
PART C

**THE PROVISIONS OF CONSTITUTION,
LAWS AND CODES
APPLICABLE TO MASS MEDIA**

1. Provisions of the Constitution of the People's Republic of Bangladesh.
2. The Printing Presses and Publications (Declaration and Registration) Act, 1973.
3. The Press Council Act, 1974.
4. The Bangladesh Sangbad Sangstha Ordinance, 1979.
5. Provisions of the Special Powers Act, 1974.
6. Provisions of the Code of Criminal Procedure, 1898.
7. Provisions of the Penal Code, 1860.
8. The Dramatic Performance Act, 1876.
9. The Indecent Advertisement Prohibition Act, 1963.
10. The Children Act, 1974.
11. The Telegraph Act, 1885.
12. The Post Office Act, 1869.
13. The Wireless Telegraphy Act, 1933.
14. The Official Secrets Act, 1923.
15. The Foreign Relations Act, 1932.
16. The Censorship of Film Act, 1963.
17. The Cinematograph Act, 1918.
18. The Amusement Tax Act, 1922.
19. The Contempt of Courts Act, 1926.
20. The Copyright Ordinance, 1962.
21. The Newspaper Employees (Conditions of Service) Act, 1974.
22. The Industrial Relations Ordinance, 1969.
23. The Industrial Relations (Regulation) Ordinance, 1982.
24. The Employment of Labour (Standing Orders) Act, 1965.

THE CONSTITUTION OF THE PEOPLE'S REPUBLIC OF BANGLADESH

Part III

Fundamental Rights

Article 33

- (1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice.
- (2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest, excluding the time necessary for the journey from the place of arrest to the court of the magistrate, and no such person shall be detained in custody beyond the said period without the authority of a magistrate.
- (3) Nothing in clauses (1) and (2) shall apply to any person—
 - (a) who for the time being is an enemy alien; or
 - (b) who is arrested or detained under any law providing for preventive detention.
- (4) No law providing for preventive detention shall authorize the detention of a person for a period exceeding six months unless an advisory board consisting of three persons, of whom two shall be persons who are, or have been, or are qualified to be appointed as judges of the Supreme Court and the other shall be a person who is a senior officer in the service of the Republic, has, after affording him an opportunity of being heard in person, reported before the expiration of the said period of six months that there is, in its opinion, sufficient cause for such detention.
- (5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made, and shall afford him the earliest opportunity of making a representation against the order:

Provided that the authority making any such order may refuse to disclose facts which such authority considers to be against the public interest to disclose.
- (6) Parliament may by law prescribe the procedure to be followed by an advisory board in an inquiry under clause (4).

Article 37

Every citizen shall have the right to assemble and to participate in public meetings and processions peacefully and without arms, subject to any reasonable restrictions imposed by law in the interests of public order or public health.

Article 38

Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interests of morality or public order.

Article 39

- (1) Freedom of thought and conscience is guaranteed.
- (2) Subject to any reasonable restrictions imposed by law in the interests of the security of the state, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence—
 - (a) the right of every citizen to freedom of speech and expressions; and
 - (b) freedom of the press,
 are guaranteed.

Article 43

Every citizen shall have the right, subject to any reasonable restrictions imposed by law in the interests of the security of the state, public order, public morality or public health—

- (a) to be secured in his home against entry, search and seizure; and
- (b) to the privacy of his correspondence and other means of communication.

Article 78

- (1) The validity of the proceedings in Parliament shall not be questioned in any court.
- (2) A member or officer of Parliament in whom powers are vested for the regulation of procedure, the conduct of business or the maintenance of order in Parliament, shall not in relation to the

exercise by him of any such powers be subject to the jurisdiction of any court.

- (3) A member of Parliament shall not be liable to proceedings in any court in respect of anything said, or any vote given, by him in Parliament or in any committee thereof.
- (4) A person shall not be liable to proceedings in any court in respect of the publication by or under the authority of Parliament of any report, paper, vote or proceeding.
- (5) Subject to this article, the privileges of Parliament and of its committees and members may be determined by act of Parliament.

Part IXA Emergency Provisions

Article 141A

- (1) If the President is satisfied that a grave emergency exists in which the security or economic life of Bangladesh, or any part thereof, is threatened by war or external aggression or internal disturbance, he may issue a proclamation of emergency.

Article 141B

While a proclamation of emergency is in operation, nothing in articles 36, 37, 38, 39, 40 and 42 shall restrict the power of the state to make any law or to take any executive action which the state would, but for the provisions contained in Part III of this Constitution, be competent to make or to take, but any law so made shall, to the extent of the incompetency, cease to have effect as soon as the proclamation ceases to operate, except as respects, things done or omitted to be done before the law so ceases to have effect.

Article 141C

- (1) While a proclamation of emergency is in operation, the President may, by order, declare that the right to move any court for the enforcement of such of the rights conferred by Part III of this Constitution as may be specified in the order, and all proceedings pending in any court for the enforcement of the right so specified, shall remain suspended for the period during which the

- proclamation is in force or for such shorter period as may be specified in the order.
- (2) An order made under this article may extend to the whole of Bangladesh or any part thereof.
 - (3) Every order made under this article shall, as soon as may be, laid before Parliament.

CHAPTER X
LAW ON AUTHENTICATIONS
The Printing Presses and Publications
(Declaration and Registration) Act, 1973
Act No. XXIII of 1973

An Act to provide for declaration for the keeping of printing presses and the printing and publication of newspapers and for registration of books.

WHEREAS it is expedient to provide for declaration for the keeping of printing presses and the printing and publication of newspapers and for registration of books and for matters connected therewith.

It is hereby enacted as follows:

Part I

Preliminary

1. Short title and commencement.

(1) This Act may be called the Printing Presses and Publications (Declaration and Registration) Act, 1973.

(2) It shall come into force at once and shall be deemed to have taken effect on the 28th day of August 1973.

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

(a) "authenticated declaration" means a declaration made and subscribed under Section 7 and authenticated or deemed to have been authenticated under Section 12;

(b) "book" includes every volume, part or division of a volume and pamphlet, in any language and every sheet of music, map, chart or plan separately printed or lithographed;

- (c) "document" includes any painting, drawing, photograph or other visible representation;
- ~~(d)~~ "editor" means the person who controls the selection of the matter that is published in a newspaper;
- (e) "form" means a form contained in the Schedule;
- ~~(f)~~ "newspaper" means any periodical work containing public news or comments on public news and includes such other class of periodical works as the Government may, by notification, in the official gazette, declare to be a newspaper;
- (g) "newsheet" means any document other than a newspaper containing public news or comments on public news;
- (h) "paper" includes a document, leaf, newspaper, newsheet and poster;
- (i) "prescribed" means prescribed by rules;
- ~~(j)~~ "press" includes a printing press and all machines, implements and plant and parts thereof and all material used for multiplying documents;
- ~~(k)~~ "printer" means the person who owns or keeps in his possession any press for the printing of books or papers;
- 4) "printing press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing;
- (m) "publisher" means the person who, in any manner whatsoever undertakes, is in control of, or is responsible for the publication of any book or paper and includes the proprietor of the publishing concern;
- (n) "unauthorized press" means any press other than a press in respect of which there is for the time being a valid declaration under Section 4.

Part II

Printing Presses

3. Particulars to be printed on books. Every book or paper printed in Bangladesh have printed legibly on it the name of the printer and the place of printing, and, if the book or paper be published, the name of the publisher and the place of publication.
4. Keeper of printing press to make declaration.
 - (1) No person shall keep in his possession any press for the printing of books or papers, unless he has made and subscribed before

the district magistrate within whose local jurisdiction such press may be a declaration in Form A.

- (2) As often as the place where a printing press is changed, a fresh declaration shall be necessary:

Provided that where the change is for a period not exceeding sixty days and the place to which the printing press is shifted, is within the jurisdiction of the same district magistrate, no fresh declaration shall be necessary—

- (a) the keeper of the press continues to be the same; and
- (b) within twenty-four hours of the change, the keeper of the press informs the district magistrate in writing of the change.

Part III

Printing and Publication of Newspapers

5. Publication of newspaper. No newspaper shall be printed or published except in conformity with the provisions of this Part and unless there subsists an authenticated declaration in respect thereof.
6. Name of the editor to be printed on the newspaper. Every copy of every newspaper shall contain the name of the editor of the newspaper printed clearly on such copy as the name of the such editor.
7. Declaration of the printer and publisher. The printer and the publisher newspaper shall appear, in person or by agent authorized in this behalf in accordance with the rules, before the district magistrate within whose local jurisdiction such newspaper shall be printed or published and shall make and subscribe, in duplicate originals, a declaration in Form B.
8. No minor to be printer, publisher or editor. No person who has not attained majority in accordance with the provisions of the Majority Act, 1876 (IX of 1875), or of the law to which he is subject in respect of the attainment of majority shall be permitted to make a declaration under Section 7, nor shall any such person edit a newspaper.
9. Effect of non-publication of newspaper.
 - (1) If a newspaper in respect of which a declaration has been made under Section 7 is not published within three months of the date on which such declaration is authenticated or deemed to have been authenticated under Section 12, the declaration shall become null and void.

- (2) Where a declaration becomes null and void under subsection (1), the printer and the publisher shall make and subscribe a fresh declaration under Section 7 before printing or publishing the newspaper, and the provision of subsection (1) shall apply to the fresh declaration and to any subsequent fresh declaration.
- (3) Where a newspaper having been published is not published—
- (a) in the case of a daily newspaper, for three months and
 - (b) in the case of any other newspaper, for six months,
- the declaration made in respect of that newspaper shall become null and void, and the printer and the publisher shall make and subscribe a fresh declaration under Section 7 before further printing or publishing the newspaper and to every such fresh declaration the provisions of the two foregoing subsections shall, without prejudice to the provisions of this subsection, apply.
10. Effect of change of language, periodicity or place of publication. If at any time after the making of a declaration under Section 7, the newspaper to which the declaration relates is printed or published in a language, with a periodicity or at a place, other than the language or languages, periodicity or place shown in the declaration, the declaration shall become null and void, and any further printing and publication of the newspaper shall be unauthorized unless a fresh declaration under Section 7 is made, but nothing in this section shall apply to a temporary change of the place of printing or publication for a period not exceeding thirty days at any one time, if within seventy-two hours of such temporary change the district magistrate is informed of it in the manner prescribed.
11. Effect if printer or publisher leaves Bangladesh. If at any time the printer or the publisher who has made a declaration under Section 7 leaves Bangladesh, the declaration shall become null and void unless—
- (a) the absence of the printer or the publisher from Bangladesh be for a period not exceeding six months, and
 - (b) the printer or the publisher, before leaving Bangladesh, informs, in writing, the district magistrate within whose jurisdiction the newspaper is printed or published, of his intended absence and the name of the person who has undertaken to discharge, in his absence and on his behalf, the responsibilities of the printer or the publisher, and furnishes

to the district magistrate a statement, in writing, of that person accepting those responsibilities.

12. Authentication of the declaration.

- (1) Subject to the provisions of subsection (2) each of the duplicate originals of every declaration made and subscribed under Section 7 shall be authenticated by the signature and official seal of the district magistrate before whom the said declaration is made.
- (2) The district magistrate shall not authenticate the declaration unless he is satisfied that—
 - (a) the proprietor, the printer and the publisher are citizens of Bangladesh;
 - (b) the proprietor, if he himself is not the printer or the publisher, has authorized the making of such declarations;
 - (c) the title of the newspaper proposed to be published is not the same as the title of any newspaper already being published in the same language at any place in the country, not being a newspaper of different periodicity published by the same publisher or another edition of the same newspaper published from another place;
 - (d) the printer or the publisher was not convicted of an offence involving moral turpitude within five years before the date of his making and subscribing a declaration under Section 7;
 - (e) the printer or the publisher has not been found to be a lunatic or of unsound mind by any court;
 - (f) the proprietor or the publisher has the financial resources required for regularly publishing the newspaper; and
 - (g) the editor possesses reasonable educational qualifications or has had adequate training or experience in journalism.

Explanation. A proprietor or a publisher shall be deemed to have the financial resources required for regularly publishing a newspaper if he has such bank balance as the Government may, by notification in the official gazette, specify from time to time in this behalf.

- (3) If the district magistrate refuses to authenticate the declaration, the person making the declaration may, within forty-five days of such refusal, prefer an appeal to the Government whose decision thereon shall be final.
- (4) If the district manager fails to authenticate the declaration

A-83796

within sixty days of the making thereof, the person making the declaration may prefer an application to the Government praying for an order directing the district magistrate to authenticate the declaration, and the Government shall make such order on such application as it may deem fit.

13. Deposit of authenticated declaration. The duplicate originals of the declaration authenticated under Section 12 shall be deposited once each in the office of the district magistrate and with the officer appointed by the Government under Section 37.
14. Inspection and supply of copies of the declaration. The officer in charge of each original deposited under Section 13 shall allow any person to inspect that original on payment of a fee of taka two, and shall give to any person applying a copy thereof attested by the seal of the office which has the custody of the original, on payment of a fee of taka four.
15. Copy of declaration or newspaper to be *prima facie* evidence. In any legal proceeding, whether civil, criminal or otherwise, a copy of a declaration attested in the manner prescribed in Section 14 and a copy of the newspaper having the name of a person printed thereon as its editor, shall be sufficient evidence, unless the contrary is proved, as against the person whose name has been subscribed to such declaration, or printed on such newspaper, as the case may be, that the said person was printer or publisher, or printer and publisher (according as the words of the said declaration may be) of every portion of every newspaper whereof the title corresponds with the title of the newspaper mentioned in the declaration or the editor of every portion of the issue of the newspaper of which copy is produced.
16. New declaration by persons who have signed declaration and subsequently ceased to be printers or publishers. Every person who having subscribed a declaration under Section 7 subsequently ceases to be the printer or publisher of the newspaper mentioned in such declaration shall appeal, in person or by agent authorized in this behalf in the manner prescribed, before the district magistrate, and make and subscribe in duplicate originals a declaration in Form C.
17. Authentication and filing of declaration under Section 16. Each of the duplicate originals of the declaration made under Section 16 shall be authenticated by the signature and seal of the district magistrate before whom it is made and one such original

shall be filed along with each original of the declaration under Section 7.

