

Acid Offence Control Act, 2002

(Act No. II of 2002)

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(Act No. II of 2002)

[March 17, 2002]

An Act to make provisions for controlling acid offences strongly.

Whereas it is expedient and necessary to make provisions for controlling acid offences strongly;

It is hereby enacted as follows: –

1. Short title.- This Act may be called the Acid Offence Control Act, 2002.

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

- (a) “offence” means any offence punishable under this Act;
- (b) “acid” includes any kind of burning, corrosive and poisonous substance;
- (c) “Tribunal” means any Tribunal constituted under this Act;
- (d) “Code of Criminal Procedure” means the Code of Criminal Procedure, 1898 (Act V of 1898);
- (e) “High Court Division” means the High Court Division of the Supreme Court of Bangladesh.

3. Act to override other laws.- The provisions of the Act shall have effect notwithstanding anything contained in any other law for the time being in force.

4. Punishment for causing death by acid.- If any person causes death of any other person by acid, such person shall be punished with death or rigorous imprisonment for life and in addition to that shall also be liable to fine not exceeding Taka one lac.

5. Punishment for causing hurt by acid.- If any person causes hurt to any other person in such a way that his—

- (a) eye sight or hearing power is lost fully or partially or his face, breast or sexual organ is defaced or destroyed, such person shall be punished with death or rigorous imprisonment for life and in addition to that shall also be liable to fine not exceeding Taka one lac;
- (b) any other organ, ligament or part of the body is deformed or destroyed or any part of the body is injured, such person shall be punished with rigorous imprisonment for not more than fourteen years but not less than seven years and in addition to that shall be liable to fine not exceeding Taka fifty thousand.

6. Punishment for throwing or attempting to throw acid.- If any person throws or attempts to throw acid to any other person, he shall be punished with rigorous imprisonment

for not more than seven years but not less than three years and in addition to that shall also be liable to fine not exceeding Taka fifty thousand though for his such activities the concerned person is not affected physically, mentally or in any other way.

7. Punishment for abetment.- If any person abets any offence under this Act and the offence abetted is committed or attempt is made to commit the offence, the person abetting or attempting to commit the offence shall be punished with imprisonment provided for committing or attempting to commit the offence.

8. Punishment for lodging false case or complaint, etc.- (1) If any person lodges or causes to lodge any case or complaint against any other person with intent to cause harm to him, knowing that there is no proper and lawful reason to lodge any case or complaint under any section of this Act, the person who lodges the case or complaint and, the person who causes to lodge the complaint, shall be punished with rigorous imprisonment for not more than seven years and in addition to that shall also be liable to fine.

(2) On the basis of any written complaint by any person, the Tribunal may receive and try the case of any offence committed under sub-section (1).

9. Money realized as fine to be given to the victim.- Money realized as fine under this Act from the convicted person or from his existing properties or, in the case of his death, from the properties left out at the time of his death, shall be given to the heirs of the person died in consequence of the offence or the person affected physically or mentally, as the case may be, or in the case of death of that person, to his heirs.

10. Procedure for realization of fine or compensation.- If any fine is imposed under this Act, the Tribunal may give direction to the collector of the concerned district to attach and sell by auction or without attachment to sell by auction directly enlisting the movable or immovable property of the accused and to deposit the earned money to the Tribunal in the manner prescribed by rules or in the absence of such rules in the manner prescribed by the Tribunal and the Tribunal shall take measures to give such money to the affected person of the offence.

11. Investigation of offences.- (1) The investigation of offence under this Act shall be concluded by the concerned police officer within thirty days from the date of receiving the information of committing the offence or from the date of giving the order of investigation by the Magistrate.

(2) Where the investigation is not possible to conclude within the time-limit mentioned in sub-section (1), the Tribunal may extend the time-limit for not more than fifteen days if the investigation officer can satisfy the Tribunal, showing special reason, that for the interest of justice it is necessary to extend the time-limit for investigation.

(3) Where the investigation is not concluded within the extended time specified in sub-section (2), the Tribunal may give direction to conclude the investigation or further investigation within further fifteen days if it is satisfied, after expiration of the time-limit or during the trial of the case, on the basis of any application or for the interest of justice, that it is necessary to conclude the investigation of any offence or, as the case may be, to make further investigation.

(4) If any investigation officer fails to conclude the investigation within the extended time-limit directed under sub-section (2) or, as the case may be, under sub-section (3), the Tribunal may—

- (a) give direction to the concerned authority to conclude the investigation by another officer within further fifteen days; and
- (b) give direction to the controlling authority to take action against the officer failed to conclude the investigation within the time-limit specified in this section identifying such failure as his inefficiency.

(5) The Tribunal may, on the basis of any application or any other information, give direction to the concerned authority to appoint any other investigation officer, instead of previous investigation officer.

