

The Parliament of Bangladesh

The Act below enacted by Parliament was approved by the President on 17 March 2002 and is published herewith for the information of the general public.

Dhaka, 17March 2002/3Chaytra 1409.

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Act II of 2002

The Act is enacted for making provision to prevent the acid-offences.

Whereas, it is proper and expedient to make provisions to prevent acid-offences strictly, so the Act is enacted as follows:

1. **Short Title:** This Act shall be Called as the “Acid-Offences Prevention Act 2002”.
2. **Definition:** In this Act, unless there is anything repugnant in the subject or context:
 - a) ‘Offences’ means any criminal act punishable under this Act
 - b) ‘Acid’ includes any substances, burner caustic and poisonous.
 - c) ‘Tribunal’ means any tribunal established under this Act.
 - d) ‘Criminal Procedure Code’ means the Code of criminal Procedure’1898 (Act 5 of 1898).
 - e) ‘High Court Division’ means the High Court Division of the Suprime Court of Bangladesh.
3. **Supremacy of the Act:** Notwithstanding anything contained under any other law for the time being in force, the provisions of this Act shall be effective.
4. **Punishment for killing of a person by acid:** Whoever kills anyone by acid shall be punished with, death or rigorous imprisonment for life and also with fine not exceeding one lac taka.
5. **Punishment for hurt by acid:** Whoever causes such bodily injury to a person, by acid, that-
 - a) his/her sight or ear is damaged fully or partly or face or breast or sexual organ is disfigured or damaged, he shall be punished with, death or rigorous imprisonment for life and also with fine not exceeding one lac taka;
 - b) Any member or joint of his/her body is disfigured or damaged or injured in any part thereof, he shall be punished with, imprisonment for either description which may extend to fourteen years but not less than seven years of rigorous imprisonment.

6. **Punishment for acid throwing or attempt to throwing:** Whoever throws or attempts to throw acid on any other person even such act causes no damage or injury to that other person whether physically, mentally or otherwise, he shall be punished with, imprisonment for either description which may extend to seven years but not less than three years of rigorous imprisonment and also with fine not exceeding fifty thousand taka.
7. **Punishment for abetment to commit the offence:** Whoever abets to commit any offence under this Act, shall, if the act abetted is committed in consequence of the abetment or any attempt is made to commit such act, he shall be punished with the punishment provided for the offence.
8. **Punishment for filing false case, complaint etc.:**
 - i. Whoever files any case or complaint against any person having intention to cause damage to that person although the person filing the case or complaint or causes to be filed, knows he has no just and legal ground to do so, shall be punished with rigorous imprisonment for either description which may extend to seven years and also with fine.
 - ii. The Tribunal can take cognizance of and try any offence under sub-section (i) on a written complaint by any person.
9. **Providing the amount fined to the injured:** The fined amount shall be provided under this law in accordance with the provisions of the law in force, to the successor of the person died in consequence of the offence otherwise to the person being injured physically or mentally or to the successor if dead, after realizing it from the person convicted or from his assets or by realizing from the assets left at the time of his death.
10. **Procedure for realizing the fine:** Under this Act, when a fine is imposed, the Tribunal shall direct the Collector of the District to deposit the amount levied from selling the properties of the convict, movable or immovable, by attachment and sale by auction or sale by auction without attachment after making the list of the properties, under the procedure provided by the law or under the procedure determined by the Tribunal, and to provide the amount to the person injured in consequence of the offence.
11. **Investigation:**
 - i. Under this Act, the investigating police officer shall complete the investigation within thirty days from the date the information relating the offence received or the Magistrate orders for investigation.
 - ii. When it appears that the investigation cannot be completed within the period prescribed under sub-section (i), and if the investigating officer can satisfy the Tribunal showing special reasons that it should be proper to extend the time for investigation for the ends of justice, the Tribunal can extend the time for not more than fifteen days.
 - iii. When it appears that the investigation cannot be completed within the extended period under sub-section (ii), the Tribunal can direct on a petition, to complete the investigation or further investigation within the additional

period not more than fifteen days, if he is satisfied, even after the expiration of the extended period or at any time of the trial or for the ends of justice, that the investigation should be completed or in place, further investigation is needed, regarding the offence.

- iv. If the investigating officer fails to complete the investigation under sub-section (ii) or otherwise sub-section (iii) the Tribunal can:
 - a) direct the concerning authority to complete the investigation within the period not exceeding fifteen days by any other officer;
 - b) direct under this Act, the authority, subordinate to which the officer who failed to complete the investigation within the prescribed period, to take action against the officer denoting his failure as incompetence.

- v. The Tribunal can direct the authority, on any application or information received, to appoint an officer in place of the officer investigating the offence.