18. Inspection and supply of copies of declaration under Section 16. The officer in charge of each original of the declaration filed under Section 17 shall allow any person applying to inspect that original on payment of a fee of taka one, and shall give to any person applying a copy thereof attested by the seal of the officer having custody of the original, on payment of a fee of taka two.
19. Putting copy of declaration under Section 16 in evidence. In any legal proceeding in which a copy of a declaration under Section 7 attested in accordance with Section 14 has been put in evidence it shall be lawful to put in evidence a copy of a declaration under Section 16 attested in accordance with Section 18, and the former declaration shall not then be taken to be evidence that the declaration, was at any period subsequent to the date of the latter declaration, printer or publisher of the newspaper therein mentioned.
20. Cancellation of authentication.
 - (1) If, at any time, the district magistrate, who authenticated a declaration under Section 12, is satisfied that, subsequent to the authentication—
 - (a) the proprietor, the printer or the proprietor or the publisher ceased to be a citizen of Bangladesh;
 - (b) the printer or the publisher has been convicted of an offence involving moral turpitude;
 - (c) the printer or the publisher has been found to be a lunatic or of unsound mind by any court; or
 - (d) the proprietor or the publisher has ceased to have the financial resources required for regularly publishing the newspaper,
 he may, by an order in writing stating the reasons therefore, cancel the authentication of the declaration:

Provided that no such order shall be made except after giving the person who made the declaration a reasonable opportunity of being heard
 - (2) Any person aggrieved by an order under subsection (1) may, within sixty days of the making of such order, prefer an appeal to the Government whose decision thereon shall be final.

- 20A. Power to declare certain publications forfeited and to issue search warrants for the same. Where any book or paper wherever made appears to the Government to contain any words, signs or visible representations which are indecent, obscene or scurrilous, the Government may, by notification in the official gazette, stating the grounds of its opinion, declare all copies or such book or paper to be forfeited to the Government and thereupon any police officer may seize the same wherever found in Bangladesh, and any district magistrate may by warrant authorize any police officer not below the rank of sub-inspector to enter upon and search for the same in any premises where any copy of such book or paper may be or may be reasonably suspected to be.

Part IV

Unauthorized Newsheets and Newspapers

21. Authorization of persons to publish newsheets.
- (1) The district magistrate may, by order in writing and subject to such condition as he may think fit to impose, authorize any person by name to publish a newsheet or to publish newsheets from time to time.
 - (2) A copy of an order under subsection (1) shall be furnished to the person thereby authorized.
 - (3) The district magistrate may at any time revoke an order made by him under subsection (1).
22. Power to seize and destroy unauthorized newsheets and newspapers.
- (1) Any police officer, or any other person empowered in this behalf by the Government may seize any unauthorized newsheets or unauthorized newspaper, wherever found.
 - (2) Any district magistrate, subdivisional magistrate or magistrate of the first class may by warrant authorize any police officer not below the rank of sub-inspector to enter upon and search any place where any stock of unauthorized newsheets or unauthorized newspapers may be or may be reasonably suspected to be, and such police officer may seize any documents found in such place which, in his opinion, are unauthorized newsheets or unauthorized newspapers.
 - (3) All documents seized under subsection (1) shall be produced

as soon as may be before a district magistrate, subdivisional magistrate or magistrate of the first class and all documents seized under subsection (2) shall be produced as soon as may be before the court of the magistrate who issued the warrant.

- (4) If, in the opinion of such magistrate or court, any of such documents are unauthorized newsheets or unauthorized newspapers, the magistrate or court may cause them to be destroyed; but if, in the opinion of such magistrate or court, any of such documents are not unauthorized newsheets or unauthorized newspapers, such magistrate or court shall dispose of them in the manner provided in Sections 523, 524 and 525 of the Code of Criminal Procedure, 1898 (V of 1898).
23. Power to seize and forfeit presses producing unauthorized newsheets and newspapers.

- (1) Where a district magistrate or subdivisional magistrate has reason to believe that an unauthorized newsheet or unauthorized newspaper is being produced from any press within the limits of his jurisdiction, he may, by warrant, authorize any police officer not below the rank of sub-inspector to enter upon and search any place wherein such press may be, or may be reasonably suspected to be, and if, in the opinion of such police officer, any press found in such place is used to produce an unauthorized newsheet or unauthorized newspaper, he may seize such press and any documents found in the place which in his opinion are unauthorized newsheets or unauthorized newspapers.

- (2) The police officer shall make a report of the search to the court which issued the warrant and shall produce before such court, as soon as may be, all property seized:

Provided that where any press which has been seized cannot be readily removed, the police officer may produce before the court only such parts thereof as he may think fit.

- (3) If such court, after such inquiry as it may deem requisite, is of opinion that a press seized under this section is used to produce an unauthorized newsheet or unauthorized newspaper, it may, by order in writing declare the press to be forfeited to the Government; but if after subinquiry, the court is not of such opinion, it shall dispose of the press in the manner provided in Sections 523, 524 and 525 of the Code of Criminal Procedure (V of 1898).

- (4) The court shall deal with the documents produced before it under this section in the manner provided in subsection (4) of Section 22.

Part V

Delivery of Books and Newspapers

24. Copies of books printed to be delivered *gratis* to Government. Notwithstanding any agreement between the printer and publisher of a book, the printer of every book printed or lithographed in Bangladesh, shall, within one month of its delivery out of the press, supply free of expense, four copies of every such book, together with all maps, prints, or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the book, to such officer and at such place as the Government may by notification appoint.
25. Receipt of copies delivered under Section 24. The officer to whom a copy of a book is delivered under Section 24 shall give to the printer a receipt in writing therefore.
26. Copies of newspapers to be delivered *gratis* to Government. The printer of every newspaper shall deliver at such place and to such officer as the Government may by notification direct, free of cost, four copies of each issue of such newspaper as soon as it is published.

Part VI

Registration of Books

27. Registration of memoranda of books. There shall be kept as such office, and by such officer as the Government may appoint, a book to be called a Catalogue of Books wherein shall be registered, as soon as may be after the delivery of every book in pursuance of the provisions of Section 24, a memorandum shall, so far as may be practicable, contain the following particulars, namely:
- (a) the title of the book and the contents of the title page, with a translation into Bengali of such title and contents, when the same are not in the Bengali language,
 - (b) the language in which the book is written,

- (c) the name of the author, translator or editor of the book or any part thereof,
 - (d) the subject,
 - (e) the place of printing and the place of publication,
 - (f) the name of the printer and the name of the publisher,
 - (g) the date of issue from the press or of the publication,
 - (h) the number of sheets, leaves or pages,
 - (i) the number of the editions,
 - (j) the number of copies of which the edition consists,
 - (k) whether the book is printed or lithographed,
 - (l) the price at which the book is sold to the public, and
 - (m) the name and residence of the proprietor of the copyright or of any portion of such copyright.
28. Publication of the memorandum of books. The memoranda registered during each quarter in the said Catalogue of Books shall be published in the official gazette as soon as may be after the end of such quarter.

Part VII

Penalties for Offences under Foregoing Provisions

29. Penalty for contravention of Section 3. Whoever shall print or publish any book or paper in contravention of the provisions of Section 3 shall be punishable with fine not exceeding taka two thousand or with simple imprisonment for a term not exceeding six months, or with both.
30. Penalty for keeping press without making declaration. Whoever shall keep in his possession any printing press without making a declaration as is required by Section 4 shall be punishable with fine not exceeding taka two thousand, or with simple imprisonment for a term not exceeding six months, or with both.
31. Punishment for making false statement. Any person who shall, in making any declaration under this Act, make a statement which is false, and which he either knows or believes to be false, or does not believe to be true, shall be punishable with fine not exceeding taka two thousand and imprisonment for a term not exceeding six months.
32. Penalty for printing or publishing in contravention of the provisions of this Act. Whoever shall edit, print or publish any

- newspaper in contravention of the provisions of this Act or who-
 ever shall edit, print or publish, or shall cause to be edited, printed
 or published, any newspaper, knowing that the said provisions
 have not been observed with respect to that newspaper shall
 be punishable with fine not exceeding taka two thousand, or
 imprisonment for a term not exceeding six months, or with both.
33. Penalty for disseminating unauthorised newspapers and news-
 sheets.
- (1) Whoever makes, prints or otherwise produces, distributes,
 publishes or publicly exhibits or keeps for sale, distribution
 or publication, any unauthorized newsheet or unauthorized
 newspaper, shall be punishable with fine not exceeding taka
 ten thousand.
- (2) Notwithstanding anything contained in the Code of Criminal
 Procedure, 1898 (V of 1898), any offence punishable under
 subsection (1), and any abatement of any such offence, shall
 be cognizable.
34. Penalty for not delivering books. If any printer of any such book
 as is referred to in Section 24 shall neglect to deliver copies of
 the same in pursuance of that section, he shall for every such
 default forfeit to the Government such sum not exceeding taka
 five hundred as a magistrate having jurisdiction in the place where
 the book was printed may, on the application of the officer to
 whom the copies should have been delivered or of any person
 authorized by that officer in this behalf, determine to be in the
 circumstances a reasonable penalty for the default, and in addition
 to such sum, such further sum as the magistrate may determine
 to be the value of the copies which the printer ought to have
 delivered.
35. Penalty for failure to supply copies of newspapers *gratis* to Gov-
 ernment. If any printer of any newspaper published in Bangladesh
 neglects to deliver copies of the same in compliance with Sec-
 tion 26, he shall, on the complaint of the officer to whom copies
 should have been delivered or of any person authorized by that
 officer in this behalf, be punishable with fine which may extend
 to taka five hundred for every default.
36. Recovery of forfeitures and disposal thereof and of fines. Any sum
 forfeited to the Government under Section 34 may be recovered
 under the warrant of the magistrate determining the sum, or of
 a successor in office, in the manner authorized by the Code of

Criminal Procedure, 1898 (V of 1898), and within the period prescribed by the Penal Code (XLV of 1860), for the levy of a fine.

Part VIII

37. Appointment of officers. The Government may appoint an officer or officers to carry out the purposes of this Act and such officer or officers shall have such duties and powers in respect of the regulation of matters pertaining to printing press, books and publishers as the Government may assign.
38. Conduct of searches. Every warrant issued under this Act shall, so far as it relates to a search, be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, 1898 (V of 1898).
39. Offence by companies.

- (1) If the person contravening any of the provisions of this Act is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing containing in this subsection shall render any such person liable to any punishment provided in this Act if the offence was committed without his knowledge.

- (2) Notwithstanding anything contained in subsection (1) where any offence under this Act has been committed by a company and it is proved that the offence was committed with the consent of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. For the purposes of this section:

- (a) "company" means any body corporate and includes a firm or other association of individuals and
- (b) "director" in relation to a firm means a partner in the firm.
40. Power to make rules. The Government may, by notification in the official gazette, make rules for carrying out the purposes of this Act.

41. Repeals and savings.

- (1) The Press and Publications Ordinance 1960 (XV of 1960), and the Printing Presses and Publications (Declaration and Registration) Ordinance 1973 (XVI of 1973), are hereby repealed.
- (2) Notwithstanding the repeal, any declaration made, subscribed or authenticated, anything done or any action taken under any provision of any of the aforesaid Ordinance shall, insofar as it is not inconsistent with any provision of this Act, be deemed to have been made, subscribed, authenticated, done or taken under the corresponding provisions of this Act.
- (3) The provisions of the General Clauses Act 1897 (X of 1897) shall, subject to the provisions of subsection (2), apply to the repeal of the aforesaid Ordinance by this Act.

CHAPTER XI
LAW ON PRESS COUNCIL
The Press Council Act, 1974
Act No. XXV of 1974

An Act to establish a Press Council


Whereas it is expedient to establish a Press Council for the purpose of preserving the freedom of the press and maintaining and improving the standard of newspapers and news agencies in Bangladesh.

It is hereby enacted as follows:


1. Short title. This Act may be called the Press Council Act of 1974.
2. Definitions. In this Act, unless there is anything repugnant in the subject or context—

- (a) "Chairman" means the Chairman of the Council;
- (b) "Council" means the Press Council established under Section 3;
- (c) "editor" means the person who controls the selection of the matter that is published in a newspaper;
- (d) "member" means a member of the Council;
- (e) "newspaper" means any periodical work containing public news or comments on public news and includes such other class of printed periodical work as the Government may, by notification in the official gazette, declare to be newspaper;
- (f) "prescribed" means prescribed by rules made under this Act;

- (g) "working journalist" means a person who is a whole-time journalist and is employed as such in, or in relation to, any newspaper establishment and includes an editor, a leader writer, news editor, sub-editor, feature writer, reporter, correspondent, copy tester, cartoonist, news photographer, calligraphist and proof-reader.

 Establishment of the Council.

- (1) With effect from such date as the Government may, by notification in the official gazette, appoint, there shall be established, in accordance with the provisions of this Act, a Council to be called the Press Council.
- (2) The Council shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued

 Composition of the Council.

- (1) The Council shall consist of a Chairman and fourteen other members.
- (2) The Chairman shall be a person who is, or is qualified to be appointed as, a judge of the Supreme Court of Bangladesh and shall be nominated by the President of Bangladesh.
- (3) Of the other members,
 - (a) three shall be working journalists nominated by such association of working journalists as the Chairman may notify in this behalf;
 - (b) three shall be editors of newspapers and news agencies nominated by such association of editors of newspapers and news agencies as the Chairman may notify in this behalf;
 - (c) three shall be persons who own or manage newspapers and news agencies nominated by such association of owners or managers of newspapers and news agencies as the Chairman may notify in this behalf;
 - (d) three shall be persons having special knowledge or practical experience in respect of education, science, art, literature and law of whom respectively one shall be nominated by the University Grants Commission, one by the Bangla Academy and one by the Bangladesh Bar Council; and
 - (e) two shall be members of Parliament nominated by the Speaker;

Provided that before notifying any association under clause (a), clause (b) or clause (c), the Chairman shall consult such associations of persons of the category concerned and such individuals or interests concerned as he thinks fit.