12. Accused to be deemed as witness in appropriate cases.- If the Tribunal is satisfied, after submission of the investigation report, by examining the information from the investigation report that it is expedient to convert any person mentioned as accused in the investigation report as witness for the interest of justice, the Tribunal may give direction to deem such person as witness instead of an accused.

13. Negligence of the investigation officer in collecting sample, evidence, etc.- If, after completion of the evidence of the case, it appears to the Tribunal that any investigation officer under this Act submits the investigation report with intent to save any person from the liability of any offence or without collecting or considering any acceptable evidence to prove the offence by wilful negligence making such person as witness instead of making him accused or without examining any important witness, then the Tribunal may give direction to the controlling authority of the said officer to take proper legal action against him stating such act or negligence of that officer as his inefficiency or misconduct, as the case may be.

14. Offence to be cognizable, non-compoundable and non-bailable.- All offences under this Act shall be non-cognizable, non-compoundable and non-bailable.

15. Provisions relating to bail.- (1) Subject to other provisions of this Act, no accused or any person liable to be punished shall be released on bail, if—

- (a) the State or the complainant, as the case may be, is not given an opportunity of being heard on the application of his release; and
- (b) the Tribunal is satisfied that there is reasonable ground for conviction on the basis of the complaint brought against him; or
- (c) the person is not a female, child or physically disabled and the Tribunal is not satisfied that justice shall not be hampered if he is released on bail.

(2) If, after completion of the investigation of an offence or on the basis of other information received from the investigation, the Tribunal or the Appellate Court, as the case may be, is satisfied that, there is reasonable ground to believe that the person is not involved in the offence, the Tribunal or the Appellate Court may give order for his release on bail stating the related information and grounds.

16. Procedure for trial.- (1) The offences under this Act shall only be tried in the Acid Offence Control Tribunal constituted under section 23.

(2) After commencement of hearing of any case in any Tribunal, the hearing shall continue in every working day consecutively until its conclusion.

(3) The Tribunal shall conclude the trial within ninety days from the date of receipt of the record of the case.

(4) If any judge of the Tribunal is transferred without concluding of the trial of any case, the substituted judge shall try the case from the stage where the previous judge stopped it and no further evidence of any witness shall be required whose evidence was recorded by the previous judge:

Provided that if he thinks necessary to re-examine the witness for the interest of justice, he may recall any witness whose evidence was recorded.

(5) In the case of trial of any offence under sections 4, 5 and 6, the Tribunal may, on the basis of any application, record the statement of any witness or any person who is victim of the offence in close door, if it thinks fit.

17. Procedure for trial of an accused child.- If any child is accused for an offence committed under this Act, in his case the provisions of the Children Act, 1974 (Act XXXIX of 1974) shall, so far as, be followed.

18. Trial in absentia of the accused.- (1) If the Tribunal has reasonable ground to believe that, –

- (a) an accused has absconded or concealing himself to avoid arrest or to produce himself for trial; and
- (b) there is no immediate prospect of arresting him, the Tribunal may, by order published in at least two daily newspapers, direct such person to appear before it, within such time specified in the order, which shall not be more than fifteen days and if such accused person fails to appear before the Tribunal within such time, the Tribunal may conclude the trial in his absence.

(2) If the accused, after his appearance or producing him before the Tribunal or his release on bail by the Tribunal absconds, the provisions of sub-section (1) shall not apply in his case and in that case the Tribunal may, recording the reason, conclude the trial in his absence.

19. Power to record statement by the Magistrate in any place.- (1) If any police officer or any person investigating any offence committed under this Act, or any police officer at the time of arresting any accused at the place of occurrence, thinks it necessary to record immediately the statement of any person having knowledge of the occurrence or witnessed the same by a Magistrate for speedy trial of the case, then he may in writing or in any other way request any Magistrate of the First Class to record the statement of such person.

(2) The Magistrate mentioned in sub-section (1) shall record the statement of such person in the place of occurrence or in any other proper place and send such recorded statement directly to the investigation officer or the person, along with the investigation report, to submit before the Tribunal.

(3) If the trial of any accused person for any offence mentioned in sub-section (1) commences in any Tribunal and is found that the evidence of the person giving statement under sub-section (2) is required, but is dead or unable to depose or is not possible to find out him or the endeavour to produce him before the Tribunal shall cause such late, expenditure or disadvantage that is not expected for the situation, then the Tribunal may accept such statement as evidence for that case:

Provided that the Tribunal shall not award conviction to the accused person only on the basis of the evidence of such witness.

