

The Chittagong Metropolitan Police Ordinance, 1978

(Ordinance NO. XLVIII OF 1978)

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

WHEREAS it is expedient to provide for the constitution of a separate police-force for the Chittagong 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 Chittagong Metropolitan Police Ordinance, 1978.

(2) It extends to the Chittagong 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) "Chittagong Metropolitan Area" or "Metropolitan Area" means the area described in Schedule I;

(d) "Force" means the Chittagong 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;

(n) “subordinate officer” means a police officer below the rank of Assistant Police Commissioner;

(o) “superior officer” means the Police Commissioner, an 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.

Application of Act V of 1861

3. The provisions of the Police Act, 1861 (V of 1861), so far only as they are not inconsistent with any provision of this Ordinance, shall apply to the Chittagong Metropolitan Area.

Jurisdiction of District Magistrate barred in certain cases

4. Notwithstanding anything contained in the Code, the Chittagong 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 CHITTAGONG METROPOLITAN POLICE

Constitution of the Force

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

Commissioners

Deputy

Police

Commissioners

and

Assistant

Police

Commissioners

7. (1) The Government shall appoint a Police Commissioner who shall, subject to the control of the Inspector-General, exercise such powers and perform such duties as are or may be provided by or under this Ordinance.

(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 in writing.

(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.

**Appointment
of
subordinate
officers**

8. (1) There shall be such number of Inspectors and other classes of subordinate officers of the Force as the Government may, from time to time, determine.

(2) The appointment of Inspectors shall be made by the Inspector-General of Police 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.

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

(4) 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.

(5) 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

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 police-officer appointed under that Act to the police-force constituted under this Ordinance, and on such transfer such police-officer shall, for all purposes, be deemed to be a police-officer appointed under the law under which the police-force to which he is transferred is constituted.

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 Commissioner to make orders for administration of the Force**

11. The Police Commissioner may, from time to time, make such orders, not inconsistent with any provision of this Ordinance and the rules made thereunder, as he deems expedient relating to-

(a) the inspection of the Force;

(b) the collection and communication by police-officers of information and intelligence;

(c) the description and quantity of arms, accoutrements, clothing and other necessities to be supplied to the Force;

(d) the places of residence of members of the Force;