

Friday, January 12, 2007
Emergency Power Ordinance, 2007
Ordinance No. 1 / 2007

In order to preserve the security and interest of the state and its people, maintain public order and sustain economic life, and ensure supply of deadly necessities and services of social life, and with a view to adopting special measures

Ordinance

Whereas The President of the People's Republic of Bangladesh has declared the State of Emergency under the Article 141A (1) of the Constitution;

And whereas in preserving the security and interest of the state and its people, in maintaining public order and sustaining economic life, and in ensuring supply of deadly necessities and services of social life, adoption of special measures appears expected and inevitable;

And whereas the Parliament stands not in session and it has been satisfactorily proved to the President that due ground, prompting immediate measures, prevails;

The President of the People's Republic of Bangladesh, under the Article 93 (1) of the Constitution, promulgates and declares the ordinance as follows-

1. **Short title and tenure-** (1) this ordinance will be introduced as Emergency Power Ordinance 2007,

(2) this will remain enforceable until the period of emergency declared on January 11, 2007
2. **Predominance of the ordinance-** Whatsoever obverse is stated in currently enforced other laws, treaties or legal documents, provisions of this ordinance or rules framed under these provisions or orders under so framed rules will remain enforceable.
3. **Promulgation of rules-** (1) In order to preserve the security and interest of the state and its people, maintain public order and sustain economic life, and ensure supply of deadly necessities and services of

social life, the government will promulgate such rules, with a circular in the public gazette, as are considered necessary.

(2) specially, and making no alteration to the exclusiveness of the subsection (1), under such section, provisions may be made as follows, or power may be delegated to any authority to make provisions on such matters as-

- a) abating activities spreading hatreds to the government or panic in people's mind.
- b) abating activities jeopardizing relations with foreign countries.
- c) abating activities affecting peace and harmony in any corner of Bangladesh
- d) abating activities provoking hatred or hostility amongst parts or classes of societies.
- e) abating activities opposed to the security and interest of the state and its people
- f) abating activities jeopardizing economic life and public order in Bangladesh
- g) abating activities hindering supply of deadly necessities and services in the society
- h) prohibition of publications in the form of news, books or articles, documents or papers jeopardizing people's security, public order and supply of deadly necessities or services, and prohibition of broadcasting such news or information through electronic media.
- i) putting ban on newspapers, books or articles, documents or papers referred to in provision (h), and summoning deposits of the printing press concerned and ban it.
- j) besides banning deposits or, where necessary, prohibiting broadcasting referred to in provision (i), closure of newspapers, books and articles, documents or papers or the printing press concerned as referred to in provision (h), and take in to custody the tools of the electronic media.

k) bringing under safety-net the rivers, sea ports, air ports, dock yards, railways, streets, bridges, canals, telegraph, gas and electricity supply system, river and road transport, air and railway warehouses, mills, industrial or commercial institutions, and residential installments used or to be used by the government authority or any local authority, premises, and other properties.

l) making provisions to take into custody a person, or imposing restrictions on him / her in terms of entrance, living, appearance or movement who attempts activity likely to jeopardize relations with any foreign country, safety and interest of the state and its people, supplies of deadly necessities and services of social life or peace and harmony in any part of Bangladesh.

m) restricting any person entering into, leaving or traveling in Bangladesh.

n) restricting tenures and leaves of the river and sea ports, air ports, dock yards and industrial and commercial organizations and institutions.

o) restricting transportations in rail ways, roads and highways and preservation of seats, if necessary for any government or local authority, in water vehicles, trains or highway vehicles.

p) taking in custody the postal apparatus or its delayed distribution, or monitoring exchange of messages over radio, telegram, telex, fax, internet or telephone, and taking in custody the message sent, or putting hindrance in sending messages.

q) restricting industries, trade and commerce in order to ensure the supply of deadly necessities and services of social life.

r) controlling supply, distribution and utilization of electricity.

s) getting hold of, by the government, the maintenance of any institution or property concerned with the supply of deadly necessities or services of social life.

t) controlling possession, utilization or dealings of currencies, gold or silver, bank note, currency note, security and foreign currency .

u) getting hold of durable or temporary properties.

- v) impeding unfair activities like storing, unfair profiting, and black marketing to support supply of deadly necessities in social life.
- w) prohibiting of export and import of commodities or materials including currencies, gold or silver, bank note, currency note, security and foreign currency, and enforcing Customs Act 1969 (IV of 1969) to control the export and import.
- x) prohibiting and controlling of meeting, conference, fair, procession, rally and blockade and controlling media coverage of these events.
- y) withholding functions and activities of political parties, trade unions, clubs or associations.
- z) taking in custody such materials as are deemed to have been being used in a particular place jeopardizing safety and interest of the state and its people.
- zz) banning strike and lockout.

(3) under sub-section (1), provisions may be made on any or all of the matters as follows-

- a) arrest and trial of any person violating such law or any provision under it;
- b) violation of such law or any provision under it, or attempt to violate it, or aid to violate it, or attempt to aid violating it will be convicted to death penalty or life sentence or, imprisonment for up to fourteen years or financial penalty or both of them.
- c) taking into custody the property that made ground for a person to violate the provision referred to in provision (b).
- d) empower or vest authority to the government or any officer or any authority, on the matters relating to that provision.
- e) determining duties and responsibilities on public officers and other persons in enforcing that provisions and combating any violation of it.
- f) combating any obstacle in serving any notice under that rule or any provision of it.

g) collecting fee of any license, permit or certificate issued under that rule.

(4) any rule subject to this section may be given retrospective effect.

4. Vesting Power- Government can, by an order, vest power referred to in section 3, on any of its serving official or authority.

5. Preservation of Order- (1) Nothing stated in this ordinance or no provision subject to this ordinance can be challenged in any court.

(2) in the cases where, under this ordinance or through power vested under this ordinance, any order is released or signed by any authority, that order shall be attributed to that particular authority, subject to the Evidence Act 1872 (X of 1872).

6. Indemnity- (1) no action, done by a person in good faith, according to this ordinance or any rule under this ordinance or any provision under such rule, may be challenged in civil or criminal court.

(2) no action, done in good faith by the government, according to this ordinance or any rule under this ordinance or any provision under such rule, and any resultant damage due to the action, may be challenged in civil or criminal court.

Professor Dr. Yazuddin Ahmed
President
People's Republic of Bangladesh