Provided further that no working journalist who is an editor of any newspaper or news agency or who owns or manages any newspaper or news agency shall be eligible for nomination under clause (a);

Provided further that no editor who owns or manages any newspaper or news agency shall be eligible for nomination under clause (b);

Provided further that not more than one person having interest in any newspaper or news agency or group of newspapers or news agencies shall be eligible for nomination under clause (a), clause (b) or clause (c).

- (4) Where any nomination body referred to in clause (a), clause (b), clause (c) or clause (d) fails to send the names of its nominees to the Chairman when invited by him to do so or where a nominating body does not exist for the time being the Chairman may nominate members to represent the category concerned.
- (5) The names of persons nominated under this section shall be forwarded to the Government and shall be notified by the Government in the official gazette and every such nomination shall take effect from the date on which it is so notified.

Term of office of Chairman and members.

- (1) Save as otherwise provided in this section, the Chairman shall hold office for a period of three years and shall be eligible for re-nomination for one further term.
- (2) Save as otherwise provided in this section, a member shall hold office for a period of two years and shall be eligible for re-nomination for one further term.
- (3) Where a person nominated as a member under clause (a), clause (b) or clause (c) of subsection (3) of Section 4 is censured under the provisions of subsection (1) of Section 12, he shall cease to be member of the Council.
- (4) Where a person is nominated to be a member of the Council by virtue of his holding an office or appointment, he shall cease to be such member as soon as he ceases to hold that office or appointment.
- (5) A member shall be deemed to have vacated his seat if he absents

himself without excuse, sufficient in the opinion of the Chairman, from three consecutive meetings of the Council.

(6) The Chairman may resign his office by giving notice in writing to the Government and any other member may resign his office by giving notice in writing to the Chairman, and upon such resignation being accepted by the Government or the Chairman, as the case may be, he shall be deemed to have vacated his office:

(7) Any vacancy arising under subsection (2), subsection (3), subsection (4) or subsection (5) or otherwise shall be filled, as soon as may be, by nomination made by the same authority by which and in the same manner in which the member vacating office was nominated and the member so nominated shall hold office for the remaining period for which the member in whose place he is nominated would have held office.

⑧

Conditions of service of Chairman and members.

(1) The Chairman shall be a whole-time officer and shall be paid such salary as the Government may determine.

(2) A member shall receive such allowances or fees for attending the meetings of the Council as may be prescribed.

⑨

Committees. The Council may constitute from amongst its members such committees as it may deem necessary to assist it in the discharge of its functions:

Provided that the Council may co-opt as members of such

⑩

committees, persons who are not members of the Council.

Meetings of the Council.

(1) The Council shall meet at such times and places as may be provided by regulations made under this Act:

Provided that, until such regulations are made, the Chairman may summon a meeting of the Council at such time and place as he may deem expedient by notice addressed to each member.

(2) To constitute a quorum at a meeting of the Council, not less than six members, including the Chairman, shall be present.

(3) The meetings of the Council shall be presided over by the Chairman and, in the absence of the Chairman, by a member nominated by the Chairman:

(4) All questions at a meeting of the Council shall be decided by a majority of the members present and voting, and in the case of equality of votes, the person presiding shall have a second or casting vote.

9. Vacancies, etc. not to invalidate acts or proceedings of the Council. No act or proceeding of the Council shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Council.

10. Appointment of Secretary, etc. The Council may appoint a Secretary and such other employees as it considers necessary for the efficient performance of its functions on such terms and conditions as may be determined by regulations made under this Act.

11. Object and function of the Council. ✓ ✓ ✓

(1) The object of the Council shall be to preserve the freedom of the press; and to maintain and improve the standard of newspapers and news agencies in Bangladesh.

(2) The Council may, in furtherance of its object, perform the following functions, namely:

(a) to help newspapers and news agencies to maintain their freedom;

(b) to build up a code of conduct for newspapers and news agencies and journalists in accordance with high professional standards;

(c) to ensure on the part of newspapers and news agencies journalists the maintenance of a high standard of public taste to foster a due sense of both the rights and responsibilities of citizenship;

(d) to encourage the growth of a sense of responsibility and public service among all those engaged in the profession of journalism;

(e) to keep under review any development likely to restrict the supply and dissemination of information of public interest and importance;

(f) to keep under review cases of assistance received by any newspaper or news agency in Bangladesh from any foreign source including such cases as are referred to it by the Government or are brought to its notice by any individual, association of persons or any other organization:

Provided that nothing in this clause shall preclude the Government from dealing with, in any manner it deems fit, any case of assistance received by a newspaper or news agency in Bangladesh from any foreign source;

(g) to undertake studies and research of national and foreign newspapers, their circulation and impact;

- (h) to provide facilities for proper education and training of persons in the profession of journalism;
- (i) to promote technical or other research;
- (j) to promote a proper functional relationship among all classes of persons engaged in the production or publication of newspapers or in the running of news agencies:

Provided that nothing in this clause shall be deemed to confer on the Council any function in regard to dispute to which the Industrial Relations Ordinance 1969 (XXIII of 1969) applies;

- (k) to do such other acts as may be incidental or conducive to the discharge of the above functions.

12. Power to warn, admonish and censure.

- (1) Where, on receipt of a complaint made to it or otherwise, the Council has reason to believe that a newspaper or news agency has offended against the standard of journalistic ethics taste or that an editor or a working journalist has committed any professional misconduct or a breach of the code of journalistic ethics, the Council may, after giving the newspaper or news agency, the editor or journalist concerned an opportunity of being heard, hold an inquiry in such manner as may be provided by regulations made under this Act, and if it is satisfied that it is necessary so to do, it may for reasons to be recorded in writing warn, admonish or censure the newspaper, the news agency, the editor, or the journalist, as the case may be.
- (2) If the Council is of the opinion that it is necessary or expedient in the public interest to do so, it may require any newspaper to publish therein, in such manner as the Council thinks fit, any report relating to any inquiry under this section against a newspaper or news agency, an editor or a journalist working therein, including the name of such newspaper, news agency, editor or journalist.
- (3) Nothing in subsection (1) shall be deemed to empower the Council to hold an inquiry into any matter in respect of which any proceeding is pending in a court of law.
- (4) The decision of the Council under subsection (1) or subsection (2), as the case may, be shall be final and shall not be questioned in any court of law.

13. General powers of the Council.

- (1) For the purpose of performing its functions or holding any

inquiry under this Act, the Council shall have the same powers throughout Bangladesh as are vested in a civil court while trying a suit under the Code of Civil Procedure 1908 (V of 1908), in respect of the following matters, namely:

- (a) summoning and enforcing the attendance of persons and examining them on oath;
 - (b) requiring the discovery and production of documents;
 - (c) receiving evidence on affidavit;
 - (d) requisitioning any public record or copies thereof from any court or office;
 - (e) issuing commissions for the examination of witnesses or documents;
 - (f) any other matter which may be prescribed.
- (2) Nothing in subsection (1) shall be deemed to compel any newspaper, news agency, editor or journalist to disclose the source of any news or information published by that newspaper or received or reported by that news agency, editor or journalist.
- (3) Every inquiry held by the Council shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of the Penal Code (XLV of 1860).
14. Payment of the Council. The Government may pay to the Council in each financial year such sums as may be considered necessary for the performance of the functions of the Council under this Act.
15. Fund of the Council.
- (1) The Council shall have its own fund, and all such sums as may, from time to time, be paid by any other authority or person shall be credited to the fund and all payments by the Council shall be made therefrom.
 Provided that no grant or advance from any foreign source shall be accepted by the Council without the prior approval of the Government.
 - (2) All monies belonging to the fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the Government, be decided by the Council.
 - (3) The Council may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the fund of the Council.
16. Budget to the Council. The Council shall prepare, in such form

and at such time each year as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure and sums which are likely to be required from the Government during the financial year, and forward copies thereof to the Government for consideration and sanction of the sums shown in the budget to be required from the Government.

17. Annual report. The Council shall prepare once every year in such form and at such time as may be prescribed, an annual report giving a summary of its activities during the previous year and copies thereof shall be forwarded to the Government and the Government shall cause the same to be laid before Parliament.
18. Accounts and audit. The accounts of the Council shall be maintained in such manner as may be prescribed and shall be audited by the Controller and Auditor General of Bangladesh.
19. Authentication of orders, etc. of the Council. All orders and decisions of the Council shall be authenticated by the signature of the Chairman or any other member authorized by the Chairman in this behalf and other instruments issued by the Council shall be authenticated by the signature of the Secretary or any other officer of the Council authorized by the Secretary in this behalf.
20. Protection of certain actions.
 - (1) No suitor other than legal proceeding shall lie against the Council or any member thereof or any person acting under the direction of the Council in respect of anything which is in good faith done or intended to be done under this Act.
 - (2) No suit or other legal proceeding shall lie against any newspaper in respect of the publication of any matter therein under the authority of the Council.
21. Public servants. The Chairman, members, officers and other employees of the Council shall be deemed to be public servants within the meaning of Section 21 of the Penal Code (XLV of 1860).
22. Winding up. No provisions of law relating to the winding up of bodies corporate shall apply to the Council and the Council shall not be wound up except by orders of the Government and in such manner as the Government may direct.
23. Power to make rules. The Government may, by notification in the official gazette, make rules to carry out the purposes of this Act.
24. Power to make regulations. The Council may make regulations not inconsistent with this Act and the rules made thereunder to

provide for all matters not provided for by rules and for which provisions are necessary or expedient for carrying out the purposes of this Act.

CHAPTER XVI LAW ON NEWS AGENCY

The Bangladesh Sangbad Sangstha Ordinance, 1979 Ordinance No. XX of 1979

An Ordinance to provide for the establishment of the Bangladesh Sangbad Sangstha

WHEREAS it is expedient to provide for the establishment of the Bangladesh Sangbad Sangstha as a national news agency for undertaking and promoting news agency service in Bangladesh, obtaining international news agency service, mobilization of national news, and for matters connected therewith or incidental thereto.

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. Short title. This Ordinance may be called the Bangladesh Sangbad Sangstha Ordinance, 1979.
2. Definitions. In this Ordinance, unless context otherwise requires,
 - (a) "Board" means the Board of Directors of the Sangstha constituted under Section 7;
 - (b) "Chairman" means the Chairman of the Board;
 - (c) "Director" means a Director of the Board;
 - (d) "Managing Director" means the Managing Director of the Board;
 - (e) "prescribed" means prescribed by rules or regulations made under this Ordinance;
 - (f) "Sangstha" means the Bangladesh Sangbad Sangstha established under Section 3.
3. Establishment and incorporation of the Sangstha.
 - (1) There shall be a Sangstha to be called the Bangladesh Sangbad Sangstha for carrying out the purposes of this Ordinance.
 - (2) The Sangstha shall be a body corporate having perpetual succession and a common seal, with power, subject to the

provisions of this Ordinance, to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

4. Head office of the Sangstha.

- (1) The Head Office of the Sangstha shall be at Dhaka.
- (2) The Sangstha may establish its branches at such other places as the Board may decide.

5. Functions and the Sangstha. The functions of the Sangstha shall be—

- (a) to carry out the responsibility of national news agency of Bangladesh by securing news from home and abroad, disseminating the same to the people of Bangladesh in general through mass media and organizing transmission of national news abroad;
- (b) to secure worldwide news—political, diplomatic, financial, economic and commercial, cultural and sports from international news agencies and exchange news with national news agencies of other countries;
- (c) to sell all kinds of news, general, economic and commercial features and photos to all mass media and news agencies within and outside Bangladesh;
- (d) to sign agreements with international news agencies, national news agencies of their countries for securing and disseminating news and facilities for the same;
- (e) to organize systematic programme for news agency business; and
- (f) to do such other acts and things as may be connected with or incidental to the carrying out of the functions of the Sangstha.

6. Management of the Sangstha.

- (1) Subject to the rules and regulations made under the Ordinance, the general direction, management and administration of the affairs of the Sangstha shall vest in a Board which may exercise all powers and do all acts and things which may be exercised or done by the Sangstha.
- (2) The Board in discharging its functions shall, as far as practicable, act having due regard to public interest generally and be guided by such general or special instruction as may be given to it from time to time by the Government.

7. Constitution of the Board. The Board shall consist of:

- (a) a Chairman who shall be appointed by the Government:

- (b) the Managing Director, ex-officio;
- (c) three Directors to be appointed by the Government, from amongst the officers not below the statues of Joint Secretary, one each from the Ministry of Information and Broadcasting, Ministry of Finance and the Posts, Telegraph and Telephone Division;
- (d) five Directors to be appointed by the Government from the editors of newspapers who subscribe news from the Sangstha, of which at least three must be from Dhaka;
- (e) one person to be appointed by the Government from amongst the employees of the Sangstha.

Terms of office of the Chairman and other Directors.

- (1) Save as otherwise provided, the Chairman and other Directors shall hold office during pleasure of the Government for a period not exceeding three years from the date of appointment but are removable by the Government for permanent incapacity or other cause; and a retiring Chairman or Director shall be eligible for reappointment for another term only.
- (2) When a person appointed as Director ceases to represent the particular interest which he was appointed to represent shall also cease to be the Director, and his seat shall be deemed to have been vacated and a person shall thereupon be appointed to fill the vacancy.
- (3) Any vacancy in the office of a Director shall be filled in by fresh appointment and a Director so appointed shall hold office for the remaining period for which the Director in whose place he is appointed would have held office.
- (4) The Chairman and other Directors shall serve without remuneration but may be paid such travelling and other expenses when engaged on business of the Board as may be prescribed.