12. Accused regarded as witness in special circumstances: After producing the Investigation Report if the Tribunal becomes satisfied considering the information of the Report that any person accused in the Report should be produced as a witness before it, the Tribunal can direct to produce him as a witness.

13. Negligence of the investigating officer in collecting evidence, examining witness etc.: If it appears before the Tribunal, after the examination of the witness that any investigating officer of an offence under this Act, did not collect or ignored any relevant evidence useful for proving the offence, for the purpose of keeping any person away from the liability of the offence or due to voluntary negligence, or produced the person as a witness though he should be produced as an accused or produced the Report without examining an important witness, the Tribunal can direct the authority subordinate to which the officer acts, to take legal action against the officer denoting his act or negligence as incompetence or otherwise mis-conduct.

14. Cognizability, Non-compoundability and Non-bailability of offences: All offences under this Act shall be deemed as cognizable, non-compoundable and non-bailable.

15. Provision relating to Bail:

- i. Under this Act, no person accused or punishable, shall be released on bail, if:
 - a) The state or the complainant is not given the chance for hearing on the bail petition;
 - b) The Tribunal is satisfied that there are reasonable ground for conviction, against the person accused for the offence;
 - c) He/she is not woman or child, or not physically impaired and the tribunal is not satisfied that ends of justice will not be hampered if he is enlarged on bail.
- ii. If the Tribunal or in place, the Appellate Court is satisfied, on the investigation Report of an offence or any information from that source, that

there are reasonable grounds to believe that the person is not involved in the offence, the Tribunal or the Appellate Court can release the person on bail mentioning the information and the reason behind it.

16. Trial procedure:

- i. Any offence under this Act shall be tried only by the Acid-offences Prevention Tribunal established under section 23.
- ii. Hearing of any offence before the Tribunal shall continue on each working day until the completion from the date it commences.
- iii. The Tribunal shall dispose of any case within ninety days from the date the file of the case produced before it.
- iv. If any Judge of the Tribunal, adjudicating any offence, is transferred before the final adjudication, the Judge replacing the former shall adjudicate the case from where the former judge left off, and the witness need not to be examined again who has been examined previously by the former;

Provided that, if he thinks inevitable that any witness to be examined for the ends of justice who has been examined previously, he can examine the witness again.

- v. The Tribunal while adjudicating offences under section 4,5 and 6, if thinks fit on an application, can examine the victim of the offence or can take the testimony of any witness in a closed-door room.

17. Procedure for an accused child: If a child is accused of any offence under this Act, the provision of Children Act 1974 (Act XXXIX of 1974) shall be followed as possible in adjudicating the matter.

18. Adjudication in absence of the accused:

- i. If the Tribunal has reasonable grounds to believe that:
 - a) The accused person is absconding or hiding himself to avoid the arrest or adjudication; and
 - b) There is no chance of arresting the accused immediately, the Tribunal can order the accused to be present before the Tribunal, through order published in at least two Bengali dailies, within the period prescribed in the order not exceeding fifteen days, and if the accused fails to appear before the Tribunal within that period, the Tribunal may dispose of the matter in absence of him.
- ii. If the accused absconds after, his appearance before the Tribunal or he is produced before the Tribunal or being released on bail by the Tribunal, the provision of sub-section (i) shall not apply for him and the Tribunal may adjudicate the matter in absence of him notifying the reasons.

19. Power of Magistrate to take statement at any place:

- i. The police officer or any other person investigating any offence under this Act or the investigating police officer while arresting an accused on the spot, thinks that for the speedy adjudication of the offence, any person having knowledge or any eye-witness should be examined, he may request to a

Magistrate of the First Class, in written or otherwise, to write down the statement of the person.

- ii. The Magistrate under sub-section (i), shall take the statement of that person on the spot or any other place and the statement so taken shall be sent directly to the investigating officer, for producing it before the Tribunal along with the Investigation Report.
- iii. If, in any Tribunal, trial of any offence commences under subsection(i) and it appears that the person giving statement under subsection(ii) should be examined, but he is, dead or incapable of giving evidence or he cannot be found or the appearance of the witness is such that it cannot be procured without an amount of delay, expense or inconvenience which under the circumstances of the case, would be unreasonable, the Tribunal may take the statement as evidence;

Provided that the Tribunal shall not punish the accused relying only on that statement.

20. **Evidence by the chemist and Pathologist etc.:** The surgeon, the chemist, the assistant, chemist, the pathologist, the hand-writing expert, the fingers-print expert or the arms and ammunition appointed by the Govt., who, examines or analyses at any time of the proceeding of an offence under this Act for the preparation of the report, is needed to give evidence after producing the Report before the Tribunal, but if he is dead or incapable of giving evidence or he cannot be found or the appearance of the witness is such that it cannot be procured without an amount of delay, expense or inconvenience, which under the circumstances of the case is unreasonable, the examination report signed by him may be regarded as evidence under this Act.

