhang shop and opium shop;

(i) "Police Commissioner", "Additional Police Commissioner", "Deputy Police Commissioner" and "Assistant Police Commissioner" shall mean respectively the Police Commissioner, an Additional Police Commissioner, a Deputy Police Commissioner and an Assistant Police Commissioner appointed under section 7;

(j) "police-officer" means any member of the Force appointed under this Ordinance and includes an auxiliary police-officer appointed under section 10 or any member of any other police-force discharging, for the time being, any duties under this Ordinance;

(k) "prescribed" means prescribed by rules made under this Ordinance;

(l) "public place" includes a bank of a river or canal, a jetty, public building or monument and the precincts thereof, and all places accessible to the public for drawing water, washing or bathing or for the purpose of recreation;

(m) “street” includes any road, lane, footway, square, court, alley or passage whether a thoroughfare or not, to which the public have, temporarily or permanently, a right of access;

¹[(n) “subordinate officer” means any of the officers of the Force mentioned in section 7A;]

(o) “superior officer” means the Police Commissioner, and Additional Police Commissioner, a Deputy Police Commissioner and an Assistant Police Commissioner;

(p) “vehicle” means any carriage, cart, van, truck, handcart, bicycle, tricycle, motor cycle, rickshaw or any other wheeled conveyance of any description capable of being used on the street.

Act V of 1861 not to apply

3. The Police Act, 1861 (V of 1861), shall not apply to the Dhaka Metropolitan Area.

Jurisdiction of District Magistrate barred in certain cases

4. Notwithstanding anything contained in the Code, the Dhaka Metropolitan Area shall not, unless otherwise provided by or under this Ordinance, be under the charge of any District Magistrate for any of the purposes of this Ordinance.

CHAPTER II

CONSTITUTION AND ORGANISATION OF THE DHAKA METROPOLITAN POLICE

Constitution of the Force

5. (1) There shall be a separate police-force for the Dhaka Metropolitan Area to be called the Dhaka Metropolitan Police.

(2) The Force shall consist of such number of officers in the several ranks and shall be constituted in such manner and shall have such organisation as the Government may from time to time direct.

Superintendence of the Force

6. The superintendence of the Force shall vest in the Government.

Police Commissioner, Additional Police

7. (1) The Government shall appoint a Police Commissioner who shall, subject to the control of the Inspector-General, exercise such powers and

Commissioners perform such duties as are or may be provided by or under this Ordinance.

Deputy

Police

Commissioners

and

Assistant

Police

Commissioners

(2) The Government may appoint one or more Additional Police Commissioners, Deputy Police Commissioners and Assistant Police Commissioners who shall assist the Police Commissioner in the exercise of his powers and performance of his duties and shall exercise such of the powers and perform such of the duties of the Police Commissioner as may be delegated to them by the Police Commissioner by general or special order.

(3) The Police Commissioner, an Additional Police Commissioner, a Deputy Police Commissioner and an Assistant Police Commissioner shall be appointed in such manner and on such terms and conditions as the Government may from time to time determine.

Classes

and ranks

of

subordinate

officers

²[7A. There may be all or any of the following classes of subordinate officers of the Force, who shall take rank in the order mentioned, namely:-

(a) Inspector,

(b) Sub-Inspector,

(c) Sergeant,

(d) Assistant Sub-Inspector,

(e) Head Constable,

(f) Naik,

(g) Constable.]

Appointment

of

subordinate

officers

³[8. (1) The appointment of Inspectors shall be made by the Police Commissioner and the appointment of all other subordinate officers shall be made by such superior officer not below the rank of Deputy Police Commissioner as the Police Commissioner may, by order in writing, specify in this behalf.

(2) The appointment of subordinate officers shall be made in such manner and on such terms and conditions as may be prescribed.

(3) Every subordinate officer shall, on appointment, receive a certificate in the form set out in Schedule II under the seal and signature of the Police Commissioner or of the superior officer making the appointment.

(4) A certificate of appointment shall be cancelled whenever the person named therein ceases to belong to the Force and shall remain inoperative during the period of his suspension from the Force.]

Transfer

⁴[9. Notwithstanding anything contained in this Ordinance or in the Police Act, 1861 (V of 1861), or in any other law for the time being in force, the Government or the Inspector-General may transfer a police-officer appointed under this Ordinance to the police-force constituted under the Police Act, 1861 (V of 1861), and a police-officer appointed under the Police Act, 1861 (V of 1861), to the police-force constituted under this Ordinance, and on such transfer the provisions of the law under which the police-force to which the police-officer is transferred has been constituted shall mutatis mutandis apply to him:

Provided that no police-officer so transferred shall be dismissed, removed or reduced in rank by an authority subordinate to that by which he was appointed.]

Auxiliary Police-Officer

10. (1) The Police Commissioner may appoint any person to be an auxiliary police-officer to assist the Force on any occasion when he is of opinion that the Force is in need of such assistance.

(2) Every auxiliary police-officer shall, on appointment,-

(a) receive a certificate in the form set out in Schedule II;

(b) have the same powers and immunities, be liable to perform the same duties, be amenable to the same penalties and be subject to the same authority as any other police-officer.

CHAPTER III

ADMINISTRATION OF THE FORCE

Power of Police