9. Vacating the office, disqualifications, etc.

- (1) No person shall be or shall continue to be the Chairman or a Director who—
- (a) is a salaried official of the Sangstha other than the Managing Director and an employee appointed as Director;
- (b) is or, at any time, has been convicted of an offence which, in the opinion of the Government, is an offence involving moral turpitude; or
- (c) stands declared by a competent court to be of unsound mind; or

- (d) is a person who is subject to a disqualification imposed by or under any law for the time being in force to hold any public office; or
 - (e) is or, at any time, has been adjudicated an insolvent; or
 - (f) absents himself from three consecutive meetings of the Board without leave of absence granted by the Chairman or, in case of the Chairman, by the Government.
- (2) If the Chairman or any other Director, by reason of illness or other incapacity or absence from Dhaka, is unable, at any time, to perform the duties of his position, or if the position of the Chairman or any other Director is, at any time, vacant, the Government may make a temporary appointment of any person to act in his place or in such position upon such terms and conditions and for such time as the Government may determine.

10. Meeting of the Board.

- (1) Meeting of the Board shall be held at such times and places as may be prescribed:

Provided that the meeting of the Board may otherwise be convened by the Managing Director in consultation with the Chairman.

- (2) Seven Directors including the Chairman shall form the quorum at a meeting of the Board.
- (3) Meeting of the Board shall be presided over by the Chairman and, in his absence, by a person elected for the purpose by the Directors present from amongst themselves.
- (4) All matters of a meeting of the Board shall be decided by the votes of the majority of the Directors present and voting.
- (5) At a meeting of the Board each Director shall have one vote, in the event of equality of votes, the person presiding shall have a second or casting vote.

11. Validity of the proceeding.

- (1) No act or proceeding of the Board shall be invalid merely on the ground of the existence of any vacancy in the Board or a defect in the constitution of the Board; and a vacancy in the Board or a temporary absence of a Director for any reason shall not impair the right of the remaining Directors to act.
- (2) All acts done by the person acting in good faith as the Chairman or a Director shall be valid, notwithstanding that it may

afterwards be discovered that his appointment was invalid by reason of any defect or disqualification or had terminated by virtue of any provision contained in any law for the time being in force:

Provided that nothing in this section shall be deemed to give validity to any act of the Chairman or a Director after his appointment has been shown to be invalid or to have been terminated.

12. Managing Director.
 - (1) The Managing Director shall be appointed by the Government from amongst the journalists having not less than fifteen years' experience in journalism on such terms and conditions as may be determined by the Government and he shall also be the Chief Editor of the Sangstha.
 - (2) The Managing Director shall be a whole-time officer and the Chief Administrative Officer of the Sangstha and, subject to the provisions of this Ordinance, he shall administer and manage the affairs and fund of the Sangstha, and shall have supervision over and direction of the work of the Sangstha and of the officers and employees, technical or otherwise, employed for the purpose of carrying out the work of the Sangstha, and shall also discharge such duties as may be assigned to him by the Board or as may be prescribed.
13. Appointment of officers, etc.
 - (1) The Sangstha may, subject to such general or special orders as the Government may give from time to time and subject to such terms and conditions as the Government may determine, appoint such officers and other employees as it considers necessary for the efficient performance of its affairs.
 - (2) The Board, subject to approval of the Government and in accordance with the general and specific standing orders of the Government, shall prescribe the procedure for appointment of its officers and employees and for taking disciplinary action against them.
14. Delegation of Powers. The Board may, by general or special order in writing, direct that such of its powers shall, in such circumstances and under such conditions, if any, as may be specified in the order be exercisable also by the Chairman, or by such Director or officer of the Sangstha as may be so specified.
15. Indemnity, etc. The Chairman, Director and every officer and employee of the Sangstha shall be indemnified by the Sangstha

against all losses and expenses incurred by him in or in relation to the discharge of his duties, except such as have been caused by his wilful act or default.

Funds of the Sangstha.

- 32745
- (1) The Sangstha shall have its own fund which shall be utilized by it to meet charges in connection with the affairs of the Sangstha.
 - (2) The fund of the Sangstha shall consist of:
 - (a) grants made by the Government;
 - (b) loans obtained from the Government;
 - (c) fees from the subscribers of the news;
 - (d) gifts and endowments;
 - (e) sale proceeds and royalties of news items, features, photos and such other allied matters;
 - (f) grants and contributions from agencies, foundations and organizations; and
 - (g) other sources.
 - (3) All monies of the Sangstha shall be kept in any bank or banks approved by the Board.
17. Budget. The Sangstha shall, by such date before the commencement of every financial year as the Government may direct, submit to the Government for approval of a budget, in such form as the Government may specify, for each financial year showing the estimated receipts and expenditure and the sums which are likely to be required from the Government during that financial year.
18. Accounts. The Sangstha shall maintain its accounts in such manner and form as the Government may direct.
19. Audit.

32745 (1) The accounts of the Sangstha shall be audited every year by the Controller and Auditor-General of Bangladesh, hereinafter referred to as the Auditor-General, in such manner as may be prescribed:

Provided that the Auditor-General may in addition to the yearly audit either of his own motion or upon a request received in this behalf from the Government undertake such audit of the accounts of the Sangstha at such time as may be considered necessary.

(2) For the purpose of audit, the Auditor-General or any person authorized by him shall have access to all records, books,

documents, accounts each and other properties of the Sangstha and may examine the Chairman, any Director or any officer or other employee of the Sangstha and the Sangstha shall at the time of such audit, produce the account books and connected documents and furnish such explanations and information as the Auditor-General or an officer authorized by him in this behalf may ask for.

- (3) The Auditor-General shall submit an audit report to the Government with a copy to the Sangstha, in which he shall state whatever, in his opinion, accounts of the Sangstha are properly drawn up and, if he has called for any explanation or information from the Sangstha, whether it has been given and whether it is satisfactory.
- (4) The Sangstha shall comply with any directive issued by the Government for the modification of the matters objected to in audit.

20. Reports, etc.

- (1) The Sangstha shall furnish to the Government such returns, reports and statements as the Government may require from time to time.
- (2) The Sangstha shall, as soon as possible after the end of every financial year, furnish to the Government a statement of accounts audited by the Auditor-General together with an annual report giving therein a true and faithful account of its activity during that year and its proposal for the next financial year.
- (3) The copies of the audited accounts and annual report received by the Government under subsection (2) shall be published in the official gazette and shall be laid before Parliament.

21. Winding up of the Sangstha. No provision of law relating to the winding up of companies or corporations shall apply to the Sangstha and the Sangstha shall not be wound up save by an order of the Government and in such manner as the Government may direct.

22. Power to make rules and regulations.

- (1) The Government may make rules for the purpose of giving effect to the provisions of the Ordinance.
- (2) The Sangstha may, with the previous approval of the Government, make regulations, not inconsistent with the provisions

of the Ordinance and the rules made by Government, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Ordinance.

- (3) All rules and regulations made under this section shall be published in the official gazette and shall come into force on such publication.
23. Transfer of assets, etc. Notwithstanding anything contained in any other law for the time being in force or in any contract or agreement or in any other instrument or notification or order, on the commencement of this Ordinance:
- (a) all assets, rights, powers, authorities and privileges and all properties, movable and immovable, cash and bank balances, grants and funds of the erstwhile Associated Press in Bangladesh and vested in the Government under the Bangladesh (Vesting of Property and Assets) Order, 1972 (P.O. No. 29 of 1972), and all other rights and interests in, or arising out of, such properties and all books of accounts, register, records and all other documents of whatever nature relating thereto shall stand transferred to, and vested in, the Sangstha;
 - (b) all debts, liabilities and obligations of whatever kind of the erstwhile Associated Press in, and in relation to, Bangladesh shall, unless the Government otherwise directs, be the debts, liabilities and obligations of the Sangstha;
 - (c) every officer or other employee of the erstwhile Associated Press serving in Bangladesh immediately before the commencement of the Ordinance shall stand transferred to the Sangstha and continue to be in the service of the Sangstha on the same terms and conditions as were applicable to them immediately before the commencement of the Ordinance:

Provided that if an officer or other employee is considered by the Sangstha as surplus of requirement, his employment shall be terminated by the Sangstha with due notice and with such compensation as may be prescribed.

Provided further that, notwithstanding anything contained in any terms and conditions of service or in any award, settlement or agreement for the time being in force, the Government or the Sangstha, with the prior approval of the Government, may alter the remuneration, whether by way of reduction or

otherwise, and other terms and conditions of service of any officer or other employee.

ZIAUR RAHMAN, BU, Psc
Lieutenant General President
NZ Choudhury, Deputy Secretary
Dhaka: 30th March 1979

THE SPECIAL POWERS ACT, 1974 Act No. XIV of 1974

2. Definitions. In the Act, unless there is anything repugnant in the subject or context—
- (d) "document" includes any painting, drawing, photograph or other visible representation and gramophone records, sound tracks and any other article on which sounds have been recorded with a view to their subsequent reproduction;
 - (f) "prejudicial act" means any act which is intended or likely—
 - (i) to prejudice the sovereignty or defence of Bangladesh;
 - (ii) to prejudice the maintenance of friendly relations of Bangladesh and foreign states;
 - (iii) to prejudice the security of Bangladesh or to endanger public safety or the maintenance of public order;
 - (iv) to create or excite feelings of enmity or hatred of people;
 - (v) to interfere with or encourage or incite interference with the administration of law or the maintenance of law and order;
 - (vi) to prejudice the maintenance of supplies and services essential to the community;
 - (vii) to cause fear or alarm to the public or to any section of the public;
 - (viii) to prejudice the economic or financial interests of the state;
 - (g) "prejudicial report" means any report, statement or visible representation, whether true or false, which, or the publishing of which, is, or is an incitement to the commission of, a prejudicial act;

16. Prohibition of prejudicial acts, etc.

(1) No person shall—

(a) do any prejudicial act; or
 (b) make, print, publish, possess or distribute any document containing or spread by any other means whatsoever, any prejudicial report.

(2) The author, editor, printer and publisher of, and any person who otherwise makes or produces, any prejudicial report and any person who distributes or sells any report of that nature, knowing it to be of such nature, shall be deemed to have contravened the provisions of this section.

(3) If any person contravenes any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both:

Provided that in any proceedings arising out of a contravention of this section—

(a) in relation to the making or printing of any document, it shall be a defence for the accused to prove that the said document was made or printed, as the case may be,

(i) with the permission or under the authority of Government, or

(ii) as a proof intended for submission to Government or to a person or authority designated by Government in this behalf with a view to obtaining permission for its publication;

(b) in relation to the publication of any document, it shall be a defence for the accused to prove that the said document was published with the permission or under the authority of Government.

17. Proscription, etc., of certain documents.

(1) The Government, if satisfied that any document made, printed or published, whether before or after the commencement of this Act, contains any prejudicial report, may, by order—

(a) require the editor, printer, publisher or person in possession of such document to inform the authority specified in the order of the name and address of any person concerned in the making of such report;

(b) require the delivery of such document and any copy thereof to an authority specified in the order;

(c) prohibit the further publication, sale or distribution of

such document, or any extract therefrom or of any translation thereof, including in the case of a newspaper or other periodical, the publication, sale or distribution of any subsequent issue thereof;

- (d) declare such document and every copy or translation thereof or extract therefrom to be forfeited to Government;
- (e) require the editor, printer, publisher or the keeper of the press to furnish security for such amount, not exceeding taka twenty-five thousand, as the Government thinks reasonable.

- (2) Where an order has been made under subsection (1), the authority making the order shall, as soon as may be, communicate to the person affected by the grounds on which the order has been made to enable him to make a representation against the order, and it shall be the duty of such authority to inform such person of his right of making such representation and to afford him the earliest opportunity of doing so;

Provided that nothing in this subsection shall require the authority to disclose the facts which it considers to be against the public interest to disclose.

- (3) Where in pursuance of subsection (1)(d) any document is required to be delivered to a specified authority, that authority may enter upon and search any premises whereon or wherein such document or any copy thereof is or is reasonably suspected to be, but such authority shall not so enter after sunset and before sunrise.
- (4) Where in pursuance of subsection (1)(d) any document has been declared to be forfeited to Government, any police officer may seize any copy thereof, wherever found and any Magistrate may, by warrant, authorize any police officer not below the rank of Sub-Inspector to enter upon and search any premises whereon or wherein such document or any copy thereof is or is reasonably suspected to be, but such police officer shall not so enter after sunset and before sunrise.
- (5) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.
- (6) If, after the furnishing of security under subsection (1)(e), any document is made, printed or published containing any prejudicial report, the Government may, without prejudice

to any other penalty to which the person guilty of making, printing or publishing such document is liable and after giving the person concerned an opportunity of being heard, declare such security, or any portion thereof, to be forfeited to it.

18. Regulation of publication of certain matters.

(1) Where the Government is satisfied that in the interest of the security of Bangladesh, friendly relations of Bangladesh with foreign states, or public order it is necessary so to do, it may, by order addressed to a printer, publisher or editor, or printers, publishers or editors, generally require that all matters relating to a particular subject or class of subjects affecting the security of Bangladesh, friendly relations of Bangladesh with foreign states, or public order shall, before being published in any document or class of documents, be submitted for scrutiny to any authority specified in the order, who shall, within seventy-two hours of the submission, either approve of or prohibit its publication; and no matter the publication whereof has been so prohibited shall be published.

(2) Any person affected by an order under subsection (1) prohibiting the publication of any matter may, within seven days of the communication of the order, appeal against it to the Government and the Government shall refer the appeal to the district judge of the district in which such person resides:

Provided that where appeals against the same order have been made by persons who reside in different districts all such appeals shall be referred to the senior of the district judge of such districts.

Explanation. A person shall be deemed to reside in the district in which he ordinarily resides or carries on business or personally works for gain.

(3) The district judge to whom a reference has been made under subsection (2) shall, after giving the appellant an opportunity of being heard, consider the appeal as speedily as possible and submit his report together with his recommendations to the Government and the Government shall pass order on such appeal in accordance with the recommendations of the district judge.

(4) If any person contravenes any order made under subsection (1), then without prejudice to the provisions of subsection (5), the Government may declare to be forfeited to Government

every copy of any document published or made in contravention of such order.