Provided that the Tribunal cannot punish the accused relying only on the report.

21. **Appearance of the Witness:**

- i. For the adjudication of any offence under this Act, the summons shall be sent to the officer-in-charge of the Thana in which the latest residing address of the witness is situated, to give effect of the summons or warrant and the officer-in-charge shall be liable to produce the witness before the Tribunal.
- ii. Notwithstanding any provision under the sub-section(i), a copy of the summons can be sent by registered post along with the acknowledgement-letter to the witness or the District Police Super or in place, the Police Commissioner.
- iii. The tribunal can direct the authority subordinate to which the police officer is who acts negligently to give effect to the summons or warrant under this Act, to take action against that officer denoting his act as incompetence.

22 **Application of the Code of Criminal Procedure etc.:**

- i. Nothing herein contained otherwise under this Act, the provision of the Code of Criminal procedure shall apply to the submission of complaint, investigation, trial or settlement of any offence.
- ii. The Tribunal shall be regarded as a Court of Session and shall exercise all the power of the Court of Session to try offences under this Act or any other offence accordingly.

- iii. The person conducting the case on behalf of the pleader before the Tribunal, shall be called as Public Prosecutor.

23. Acid-offences Prevention Tribunal:

- i. The Government may establish one or more Tribunal, by official Gazette and the Tribunal so established shall be called as Acid-offences Prevention Tribunal.
- ii. When more than one Tribunal are established, the local jurisdiction of each Tribunal shall be determined by the Gazette under sub-section(i).
- iii. The Tribunal shall consist of one Judge and the Govt. shall appoint the Judge between the District or Session Judges.
- iv. The Government, if thinks fit, may appoint the District Judge or Session Judge as the Judge of the Tribunal in addition to his duty.
- v. For the purpose of this section, the district Judge or the a Session Judge shall include the Additional Judge and the Additional Session Judge respectively.

24. Cognizance of offence etc.:

- i. The Tribunal shall not take cognizance of any offence except the report in writing is produced before it by any police-officer not below the rank of Sub-inspector or any other person empowered by general or special order of the Government for this purpose.
- ii. If the Tribunal is satisfied as such that, any person requesting any police officer or any person empowered to take cognizance of any offence under sub-section (i), is failed, the Tribunal can take cognizance of the offence directly without the Report under sub-section (i).
- iii. The Tribunal can take cognizance of any offence against a person, if it think fit, notifying the reason behind it, though no allegation regarding the commencement of the offence by the person or no recommendation for further proceeding exists in the Report under sub-section (i).
- iv. If any offence or part thereof under this Act is committed within the jurisdiction of a particular Tribunal, the Report or the complaint shall be produced before that Tribunal and the offence shall be tried by that particular Tribunal.

25. Jurisdiction of the Tribunal regarding offences under other Laws: If an offence under this Act is related as such with an offence under any other law that both the offences needed to be tried together and in the same trial for the end of justice, then both the offences can be tried under this Act and together or in the same Tribunal.

26. Appeal: The aggrieved party can lodge an appeal against the order, decree or punishment imposed by the Tribunal to the High Court Division within sixty days after the renouncement of that order, decree or punishment.

27. **Approval of Death penalty:** When a Tribunal under this Act passes sentence of death, the proceedings shall be submitted to the High Court Division u/s 374 of the Code of Criminal Procedure and the sentence shall not be executed unless it is confirmed by the High Court Division.
28. **Safe Custody:** While at the time of, investigation of any offence under this Act or trial of such offence, the Tribunal thinks fit that any person is needed to be kept in the safe custody, the Tribunal can direct to keep the person under the custody of, a Govt. official in a place prescribed by the Govt. outside the jail or of any person or organization as the Tribunal thinks fit.
29. **Medical Examination:**
- i. The victim of any offence under this Act may be examined in any Government Hospital or in a Non-Government Hospital or in a Health Complex administered by any Non-Government voluntary organization, recognized by the Govt. for this purpose.
 - ii. If any person being victim of any offence under this Act, is taken to the Hospital or the Health Complex mentioned in sub-section (i), the doctor-in-duty of that Hospital or Health Complex shall complete the medical examination immediately and shall provide a certificate regarding the examination.
 - iii. If the examination is not held or the certificate is not provided under sub-section (ii), the Tribunal may direct the authority appointing the doctor or in place, proper authority to take action against the doctor for negligence.
30. **Power to make Rule:** The Government may by the official Gazette, make rules for carrying into effect the purpose of this Act.
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