20. Evidence of chemical examiner, blood examiner, etc.- If the evidence of any doctor, chemical examiner, assistant chemical examiner, blood examiner, hand writing expert, finger print expert or arms expert appointed by the government who submits any report by examining or analyzing any matter at the time of proceeding any offence under this Act, is required in trial, but is dead or unable to depose or is not possible to find out him or the endeavour to produce him before the Tribunal shall cause such late, expenditure or disadvantage that is not expected for the situation, then the examination report signed by him shall be accepted as evidence at the time of trial under this Act:

Provided that the Tribunal shall not award conviction to the accused person only on the basis of such report.

21. Appearance of witnesses.- (1) To execute the summons or warrant for the trial of any offence under this Act, shall be sent to the Officer-in-charge of any police station where the residential address of the concerned witness is situated and the Officer-in-charge of such police station shall be responsible to produce the witness before the Tribunal.

(2) Notwithstanding the provision of sub-section (1), a copy of the summons of the witness may be sent by registered post with acknowledgement to the concerned witness of the concerned Superintendent of Police or the Police Commissioner, as the case may be.

(3) If any police officer deliberately neglects to execute the summons or warrants under this Act, the Tribunal may direct the controlling authority to take necessary action against him noting such negligence as inefficiency.

22. Application of the Code of Criminal Procedure, etc.- (1) Unless there is anything contrary to this Act, in the case of lodging complaint, investigation, trial and disposal of any case, the provisions of the Code of Criminal Procedure shall apply.

(2) The Tribunal shall be deemed to be a Court of Session and shall exercise all powers of a Court of Session in the case of trial of any offence under this Act or other offences according to this Act.

(3) The person conducting the case in the Tribunal on behalf of the complainant shall be deemed to be Public Prosecutor.

23. Acid Offence Control Tribunal.- (1) The government may, by notification in the official gazette, constitute one or more Tribunals for trial of offences under this Act and the Tribunals constituted in this way shall be called the Acid Offence Control Tribunal.

(2) Where more than one Tribunal are constituted, the local jurisdiction of each Tribunal shall be determined by notification mentioned in sub-section (1).

(3) The Tribunal shall consist of one judge and the government shall appoint the judge of such Tribunal from among the District Judges and Sessions Judges.

(4) The government may, if necessary, appoint any District Judge or Sessions Judge as a Judge of the Tribunal in addition to his duty.

(5) For the purpose of this section, District Judge or Sessions Judge includes the Additional District Judge or, as the case may be, the Additional Sessions Judge.

24. Cognizance of offence, etc.- (1) No Tribunal shall take cognizance of any offence except on a written report of any police officer not below the rank of a Sub-inspector or any person authorised in this behalf by the government.

(2) If any Tribunal is satisfied that any person is failed by requesting any police officer or any other person authorised under sub-section (1) to receive complaint of any offence, the Tribunal may take cognizance of the offence directly on the basis of the complaint without the report mentioned in sub-section (1).

(3) Notwithstanding there is no recommendation for taking action against any person for any offence or having relation with it, the Tribunal may, stating the reason, take cognizance of the offence if it thinks proper and necessary for the interest of justice.

(4) The report or the complaint may be submitted for taking cognizance in the Tribunal under which jurisdiction the offence or its part under this Act is committed and such Tribunal shall try the offence.

25. Jurisdiction of the Tribunal in certain offences committed under any other law.- If any offence under any other law is connected with an offence under this Act in such a manner that the trial of both offences is required to be tried together or in the same case for the interest of justice, the trial of the other offence shall be tried along with the offence under this Act or in the same Tribunal according to the provisions of this Act.

26. Appeal.- Any person aggrieved by an order, judgment or sentence passed by the Tribunal may appeal to the High Court Division within sixty days from the date of such order, judgment or sentence.

27. Confirmation of death sentence.- When any Tribunal passes sentence of death under this Act, the records of the concerned case shall be submitted to the High Court Division at once and the sentence shall not be executed unless it is confirmed by such Division.

28. Safe custody.- During the investigation or trial of an offence under this Act, if the Tribunal thinks that any person is required to be kept in the safe custody, the Tribunal may order to keep that person in the custody of the government authority, out of the jail, in a place specified by the government in this behalf, or in the custody of any other person or organization as the Tribunal may think proper.

29. Medical test.- (1) The medical test of any person who is victim of any offence under this Act may be done in any government hospital or in any private hospital or in any health centre run by any non-government voluntary organization recognized by the government in this behalf.

(2) If any person who is victim of any offence under this Act is produced in any hospital or in any health centre mentioned under sub-section (1), the doctor-in-charge of that hospital or health centre shall complete his medical test instantaneously and give a certificate of the medical test to the concerned person.

(3) The Tribunal may direct the appointing authority or, as the case may be, the proper controlling authority to take necessary action for negligence of duty against the concerned doctor if the medical test is not done or certificate is not given under sub-section (2).

30. Power to make rules.- The government may, by notification in the official Gazette, make rules for the purpose of this Act.