- (5) If any person contravenes any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

THE CODE OF CRIMINAL PROCEDURE, 1898 Act No. V of 1898

99A. (1) Where—

(a) any newspaper, or book as defined in the Printing Presses and Publications (Declaration and Registration) Act, 1973, or

(b) any document, wherever printed, appears to the Government to contain any treasonable or seditious matters or any matter which promotes or is intended to promote feelings of enmity or hatred between different classes of the citizen of Bangladesh or which is deliberately and maliciously intended to outrage the religious feelings of any such class, by insulting the religion or the religious beliefs of that class that is to say, any matter the publication of which is punishable under Section 123A or Section 124A or Section 153A or Section 295A of the Penal Code, the Government may, by notification in the official gazette, stating the grounds of the opinion, declare every copy of the issue of the newspaper containing such matter, and every copy of such book or other document to be forfeited to Government, and thereupon any police officer may seize the same wherever found in Bangladesh and any magistrate may authorize any police officer not below the rank of sub-inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be or may be reasonably suspected to be.

(2) In subsection (1), "document" includes also any painting, drawing or photograph, or other visible representation.

99B. Any person having any interest in any newspaper, book or other document, in respect of which an order of forfeiture has been

made under Section 99A, may within two months from the date of such order, apply to the High Court Division to set aside such order on the ground that the issue of the newspaper, or the book or other document in respect of which the order was made, did not contain any (treasonable or seditious or other matter of such a nature) as is referred to in subsection (1) of Section 99A.

99C. Every such application shall be heard and determined by a Special Bench of the High Court Division composed of three judges.

99D. (1) On receipt of the application, the Special Bench shall, if it is not satisfied that the issue of the newspaper, or the book or other document in respect of which the application has been made, contained treasonable or seditious or other matter of such a nature as is referred to in subsection (1) of Section 99A, set aside the order of forfeiture.

(2) Where there is a difference of opinion among the judges forming the Special Bench the decision shall be in accordance with the opinion of the majority of those judges.

99E. On the hearing of any such application with reference to any newspaper, any copy of such newspaper may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper, in respect of which the order of forfeiture was made.

99F. The Supreme Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such application, the amount of the costs thereof and the execution of order passed thereon, and until such rules are framed, the practice of such courts in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.

99G. No order passed or action taken under Section 99A shall be called in question in any court otherwise than in accordance with the provisions of Section 99B.

480. (1) When any such offence as is described in Section 175, Section 178, Section 179, Section 180 or Section 228 of the Penal Code is committed in the view or presence of any civil, criminal or revenue court, the court may cause the offender to be detained in custody and at any time before the rising of the court on the same day may, if it thinks fit, take cognizance of the offence and sentence the offender to fine

not exceeding taka two hundred, and in default of payment, to simple imprisonment for a term which may extend to one month, unless such fine be sooner paid.

THE PENAL CODE

Act No. XLV of 1860

(As modified up to 31st December 1983)

- 123A. (1) Whoever, within or without Bangladesh, with intent to influence, or knowing it to be likely that he will influence, any person of the whole or any section of the public, in a manner likely to be prejudicial to the safety of Bangladesh or to endanger the sovereignty of Bangladesh in respect of all or any of the territories lying within its borders, shall by words, spoken or written, or by signs or visible representation, condemn the creation of Bangladesh in pursuance of the proclamation of independence on the twenty-sixth day of March 1971, or advocate the curtailment or abolition of the sovereignty of Bangladesh in respect of all or any of the territories lying within its borders, whether by amalgamation with the territories of neighbouring states or otherwise, shall be punished with rigorous imprisonment which may extend to ten years and shall also be liable to fine.
- (2) Notwithstanding anything contained in any other law for the time being in force, when any person is proceeded against under this section, it shall be lawful for any court before which he may be produced in the course of the investigation or trial to make such order as it may think fit in respect of his movements, of his association or communication with other persons, and of his activities in regard to dissemination of news, propagation of opinions, until such time as the case is finally decided.
- (3) Any court which is a court of appeal or of revision in relation in the court mentioned in subsection (2) may also make an order under that subsection.
- 124A. Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to

bring into hatred or contempt, or excites or attempts to excite disaffection towards the Government established by shorter term, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.

Explanation 1. The expression "disaffection" includes disloyalty and all feelings of enmity.

Explanation 2. Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

153. Whoever malignantly or wantonly, by doing anything which is illegal, gives provocation to any person, intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence of such provocation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months or with fine, or with both.
- 153A. Whoever by words, either spoken or written, or by signs, or by visible representations, or otherwise, promotes or attempts to promote feelings of enmity or hatred between different classes of the citizen of Bangladesh, shall be punished with imprisonment which may extend to two years, or with fine, or with both.

Explanation. It does not amount to an offence within the meaning of this section to point out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce, feelings of enmity or hatred between different classes of the citizens of Bangladesh.

- 153B. Whoever by words, either spoken or written, or by signs, or by visible representations or otherwise, induces or attempts to induce any student, or any class of students, or any institution interested in or connected with students, to take part in any political activity which disturbs or undermines, or is likely to disturb or undermine, the public order shall be punished

with imprisonment which may extend to two years or with fine or with both.

175. Whoever, being legally bound to produce or deliver up any document to any public servant, as such, intentionally omits so to produce or deliver up the same, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to taka five hundred, or with both or, if the document is to be produced or delivered up to a court of justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to taka one thousand, or with both.

292. Whoever—

- (a) sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale or hire, distribution, public exhibition or circulation, makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever, or
- (b) imports, exports or conveys any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or to any manner put into circulation, or
- (c) takes part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation, or
- (d) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section or that any such obscene object can be procured from or through any person, or
- (e) offers or attempts to do any act which is an offence under this section,

shall be punishable with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Exception: This section does not extend to any book, pamphlet, writing, drawing or painting kept or used *bona fide* for religious

purposes, or any representation sculptured, engraved, painted or otherwise represented on or in any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.

293. Whoever sells, lets to hire, distributes, exhibits or circulates to any person under the age of twenty years any such obscene object as is referred to in the last preceding section, or offers or attempts so to do, shall be punished with imprisonment of either description for a term which may extend to six months or with fine, or with both.
- 295A. Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of the citizens of Bangladesh, by words, either spoken or written, or by visible representation insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both.
499. Whoever by words, either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the case hereinafter excepted, to defame that person.

Explanation 1. It may amount to defamation to impute any thing to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relations.

Explanation 2. It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such.

Explanation 3. An imputation in the form of an alternative or expressed ironically, may amount to defamation.

Explanation 4. No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the character of that person, in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.

501. Whoever prints or engraves any matter, knowing or having

good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

THE DRAMATIC PERFORMANCE ACT, 1876

Act No. XIX of 1876

16th December 1876

An Act for the better control of public dramatic performances

WHEREAS it is expedient to empower the Government to prohibit public dramatic performances which are scandalous, defamatory, seditious or obscene. It is hereby enacted as follows:

1. This Act may be called the Dramatic Performance Act 1876. It extends to the whole of Bangladesh.
2. In this Act, "magistrate" means the magistrate of the district.
3. Whenever the Bangladesh Government is of opinion that any play, pantomime or other drama performed or about to be performed in a public place is—
 - (a) of a scandalous or defamatory nature, or
 - (b) likely to excite feelings of disaffection to the Government established by law in Bangladesh, or
 - (c) likely to deprave and corrupt persons present at the performance, the Bangladesh Government, or such magistrate as it may empower in this behalf, may by order prohibit the performance.

Explanation. Any building or enclosure to which the public are admitted to witness a performance on payment of money shall be deemed a "public place" within the meaning of this section.

4. A copy of any such order may be served on any person about to take part in the performance so prohibited, or on the owner or occupier of any house, room or place in which such performance is intended to take place; and any person on whom such copy is served, and who does, or willingly permits, any act in disobedience to such order, shall be punished on conviction before a magistrate with imprisonment for a term which may extend to three months, or with fine, or with both.
5. Any such order may be notified by proclamation, and a written or printed notice thereof may be stuck up at any place or places adapted

- for giving information of the order to the persons intending to take part in or to witness the performance so prohibited.
6. Whoever after the notification of any such order—
- (a) takes part in the performance prohibited thereby or in any performance substantially the same as the performance so prohibited, or
 - (b) in any manner assists in conducting any such performance, or
 - (c) is, in wilful disobedience to such order, present as a spectator during the whole or any part of any such performance, or
 - (d) being the owner or occupier, or having the use of any house, room or place, opens, keeps or uses the same for any such performance, or permits the same to be opened, kept or used for any such performance,
- shall be punishable on conviction before a magistrate with imprisonment for a term which may extend to three months, or with fine, or with both.
7. For the purpose of ascertaining the character of any intended public dramatic performance, the Bangladesh Government, or such officer as it may specially empower in this behalf, may apply to the author, proprietor or printer of the drama about to be performed, or to the owner or occupier of the place in which it is intended to be performed, for such information as the Bangladesh Government or such officer thinks necessary.
- Every person so applied to shall be bound to furnish the same to the best of his ability, and whoever contravenes these sections shall be deemed to have committed an offence under Section 170 of the Bangladesh Penal Code.
8. If any magistrate has reason to believe that any house, room or place is used, or is about to be used, for any performance prohibited under this Act, he may, by his warrant, authorize any officer or police to enter with such assistance as may be requisite, by night or by day, and by force, if necessary, any such house, room or place, and to take into custody all persons whom he finds therein, and to seize all scenery, dresses and other articles found therein and reasonably suspected to have been used, or is to be intended to be used, for the purpose of such performance.
9. No conviction under this Act shall bar a prosecution under Section 124A or Section 294 of the Bangladesh Penal Code.
10. Whenever it appears to the Bangladesh Government that the provisions of this section are required in any local area, it may

declare, by notification in the official gazette, that such provisions are applied to such area from a day to be fixed in the notification.

On and after that day, the Bangladesh Government may order that no dramatic performance shall take place in any place of public entertainment within such area, except under a licence to be granted by the Bangladesh Government, or such officer as it may specially empower in this behalf.

The Bangladesh Government may also order that no dramatic performance shall take place in any place of public entertainment within such area, unless a copy of the piece, if and so far as it is in pantomime, has been furnished, not less than three days before the performance, to the Bangladesh Government or to such officer as it may appoint in this behalf.

A copy of any order under this section may be served on any keeper of a place of public entertainment; and if thereafter he does, or willingly permits, any act in disobedience to such order, he shall be punishable on conviction before a magistrate with imprisonment for a term which may extend to three months, or with fine, or with both.

THE INDECENT ADVERTISEMENT PROHIBITION ACT, 1963 Act No. XII of 1963 18th June 1963

An Act to prohibit indecent advertisement

WHEREAS it is expedient to provide for the prohibition of indecent advertisements;

AND WHEREAS the national interest of Pakistan in relation to the achievement of uniformity within the meaning of clause (2) of Article 131 of the Constitution requires central legislation in the matter.

It is hereby enacted as follows:

1. (1) This act may be called the Indecent Advertisement Prohibition Act, 1963.
- (2) It extends to the whole of Bangladesh.
- (3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the definition, subject or context—
 - (a) "advertisement" includes any notice, circular or other document, displayed on any house, building or wall or published in any newspaper or periodical, and any announcement made orally or by any means of producing or transmitting light or sound, but does not include trade circulars issued by manufacturers of drugs to medical practitioners;
 - (b) "indecent" includes whatsoever may amount to any incentive to sensuality and excitement of impure thought in the mind of an ordinary man of normal temperament, and has the tendency to deprave and corrupt those minds open to such immoral influence, and which is deemed to be detrimental to public morals and calculated to produce pernicious effect in depraving and debauching the minds of persons;
 - (c) "taking any part in the publication of any advertisement" includes—
 - (i) the writing, typing, stamping, drawing, announcing, printing or transmitting of the advertisement,
 - (ii) the publication of any advertisement outside Bangladesh by or at the insistence of a person residing in Bangladesh;
 - (d) "public place" means any place where an advertisement can be seen or heard by members of the public.
3. Subject to the provisions of this Act—
 - (i) no person shall take any part in the publication of any advertisement which is indecent; and
 - (ii) no person having the ownership, possession or control of any property or public place shall knowingly allow any advertisement which is indecent to be displayed on such property or place, or to be announced therefrom.
4. Whoever contravenes any of the provisions of this Act shall, on conviction, be punishable—
 - (a) in the case of the first conviction, with imprisonment which may extend to six months, or with fine, or with both; and
 - (b) in the case of any subsequent conviction, with imprisonment which may extend to one year, or with fine, or with both.
5. Any person authorized by the Central Government in this behalf may, at any time, seize and detain any document, article or thing which such person has reason to believe contains any advertisement which contravenes any of the provisions of this Act and the

court trying such contravention may direct that such document (including all copies thereof), article or thing shall be forfeited to the Government.

6. (1) If the person contravening any of the provisions of this Act is a company, every person who, at the time the offence was committed, was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this subsection shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

- (2) Notwithstanding anything contained in subsection (1) where any offence under this Act has been committed by a company and it is proved that the offence was committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. For the purposes of this section,

- (a) "company" means any body corporate and includes a firm or other association of individuals, and
 (b) "director" in relation to a firm means a partner in the firm.
7. Without prejudice to the right of any other person to make a complaint of an offence under this Act, a police officer not below the rank of sub-inspector who receives information that such an offence has been committed shall, if he is satisfied as to the truth of the information, make a complaint of the offence in writing to the nearest magistrate having jurisdiction.
8. No court inferior to that of a magistrate of the first class shall try any offence punishable under this Act.
9. Every person authorized under Section 5 shall be deemed to be a public servant within the meaning of Section 21 of the Bangladesh Penal Code.
10. 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 under this Act.

11. The provisions of this Act shall be, in addition to and not in derogation of, the provisions of any other law for the time being in force.
12. If, in the opinion of the Central Government, public interest so requires, it may, by notification in the official gazette, direct that the provisions of section 3 shall not apply, or shall apply subject to such conditions as may be specified.
13. The Central Government may, by notification in the official gazette, make rules for carrying out the purposes of this Act.
14. The Karachi Indecent Advertisement Prohibition Act, 1951, and the Punjab Suppression of Indecent Advertisement Act, 1941, are hereby repealed.

THE CHILDREN ACT, 1974

Act No. XXXIII of 1974

1. Short title and commencement.
 - (1) This Act may be called the Children Act, 1974.
2. Definitions
 - (1) "Child" means a person under the age of sixteen years and when used with reference to a child sent to a certified institute or approved home or committed by a court to the custody of a relative or other fit person means that child during the whole period of his detention notwithstanding that he may have attained the age of sixteen years during that period;
17. Prohibition on publication of reports disclosing identity, etc. of child involved in cases. No report in any newspaper, magazine or newsheet nor any news giving agency shall disclose any particular or any case or proceeding in any court under this Act in which a child is involved and which leads directly or indirectly to the identification of such child, nor shall any picture of such child be published:

Provided that, for reasons to be recorded in writing, the court trying the case or holding the proceeding may permit the disclosure of any such report if, in its opinion, such disclosure is in the interest of child welfare and is not likely to affect adversely the interest of the child concerned.

THE TELEGRAPH ACT, 1885

Power for Government to take possession of licensed telegraphs and to order interception of messages.

5. (1) On the occurrence of any public emergency, or in the interest of the public safety the Government or any officer specially authorized in this behalf by the Government may—

(a) take temporary possession of any telegraph established, maintained or worked by any person licensed under this Act; or

(b) order that any message or class of messages to or from any person or class of persons or relating to any particular subject brought for transmission by or transmitted or received by any telegraph, shall not be transmitted or shall be intercepted, or detained or shall be disclosed to the Government making the order or an officer thereof mentioned in the order.

(2) If any doubt arises as to the existence of a public emergency, or where any act done under subsection (1) was in the interest of the public safety, a certificate of the central or as the case may be, the Government shall be conclusive proof on the point.

THE POST OFFICE ACT, 1869

(As amended in 1973)

27B. (1) Any officer of the post office authorized by the Post Master General in this behalf may detain any postal article in course of transmission by post which he suspects to contain:

(a) (i) any newspaper or book as defined in the Printing Presses and Publications (Declaration and Registration) Act, 1933, or

(ii) any document,

containing any treasonable or seditious matters, that is to say, any matter the publication of which is punishable under Section 123A or Section 124A as the case may be, of the Penal Code, or

(b) any newspaper as defined in the Printing Presses and Publications (Declaration and Registration) Act, 1973,

edited, printed or published otherwise than in conformity with the rules laid down in that Act; and shall deliver any postal article so detained to such officer as the government may appoint in this behalf.

- (2) Any officer detaining any postal article under the provisions of subsection (1) shall forthwith send by post to the addressee of such article notice of the fact of such detention.
- (3) The Government shall cause the contents of any postal article detained under subsection (1) to be examined, and if it appears to the Government that the article contained any newspaper, book or other document of the matter described in clause (a) or clause (b) of subsection (1), may pass such orders as to the disposal of the article and its contents as it may deem proper, and if it does not so appear, shall release the article and its contents unless the same be otherwise liable to seizure under any law for the time being in force:

Provided that any person interested in any article detained under the provisions of clause (a) or subsection (1) may, within two months from the date of such detention, apply to the Government for release of that same, and the Government shall consider such application and pass such orders thereon as it may deem to be proper.

Provided also that, if such application is rejected, the applicant may, within two months from the date of the order rejecting the application, apply to the High Court Division for release of the article and its contents on the ground that the article did not contain any newspaper, book or other document containing any treasonable or seditious matters.

- (4) In this section, "document" includes also any printing, drawing, photograph or other visible representation.
- 27C. Every application made under the second provision to subsection (3) of Section 27B shall be heard and determined in this manner provided by Sections 99D to 99F of the Code of Criminal Procedure, 1898, by a Special Bench of the High Court Division constituted in the manner provided by Section 99C of that Code.
- 27D. No order passed by action taken under Section 27B shall be called in question in any court otherwise than in accordance with the second provision to subsection (3) of that section.

THE WIRELESS TELEGRAPHY ACT, 1933

Act No. XVII of 1933

11th September 1933

An Act to regulate the possession of wireless telegraphy apparatus
WHEREAS it is expedient to regulate the possession of wireless telegraphy apparatus in Bangladesh.

It is hereby enacted as follows:

1. (1) This Act may be called the Wireless Telegraphy Act, 1933.
(2) It extends to the whole of Bangladesh.
(3) It shall come into force on such date as the Bangladesh Government may, by notification in the official gazette, appoint.
2. In this Act, unless there is anything repugnant in the subject or context—
 - (1) "wireless communication" means the making, transmitting or receiving of telegraphic, telephonic or other communications by means of electricity or magnetism without the use of wires or other continuous electrical conductors between the transmitting and the receiving apparatus;
 - (2) "wireless telegraphy apparatus" means any apparatus, appliance, instrument or material used or capable of use in wireless communication and includes any article determined by rule made under Section 10 to be wireless telegraphy apparatus, but does not include any such apparatus, appliance, instrument or material commonly used for other electrical purposes, unless it has been specially designed or adapted for wireless communication or forms part of some apparatus, appliance, instrument or material specially so designed or adapted, nor any article determined by rule made under Section 10 not to be wireless telegraphy apparatus; and
 - (3) "prescribed" means prescribed by rules made under Section 10.
3. Save as provided by Section 4, no person shall possess wireless telegraphy apparatus except under and in accordance with a licence issued under this Act.
4. The Bangladesh Government may by rules made under this Act exempt any person or any class of persons from the provisions of this Act either generally or subject to prescribed conditions, or in respect of specified wireless telegraphy apparatus.
5. The Director-General, Bangladesh Post Office, or an officer authorized by him in this behalf, shall be the authority competent to issue licences to possess wireless telegraphy apparatus under this

Act, and may issue licences in such manner, on such conditions and subject to such payments as may be prescribed.

6. (1) Whoever possesses any wireless telegraphy apparatus in contravention of the provisions of Section 3 shall be punished, in the case of the first offence, with fine which may extend to taka one hundred, and in the case of a second or subsequent offence, with fine which may extend to taka two hundred and fifty.
 - (2) For the purposes of this section, a court may presume that a person possesses wireless telegraphy apparatus if such apparatus is under his ostensible charge, or is located in any premises or place over which he has effective control.
 - (3) If in the trial of an offence under this section the accused is convicted, the court shall decide whether any apparatus in respect of which an offence has been committed should be confiscated, and, if it so decides, may order confiscation accordingly.
7. (1) A magistrate of the first class or a magistrate of the second class specially empowered by the Bangladesh Government in this behalf may issue a warrant for the search, at any time between sunrise and sunset, of any building, vessel or place in which he has reason to believe that any wireless telegraphy apparatus, in respect of which an offence punishable under Section 6 has been committed, is kept or concealed.
 - (2) The officer to whom a search warrant under subsection (1) is addressed may enter into any building, vessel or place mentioned in the warrant and seize any wireless telegraphy apparatus in respect of which he has reason to believe an offence under Section 6 has been committed.
8. All wireless telegraphy apparatus confiscated under the provisions of subsection (3) of Section 6, and all wireless telegraphy apparatus having no ostensible owner shall be the property of the Bangladesh Government.
9. Power of court to direct payment of fines to prescribed authority.
Rep. by A.O. 1937.
10. (1) The Bangladesh Government may, by notification in the official gazette, make rules for the purpose of carrying into effect the provisions of this Act.
 - (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—
 - (i) determining that any article or class of article shall be

- or shall not be wireless telegraphy apparatus for the purpose of this Act;
- (ii) the exemption of persons or classes of persons under Section 4 from the provisions of this Act;
 - (iii) the manner of and the conditions governing the issue, renewal, suspension and cancellation of licences, the form of licences and the payments to be made for the issue and renewal of licences;
 - (iv) the maintenance of records containing details of the acquisition and disposal by sale or otherwise of wireless telegraphy apparatus possessed by dealers in wireless telegraphy apparatus;
 - (v) the conditions governing the sale of wireless telegraphy apparatus by dealers in and manufacturers of such apparatus.
- (3) In making a rule under this section the Bangladesh Government may direct that a breach of it shall be punishable with fine which may extend to one hundred taka.
11. Nothing in this Act contained shall authorize the doing of anything prohibited under the Telegraph Act, 1885, and no licence issued under this Act shall authorize any person to do anything for the doing of which a licence or permission under the Telegraph Act, 1885, is necessary.

CHAPTER XIII

LAW ON OFFICIAL SECRETS

The Official Secrets Act, 1923

Act No. XIX of 1923

An Act to consolidate and amend the law in Bangladesh relating to official secrets

WHEREAS it is expedient that the law relating to official secrets in Bangladesh should be consolidated and amended.

It is hereby enacted as follows:

1. Short title, extent and application.
 - (1) This Act may be called the Official Secrets Act, 1923.
 - (2) It extends to the whole of Bangladesh and applies also to all citizens of Bangladesh and persons in the service of the Republic wherever they may be.

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

- (1) any reference to a place belonging to Government includes a place occupied by any department of the Government whether the place is or is not actually vested in Government;
- (2) expressions referring to communicating or receiving include any communicating or receiving, whether in whole or in part and whether the sketch, plan, model, article, note, document, or information itself or the substance, effect or description thereof only be communicated or received; expressions referring to obtaining or retaining any sketch, plan, model, article, note or document, include the copying or causing to be copied of the whole or any part of any sketch, plan, model, article, note or document; and expressions referring to other communication of any sketch, plan, model, article, note or document include the transfer or transmission of the sketch, plan, model, article, note or document;
- (6) "offices under Government" includes any office or employment in or under any department of the Government;
- (7) "photograph" includes an undeveloped film or plate;
- (8) "prohibited place" means—
 - (a) any work of defence, arsenal, naval, military or air force establishment or station, mine, minefield, camp, ship or aircraft belonging to, or occupied by or on behalf of, Government, any military telegraph or telephone so belonging or occupied, any wireless or signal station or office so belonging or occupied and any factory, dockyard or other place so belonging or occupied and used for the purpose of building, repairing, making or storing any ammunitions of war, or any sketches, plans, models or documents relating thereto, or for the purpose of getting any metals, oil or minerals of use in time of war;
 - (b) any place not belonging to Government where any ammunitions of war or any sketches, models, plans or documents relating thereto, are being made, repaired, gotten or stored under contract with, or with any person on behalf of Government or otherwise on behalf of Government;
 - (c) any place belonging to or used for the purpose of Government which is for the time being declared by the Government, by notification in the official gazette, to be

a prohibited place for the purposes of this Act on the ground that information with respect thereto, or damage thereto, would be useful to any enemy, and to which a copy of the notification in respect thereof has been affixed in English and in Bengali;

- (d) any railway, road, way or channel, or other means of communication by land or water (including any works or structures being part thereof or connected therewith) or any place used for gas, water or electricity works or other works for purposes of a public character, or any place where any ammunitions of war or any sketches, models, plans, or documents relating thereto, are being made, repaired or stored otherwise than on behalf of the Government, which is for the time being declared by the Government, by notification in the official gazette, to be a prohibited place for the purposes of this Act on the ground that information with respect thereto or the destruction or obstruction thereof, or interference therewith, would be useful to an enemy, and to which a copy of the notification in respect thereof has been affixed in English and Bengali:

Provided that where for declaring a prohibited place under subclause (c) or subclause (d) a notification in the official gazette is not considered desirable in the interest of the security of the state, such declaration may be made by an order, a copy or notice of which shall be prominently displayed at the point of entry to or a conspicuous place near the prohibited place.

- (9) "sketch" includes any photograph or other mode of representing any place or thing; and
 (10) "Superintendent of Police" includes any police officer of a like or superior rank, and any person upon whom the powers of a superintendent of police are for the purposes of this Act conferred by the Government.

3. Penalties for spying.

- (1) If any person for any purpose prejudicial to the safety or interest of the state—
 (a) approaches, inspects, passes over or is in the vicinity of, or enters, any prohibited place; or
 (b) makes any sketch, plan, model, or note which is calculated

- to be or might be or is intended to be, directly or indirectly, useful to an enemy; or
- (c) obtains, collects, records or publishes or communicates to any other person any secret official code or password, or any sketch, plan, model, article or note or other document or information which is calculated to be or might be or is intended to be, directly or indirectly, useful to an enemy; he shall be guilty of an offence under this section.
- (2) On a prosecution for an offence punishable under this section with imprisonment for a term which may extend to fourteen years, it shall not be necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interest of the state, and, notwithstanding that no such act is proved against him, he may be convicted if, from the circumstances of the case or his conduct or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interest of the state; and if any sketch, plan, model, article, note, document, or information relating to or used in any prohibited place, or relating to anything in such a place, or any secret official code or password is made, obtained, collected, recorded, published or communicated by any person other than a person acting under lawful authority, and from the circumstances of the case or his conduct or his known character as proved it appears that his purpose was a purpose prejudicial to the safety or interest of the state, such sketch, plan, model, article, note, document or information shall be presumed to have been made, obtained, collected, recorded, published or communicated for a purpose prejudicial to the safety or interest of the state.
- (3) A person guilty of an offence under this section shall be punishable—
- (a) where the offence committed is intended or calculated to be, directly or indirectly, in the interest or for the benefit of a foreign power, or is in relation to any work of defence, arsenal, naval, military or air force establishment or station, mine, minefield, factory, dockyard, camp, ship or aircraft or otherwise in relation to the naval, military or air force affairs of Bangladesh or in relation to any secret official code with death, or with imprisonment for a term which may extend to fourteen years; and

(b) in any other case with imprisonment for a term which may extend to three years.

3A. Restriction against photographs, sketches, etc. of prohibited and notified areas.

(1) No person shall, except under the authority of a written permit granted by or on behalf of the Government, make any photograph, sketch, plan, model, note or representation of any kind of any prohibited place or of any other place or area, noticed by Government as a place or area, with regard to which such restriction appears to Government to be expedient in the interest of the security of Bangladesh or of any part of or object in any such place or area.

(2) The Government may, by general or special order, make provisions for securing that no photograph, sketch, plan, model, note or representation of any kind made under the authority of a permit granted in pursuance of subsection (1) shall be published unless and until the same has been submitted to and approved by such authority or person as may be specified in the order, and may retain or destroy or otherwise dispose of anything so submitted.

(3) If any person contravenes any of the provisions of this section he shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

4. Communications with foreign agents to be evidence of commission of certain offences.

(1) In any proceedings against a person for an offence under Section 3, the fact that he has been in communication with, or attempted to communicate with, foreign agents, whether within or without Bangladesh shall be relevant for the purpose of proving that he has, for a purpose prejudicial to the safety or interest of the state, obtained or attempted to obtain information which is calculated to be or might be, or is intended to be, directly or indirectly, useful to an enemy.

(2) For the purpose of this section, but without prejudice to the generality of the foregoing provisions—

(a) a person may be presumed to have been in communication with a foreign agent if—

(i) he has, either within or without Bangladesh, visited the address of a foreign agent or consorted or associated with a foreign agent, or

- (ii) either within or without Bangladesh, the name or address, or any other information regarding a foreign agent has been found in his possession or has been obtained by him from any other person;
 - (b) the expression "foreign agent" includes any person who is or has been or in respect of whom it appears that there are reasonable grounds for suspecting him of being or having been employed by a foreign power, either directly or indirectly, for the purpose of committing an act, either within or without Bangladesh, prejudicial to the safety or interests of state, or who has or is reasonably suspected of having, either within or without Bangladesh, committed or attempted to commit such an act in the interests of a foreign power;
 - (c) any address, whether within or without Bangladesh, in respect of which it appears that there are reasonable grounds for suspecting it of being an address used for the receipt of communications intended for a foreign agent, or any address at which a foreign agent resides, or to which he resorts for the purpose of giving or receiving communication, or at which he carries on any business, may be presumed to be the address of a foreign agent, and communication addressed to such an address, to be communications with a foreign agent.
5. Wrongful communication, etc. of information.
- (1) If any person having in his possession or control any secret official code or password or any sketch, plan, model, article, note, document or information which relates to or is used in a prohibited place or relates to anything in such a place, or which has been made or obtained in contravention of this Act, or which has been entrusted in confidence to him by any person holding office under Government, or which he has obtained or to which he has had access owing to his position as a person who holds or has held office under Government, or as a person who holds or has held a contract made on behalf of Government, or as a person who is or has been employed under a person who holds or has held such an office or contract—
 - (a) wilfully communicates the code or password, sketch, plan, model, article, note, document or information to any person

- other than a person to whom he is authorized to communicate it, or a court of justice or a person to whom it is, in the interests of the state, his duty to communicate it; or
- (b) uses the information in his possession for the benefit of any foreign power or in any other manner prejudicial to the safety of the state; or
 - (c) retains the sketch, plan, model, article, note or document in his possession or control when he has no right to retain it or when it is contrary to his duty to retain it, or wilfully fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof; or
 - (d) fails to take reasonable care of, or so conducts himself as to endanger the safety of the sketch, plan, model, article, note, document, secret official code or password or information;

he shall be guilty of an offence under this section.

- (2) If any person voluntarily receives any secret official code or password or any sketch, plan, model, article, note, document or information knowing or having reasonable ground to believe, at the time when he receives it, that the code, password, sketch, plan, model, article, note, document or information is communicated in contravention of this Act, he shall be guilty of an offence under this section.
 - (3) A person guilty of an offence under this section shall be punishable—
 - (a) where the offence committed is a contravention of clause (a) of subsection (1) and intended or calculated to be, directly or indirectly, in the interest or for the benefit of a foreign power, or is in relation to any work of defence, arsenal, naval, military or air force establishment or station, mine, minefield, factory, dockyard, camp, ship or aircraft or otherwise in relation to the naval, military or air force affairs of Bangladesh or in relation to any secret official code with death, or with imprisonment of a term which may extend to fourteen years; and
 - (b) in any case, with imprisonment for a term which may extend to two years, or with fine, or with both.
6. Unauthorized use of uniforms; falsification of reports, forgery, personation and false documents.
- (1) If any person for the purpose of gaining admission or of

assisting any other person to gain admission to a prohibited place or for any other purpose prejudicial to the safety of the state—

- (a) uses or wears, without lawful authority, any naval, military, air force, police or other official uniform, or any uniform so nearly resembling the same as to be a person who is or has been entitled to use or wear any such uniform; or
 - (b) orally, or in writing in any declaration or application or in any document signed by him or on his behalf, knowingly makes or connives at the making of any false statement or any omission; or
 - (c) forges, alters or tampers with any passport or any naval, military, air force or official pass, permit, certificate, licence or other document of a similar character (hereinafter in this section referred to as an official document) or knowingly uses or has in his possession any such forged, altered or irregular official document; or
 - (d) personates or falsely represents himself to be a person holding, or in the employment of a person holding office under Government, or to be or not to be a person to whom an official document or secret official code or password has been duly issued or communicated, or with intent to obtain an official document, secret official code or password, whether for himself or any other person, knowingly makes any false statement; or
 - (e) uses, or has in his possession or under his control without the authority of the department of the Government or the authority concerned, any die, seal or stamp of or belonging to, or used, made or provided by, any department of the Government, or by any diplomatic, naval, military or air force authority of Government, or any die, seal or stamp so nearly resembling any such die, seal or stamp as to be calculated to deceive, or counterfeits any such die, seal or stamp, or knowingly uses, or has in his possession or under his control, any such counterfeited die, seal or stamp;
- he shall be guilty of an offence under this section.

(2) If any person for any purpose prejudicial to the safety of the state—

- (a) retains any official document, whether or not completed or issued for use, when he has no right to retain it, or when

it is contrary to his duty to retain it, or wilfully fails to comply with any directions issued by any department of the Government or any person authorized by such department with regard to the return or disposal thereof; or

- (b) allows any other person to have possession of any official document issued for his use alone, or communicates any secret official code or password so issued, or, without lawful authority or excuse, has in his possession any official document or secret official code or password issued for the use of some person other than himself or, on obtaining possession of any official document by finding or otherwise, wilfully fails to restore it to the person or authority by whom or for whose use it was issued, or to a police officer; or

- (c) without lawful authority or excuse, manufactures or sells, or has in his possession for sale, any such die, seal or stamp as aforesaid;

he shall be guilty of an offence under this section.

- (3) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

- (4) The provisions of subsection (2) of Section 3 shall apply, for the purpose of proving a purpose prejudicial to the safety of the state, to any prosecution for an offence under this section relating to the naval, military or air force affairs of Government or to any secret official code in like manner as they apply, for the purpose of proving a purpose prejudicial to the safety or interest of the state, to prosecution for offences punishable under that section with imprisonment for a term which may extend to fourteen years.

7. Interfering with officers of the police or members of the armed forces of Bangladesh.

- (1) No person in the vicinity of any prohibited place shall obstruct, knowingly mislead or otherwise interfere with or impede any police officer, or any member of the armed forces of Bangladesh engaged on guard, sentry, patrol or other similar duty in relation to the prohibited place.

- (2) If any person acts in contravention of the provisions of this section, he shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

8. Duty of giving information as to commission of offences.

(1) It shall be the duty of every person to give on demand to a superintendent of police, or other police officer not below the rank of inspector, empowered by the Inspector General of police or, in the Dhaka metropolitan area, the police commissioner in this behalf, or to any member of the armed forces of Bangladesh engaged on guard, sentry, patrol or other similar duty, any information in his power relating to an offence or suspected offence under Section 3 or under Section 3 read with Section 9 and, if so required and upon tender of his reasonable expenses, to attend at such reasonable time and place as may be specified for the purpose of furnishing such information.

(2) If any person fails to give any such information or to attend as aforesaid, he shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

9. Attempts, incitements, etc. Any person who attempts to commit or abets the commission of an offence under this Act shall be punishable with the same punishment, and be liable to be proceeded against in the same manner as if he had committed such offence.

10. Penalty for harbouring spies.

(1) If any person knowingly harbours any person whom he knows or has reasonable grounds for supposing to be a person who is about to commit or who has committed an offence under Section 3 or under Section 3 read with Section 9, or knowingly permits to meet or assemble in any premises in his occupation or under his control any such persons, he shall be guilty of an offence under this section.

(2) It shall be the duty of every person having harboured any such person as aforesaid or permitted to meet or assemble in any premises in his occupation or under his control any such person as aforesaid, to give on demand to a superintendent of police or other police officer not below the rank of inspector empowered by the Inspector General of police or, in the Dhaka metropolitan area, the police commissioner in his behalf, any information in his power relating to any such person or persons, and if any person fails to give any such information, he shall be guilty of an offence under this section.

(3) A person guilty of an offence under this section shall be

punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

11. Search warrants.

- (1) If a magistrate of the first class or subdivisional magistrate is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been or is about to be committed, he may grant a search warrant authorizing any police officer named therein, not being below the rank of an officer in charge of a police station, to enter at any time any premises or place named in the warrant, if necessary, by force and to search the premises or place and every person found therein, and to seize any sketch, plan, model, article, note, or document, or anything of a like nature, or anything which is evidence of an offence under this Act having been or being about to be committed which he may find on the premises or any such person, and with regard to or in connection with which he has reasonable ground for suspecting that an offence under this Act has been or is about to be committed.
- (2) Where it appears to a police officer, not being below the rank of superintendent, that the case is one of great emergency, and that in the interest of the state immediate action is necessary, he may by a written order under his hand give to any police officer the like authority as may be given by the warrant of a magistrate under this section.
- (3) Where action has been taken by a police officer under subsection (2) he shall, as soon as may be, report such action to the district or subdivisional magistrate.

12. Power to arrest. Notwithstanding anything in the Code of Criminal Procedure 1898—

- (b) an offence under this Act, other than an offence punishable with imprisonment for a term which may extend to fourteen years, shall be a cognizable and bailable offence; and
- (c) any member of the armed forces of Bangladesh may, without an order from a magistrate and without a warrant, arrest in or in the vicinity of a prohibited place, any person who has been concerned in an offence under Section 3, or under Section 3 read with Section 9 or under clause (a) or clause (b) of subsection (1) of Section 5, or under clause (a) of subsection (1) of Section 6, or against whom a reasonable complaint

has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned, and shall without unnecessary delay take or send the person arrested before a magistrate having jurisdiction in the case or before an officer in charge of a police station, and thereupon the provisions of the said code applicable in respect of a person who, having been arrested without warrant, has been taken or sent before a magistrate or before an officer in charge of a police station shall apply to him.

13. Restriction on trial of offences.

- (1) No court other than that of a magistrate of the first class specially empowered in this behalf by the Government which is inferior to that of a district magistrate shall try any offence under this Act.
- (2) If any person under trial before a magistrate for an offence under this Act at any time before a charge is framed claims to be tried by the court of session, the magistrate shall, if he does not discharge the accused, commit the case for trial by that court, notwithstanding that it is not a case exclusively triable by that court.
- (3) No court shall take cognizance of any offence under this Act unless upon complaint made by order of, or under authority from, the Government or some officer empowered by the Government in this behalf.

Provided that a person charged with such an offence may be arrested, or warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that such complaint has not been made, but no further or other proceedings shall be taken until such complaint has been made.

- (4) For the purposes of the trial of a person for an offence under this Act, the offence may be deemed to have been committed either at the place in which the same actually was committed or at any place in Bangladesh in which the offender may be found.
- (6) The Government may if it thinks fit, by general or special order, direct that the procedure for the trial of an offence under Section 3, or under Section 3 read with Section 9, or under clause (a) or clause (b) of subsection (1) of Section 5, or under clause (a) of subsection (1) of Section 6 shall be that

prescribed for offences under the Enemy Agents Ordinance, 1943, or under the Bangladesh Criminal Law Amendment Act, 1958 (XL of 1958).

14. Exclusion of public from proceedings.
In addition and without prejudice to any powers which a court may possess to order the exclusion of the public from any proceeding if, in the course of proceedings before a court against any person for an offence under this Act or the proceedings on appeal, or in the course of the trial of a person under this Act, application is made by the prosecution, on the ground that the publication of any evidence to be given or of any statement to be made in the course of the proceedings would be prejudicial to the safety of the state, that all or any portion of the public shall be excluded during any part of the hearing the court may make an order to that effect, but the passing of sentence shall in any case take place in public.
15. Offences by companies, etc. Where the person guilty of an offence under this Act is a company or corporation, every director and officer of the company or corporation with whose knowledge and consent the offence was committed shall be guilty of the like offence.
16. Repeals Rep by the Repealing Act, 1927 (XII of 1927) S.2 and Schedule.

Short Notes

This is an Act which consolidates the law relating to official secrets and deals with offences like spying and wrongful communication of secret information. Section 3 of the Act makes it an offence if any person for any purpose prejudicial to the public safety and the interest of the state—

1. approaches, inspects, passes over or is in the vicinity of, or enters any prohibited place; or
2. makes any sketch, plan, model, or note which is calculated to be or might be or is intended to be directly or indirectly useful to an enemy; or
3. obtains, collects, records or publishes or communicates to any other person any sketch, plan, model, article or note or document or information which is calculated to be or might be or is intended to be directly or indirectly useful to an enemy.

In a prosecution for an offence punishable under Section 3(1) of the Act, with imprisonment for a term which may extend to fourteen years, it is not necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interest of the state, and notwithstanding that no such act is proved against him, he may be convicted if, from the circumstances of the case or his conduct or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interest of the state; and if any sketch, plan, model, article, note, document, or information relating to or used in any prohibited place, or relating to anything in such a place, or any secret official code or password is made, obtained, collected, recorded, published or communicated by any person other than a person acting under lawful authority, and from the circumstances of the case on his conduct or his known character as proved it appears that his purpose was a purpose prejudicial to the safety or interest of the state.

Under Section 5, which is another important section, it is an offence if any person having in his possession or control any secret official code or password or any sketch, plan, model, article, note, document or information which relates to or is used in a prohibited place or relates to anything in such a place, or which has been made or obtained in contravention of the Act or which has been entrusted in confidence to him by any person holding a governmental office, wilfully communicates the same to any person other than a person to whom he is authorized to communicate or it is his duty to communicate. Further, the section makes it an offence if any person voluntarily receives any secret official code or password or any sketch, plan, model, article, note, document or information, knowing or having reasonable ground to believe, at the time when he receives it, that the same has been communicated in contravention of the Official Secrets Act. Any publication by a newspaper of an official secret, whether in the form of a note, documents, code or password, sketch, plan or model, makes not only the correspondent, editor, printer and publisher liable to punishment but also every director and officer of the company or corporation with whose knowledge and consent the offence was committed become guilty of a like offence. Undoubtedly, the sweep of this section is very wide.

Yet another important section is 14. Under this section, powers have been vested in the courts in addition and without prejudice to any powers which a court may possess to exclude all or any portion

of the public from any proceeding by the prosecution on the ground that the publication of any evidence to be given or of any statement to be made in the course of the proceedings would be prejudicial to the safety of the state. Obviously, under this provision in cases of the nature mentioned therein, even newspaper reporters may be excluded from the court proceedings.

THE FOREIGN RELATIONS ACT, 1932

Act No. XII of 1932

8th April 1932

An Act to provide against the publication of statements likely to prejudice the maintenance of friendly relations between the Government of Bangladesh and the government of certain foreign states

WHEREAS it is expedient to provide against the publication of statements likely to prejudice the maintenance of friendly relations between the Government of Bangladesh and the government of certain foreign states. It is hereby enacted as follows:

1. (1) This Act may be called the Foreign Relations Act, 1932.
(2) It extends to the whole of Bangladesh.
2. Where an offence falling under Chapter XXI of the Bangladesh Penal Code is committed against a ruler of a state outside but adjoining Bangladesh or against the consort or son or principal minister of such ruler, the Bangladesh Government may make, or authorize any person to make, a complaint in writing of such offence, and, notwithstanding anything contained in Section 198 of the Code of Criminal Procedure 1898, any court competent in other respects to take cognizance of such offence may take cognizance thereof on such complaint.
3. The provisions of Sections 99A to 99G of the Code of Criminal Procedure 1898, and of Sections 27B to 27D of the Post Office Act of 1898, shall apply in the case of any book, newspaper or other document containing matter which is defamatory of a ruler of a state outside but adjoining Bangladesh or of the consort or son or principal minister of such ruler and tends to prejudice the maintenance of friendly relations between the Government of Bangladesh and the government of such state, in like manner as

they apply in the case of a book, newspaper or document containing seditious matters within the meaning of those sections:

Provided that for the purposes of this section the said provisions shall be construed as if for the words "Bangladesh Government" wherever they occur, the words "Bangladesh Government" were substituted.

4. Where, in any trial of an offence upon a complaint under Section 2 or in any proceeding before a High Court arising out of Section 3, there is a question whether any person is a ruler of any state, or is the consort or son or principal minister of such ruler, a certificate under the hand of a secretary to the Bangladesh Government that such person is such ruler, consort, son or principal minister shall be conclusive proof of that fact.

THE CENSORSHIP OF FILMS ACT, 1963

Act No. XVIII of 1963

31st August 1963

An Act to provide for the censorship of cinematograph films and for the decertification of certified films on certain grounds

WHEREAS it is expedient to provide for the censorship of cinematograph films and for the decertification of certified films in the interest of law and order, or in the interest of local film industry, or in any other national interest, and matters incidental thereto or connected therewith;

AND WHEREAS the national interest of Bangladesh in relation to planning and co-ordination and the achievement of uniformity as are referred to in paragraphs (b) and (c) of clause (2) of Article 131 of the Constitution requires central legislation in the matter.

It is hereby enacted as follows:

1. (1) This Act may be called the Censorship of Films Act, 1963.
 (2) It extends to the whole of Bangladesh.
 (3) It shall come into force at once.
2. In this Act, unless there is anything repugnant in the subject or context—
 - (a) "authority" means an authority constituted under Section 3;
 - (b) "certificate" means a certificate granted under subsection (2) of Section 4;

- (c) "certified film" means a film in respect of which a certificate is granted under subsection (2) of Section 4, or has, at any time before the commencement of this Act, been granted under subsection (2) of Section 7 of the Cinematograph Act of 1918;
 - (d) "film" means a cinematograph film;
 - (e) "local area" means an area within which an authority may exercise its powers under this Act;
 - (f) "prescribed" means a film in respect of which no certificate has been granted, and includes a film which is deemed to be uncertified film under any provision of this Act.
3. (1) The Central Government may, by notification in official gazette, constitute as many authorities as it may think fit for the purpose of examining and certifying films for public exhibition, and shall declare the area in respect of which each such authority shall exercise its powers under this Act.
 - (2) Where an authority consists of a Board of two or more persons, not more than one-half of its members shall be persons in the service of Government.
4. (1) No authority shall accept any feature film not being a foreign film, for the purpose of examining its suitability for public exhibition if the total length thereof exceeds 12 thousand feet, except where, on a request from the film producer, the Bangladesh Government has, for any special reason, previously agreed to relax the said limit.
 - (2) If an authority after examination considers that a film is suitable for public exhibition, it shall grant a certificate to that effect to the person applying for the same and cause the film to be marked in such manner as may be prescribed.
 - (3) A certificate granted under subsection (2) shall, subject to the provisions of this Act, be valid for the whole of Bangladesh for such period, if any, as may be specified in the certificate.
 - (4) Where any period is specified under subsection (3), the authority may, on application in this behalf, extend such period, or the period so extended, or dispense with the period so specified or extended.
 - (5) If an authority is of the opinion that a film is not suitable for public exhibition in Bangladesh, or is suitable for such exhibition only for a specified period, it shall inform the person applying for the certificate of its decision, and such person may, within thirty days of the date of receipt of such decision

by him, appeal to the Bangladesh Government against the decision, and the appeal shall be disposed of in the prescribed manner.

- (6) If an appeal is rejected, the Bangladesh Government shall, by notification in the official gazette, declare that the film to which the appeal relates shall be deemed to be an uncertified film in respect of the whole of Bangladesh, or, where the appeal relates to a decision under subsection (4), direct, by order in writing, that the certificate granted under subsection (3) shall be valid only for the period specified therein, or for the period extended under subsection (4), or for such period as may be specified in the order.
5. (1) Notwithstanding anything contained in subsection (3) of Section 4, an authority may—
- (a) before a certified film is publicly exhibited within its local area, require it to be exhibited before such authority; and
 - (b) if it is of opinion that the film should not be publicly exhibited within its local area, by order, suspend, pending the orders of the Bangladesh Government under subsection (4), the certificate in respect of that film granted by any other authority.
- (2) If a district magistrate is of the opinion that a certified film should not be publicly exhibited within his district, he may, by order, suspend, pending the orders of Bangladesh Government under subsection (4), the certificate in respect of that film granted by any authority.
- (3) A certified film shall, during the period of suspension of its certificate under subsection (1) or subsection (2), be deemed to be an uncertified film in respect of the local area or district within the jurisdiction of the authority or district magistrate making the order or suspension.
- (4) A copy of any order of suspension made under subsection (1) or subsection (2), together with a statement of the reasons therefore, shall forthwith be forwarded to the Bangladesh Government by the authority or the district magistrate making the order, and the Bangladesh Government may either discharge the order or, by notification in the official gazette, direct that the film shall be deemed to be an uncertified film in respect of Bangladesh or such area or areas as may be specified in the notification.

- (5) Where, on receipt of a reference under subsection (4), or of its own motion, the Bangladesh Government is of the opinion that a certified film should not be publicly exhibited in Bangladesh, it may, by notification in the official gazette, direct that such film shall be deemed to be an uncertified film in respect of the whole of Bangladesh.
6. (1) Notwithstanding anything in the Cinematograph Act of 1918, or in any other law for the time being in force, the Bangladesh Government shall prescribe the places or class of places licensed for the exhibition of cinematograph films where, and the period or periods for which, any certified film or class of certified films may be exhibited.
- (2) In respect of places prescribed under subsection (1), the Bangladesh Government may, by rules, provide for the regulation of proper seating, sanitary, booking and other arrangements.
7. Where the Bangladesh Government is of the opinion that a certified film, or class of certified films, should, in the interest of law and order, or in the interest of local film industry, or in any other national interest, be decertified in respect of the whole or any part of Bangladesh, it may, of its own motion, by notification in the official gazette, direct that such film or class of films shall be deemed to be uncertified film or films in respect of the whole of Bangladesh, or such area or areas as may be specified in the notification.
8. (1) Whoever exhibits an uncertified film, or a certified film which does not show the mark of an authority or which has been altered or tampered with in any way since such mark was affixed thereto, or contravenes any other provision of the Act or the rules made thereunder, shall be punishable with fine which may extend to taka one thousand and, in the case of a continuing offence, with a further fine which may extend to taka one hundred for each day during which the offence continues.
- (2) Where a person is convicted of an offence punishable under subsection (1) in respect of any film, the court passing the sentence may further direct that the film shall be forfeited to the Bangladesh Government.
- (3) Where a person is convicted of an offence punishable under subsection (1) in respect of a place licensed for the exhibition of cinematograph films, the court passing the sentence may

further direct that, notwithstanding anything in the licence relating to such place, no cinematograph film shall be exhibited in that place for such period, not exceeding three months, as may be specified by the court.

9. (1) No court shall take cognizance of any offence punishable under this Act, save on complaint by an authority or an officer of an authority authorized by it in this behalf.
- (2) Where a person guilty of an offence punishable under this Act is a company or other body corporate, every managing director, director, manager, secretary or other officer or agent thereof shall, unless he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent its commission, be deemed to be guilty of such offence.
10. (1) The Bangladesh Government may, by notification in the official gazette, make rules for carrying out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, rules made under this section may provide for—
 - (a) the manner in which films in respect of which certificates are granted shall be marked;
 - (b) the manner in which appeals shall be disposed of;
 - (c) the procedure of the authorities, and all matters ancillary thereto, and the fees to be charged by them;
 - (d) the appointment of officers subordinate to the authorities and the regulation of the powers and duties of such officers; and
 - (e) any other matter which by this Act is to be prescribed.
11. The Bangladesh Government may, by order in writing, exempt, subject to such conditions and restrictions if any, as it may impose, any film from all or any of the provisions of this Act.
12. The Bangladesh Government may, by notification in the official gazette, delegate all or any of the powers exercisable by it under this Act to such authority or other person as may be specified in the notification.
13. In the Cinematograph Act of 1918,
 - (1) for the expression "appropriate Government" wherever occurring except in Sections 2 and 7 thereof the expression "Bangladesh Government" shall be substituted;
 - (2) in Section 2, the paragraph defining the expression "appropriate Government" shall be omitted;

- (3) in Section 5, in subsection (2) for the word and figure "Section 7" the words and figures "the Censorship of Films Act of 1963" shall be substituted;
 - (4) Section 7 shall stand repealed; and
 - (5) in Section 8, in subsection (2),
 - (a) in clause (a), the word "and" shall be added at the end; and
 - (b) clauses (b) and (bb) shall be omitted.
14. Notwithstanding anything in the Cinematograph Act of 1918, or the rules made thereunder, any authority or authorities constituted under Section 7 of that Act and functioning immediately before the commencement of the Act shall, until other authority or authorities are constituted in accordance with the provisions of this Act, be deemed to have been constituted under Section 3, and all other provisions of this Act shall apply accordingly.

THE CENSORSHIP OF FILMS (AMENDMENT) ORDINANCE, 1982 Ordinance No. LVIII of 1982

AN ORDINANCE further to amend the Censorship of Films Act, 1963

WHEREAS it is expedient further to amend the Censorship of Films Act.

NOW, THEREFORE, in pursuance of the proclamation of the 24th March 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:

1. Short title. This Ordinance may be called the Censorship of Films (Amendment) Ordinance, 1982.
2. Amendment of Section 3, Act XVIII of 1963. In the Censorship of Films Act, 1963 (XVIII of 1963), hereinafter referred to as the said Act, in Section 3, in subsection (1), after the word "authority", the words "to be called the Bangladesh Film Censor Board" shall be inserted.
3. Amendment of Section 4, Act XVIII of 1963. In the said Act, in Section 4—
 - (a) for subsection (1) the following shall be substituted, namely:

"(1) A person may submit a film to the authority, together

with an application in the prescribed form, for granting a certificate that the film is suitable for public exhibition:

Provided that the authority shall not accept any feature film, not being a foreign film, for the purpose of examining its suitability for public exhibition if the total length thereof exceeds fourteen thousand feet, except where, on a request from the film producer, the Government has, for any special reason, previously agreed to relax the said limit;" and

- (b) in subsection (5), after the word and comma "Bangladesh," the words and comma "or may be suitable for such exhibition only if a specified portion thereof is excised," shall be inserted.
4. Amendment of Section 5, Act XVIII of 1963. In the said Act in Section 5, for the words "district magistrate", occurring twice, the words "deputy commissioner" shall be substituted in both the places.
 5. Amendment of Section 7A, Act XVIII of 1963. In the said Act, in Section 7A, in subsection (1), after the words "police officer", the words "not below the rank of inspector" shall be inserted.
 6. Amendment of Section 8, Act XVIII of 1963. In the said Act, in Section 8 for subsection (1) the following shall be substituted, namely:
 "(1) Whoever exhibits an uncertified film, or a certified film which does not show the mark of the authority or which has been altered or tampered with in any way since such mark was affixed thereto, or contravenes any other provision of this Act or the rules made thereunder, shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to taka ten thousand, or with both."
 7. Amendment of Section 9, Act XVIII of 1963. In the said Act, in Section 9, the subsection (1) shall be omitted.

H.M. ERSHAD, ndc. Psc
 Lieutenant General
 Chief Martial Law Administrator
 SHAMSUR RAHMAN
 Deputy Secretary
 DHAKA
 9th December 1982