

The Law and Order Disruption (Speedy Trial) Act, 2002

(Law made for the purpose of making special provisions for speedy trial of some law disobedience offences.)

Since it is expedient and necessary to make special provisions for the speedy trial of some offenders, it is lawful;

Therefore, the law is hereby formulated as follows: -

1. Short title and introduction

(1) This Act shall be called the The Law and Order Disruption (Speedy Trial) Act, 2002.

(2) This Act shall be effective immediately and shall remain in force for [Twenty-two years]¹ from the date of effect.

2. Definition

In this Act, unless there is anything repugnant in the subject or context -

(A) "Offense" means the offense of law and order;

(B) "The Law and Order Disruption" means-

(B.1) By making any kind of intimidation or by applying unlawful force-

(1) To claim, collect or receive money or goods from any person, or statutory body, or institution, to receive or receive any other benefit or to seek or obtain any other kind of privilege; Or

(2) Obstructing or disrupting the movement of land, railway, waterway or airway, or changing the speed of the vehicle against the will of a passenger; Or

(B.2) Intentionally damaging a vehicle; Or

(B.3) Intentionally destroying or vandalizing any property of the Government, or any statutory body, or any institution, or any person immovable or immovable; Or

(B.4) to try or rob or forcibly seize any money, jewelry, valuables or other goods or vehicles from a person; Or

(B.5) to create fear or panic or create chaos or anarchy in any place, in houses, shops, jets, shops, markets, roads, roads or establishments; Or

(B.6) to forcibly obstruct or impede the purchase, sale, acceptance or filing of a tender of a statutory body or institution, or to compel any one to accept or not accept the tender; Or

(B.7) to direct or indirectly intimidate any officer or employee of a government or statutory body or any institution or any of his or her relatives, or to compel such officer or employee to do or not perform any act;

(C) "Court" means a speedy trial court constituted under this Act;

¹ The words "twenty-two years" have been replaced by the words "seventeen years" by dint of section 2 of the Law and Order Disruption (Speedy Trial) Act, 2019 (Amendment) Act, (Act No. 14 of 2019).

(D) "Institution" means any non-governmental organization, embassy or foreign body or institution;

(E) "Criminal Procedure" means the Code of Criminal Procedure, 1898 (Act V of 1898);

(F) "Person" shall include the partnership business, company and association;

(G) "Govt. Claim" means the public demand defined in sub-section (6) of section 3 of the Public Demands Recovery Act, 1913 (Bengal Act III of 1913);

(H) "Statutory Body" means any authority, body, corporation or institution established by any law or law.

3. Priority of Law

The provisions of this Act shall remain in force no matter what is otherwise in force for the time being in force.

4. Punishment for crime

(1) If a person commits a law-breaking offense, he shall be punishable with imprisonment for two years and a maximum of [seven years]² and shall also be punishable with fine.

(2) If a person convicted under sub-section (1) commits a financial loss to the government or a statutory body or to an institution or to a person at the time of the offense, the court shall, in that case, pay the appropriate compensation to the affected government or statutory body or institution or person to the suit and this compensation means government claim will be payable.

5. Punishment for assisting in the crime

If a person assists in committing a law-disobedience offense, he shall be punishable with the punishment mentioned in section 4.

6. Penalty for false cases, filing charges, etc.

If a person files a lawsuit or charges against another person without any justifiable or legitimate reason for committing a law-breaking offense against the person for the purpose of harming another person, then the first person shall be punishable by imprisonment for two years and a maximum of five years and shall be punishable with fine.

7. Equipment, weapons, etc. used in crime

The court may, if deemed appropriate, order any equipment, weapon or vehicle used to commit a crime, and the money, goods or property collected by the crime to be confiscated or returned to its legal owner or occupant in favor of the state.

² The words "seven years" have been replaced by the words "five years" in section 2 of the Law and Order Disruption (Speedy Trial) (Amendment) Act, 2018 (Act No. 11 of 2018).

8. Quick trial court formation

(1) The Government may, by notification in the Official Gazette, set up one or more Quick Judicial Courts in each district and metropolitan area for the purposes of this Act and may, in such notification, determine the local jurisdiction of each Quick Trial Court.

[(2) The Government shall appoint a specially empowered first class magistrate to be a judge of that court.]³

9. Jurisdiction of the Court

(1) Notwithstanding anything other than any other law, offenses under this Act shall be justified only in a speedy trial court.

(2) A police officer not subordinate to the rank of sub-inspector, or on the basis of the written report or complaint of any other person empowered by a general or special order from the Government for the purpose, or any person or organization affected by the crime or any person aware of the crime. The court may accept a criminal trial on the person's written complaint

(3) If an offense is jointly committed under another law, including any offense under this Act, the trial of the offense committed under this Act shall be held in a speedy trial court and the trial of the offense committed under another law shall be held in another court or tribunal.

10. The system of justice

(1) The court shall, in the shortest manner, prosecute the offenses committed under this Act, and for that purpose, unless there is anything else in the Act, shall follow the procedure described in Chapter XXII of the Criminal Procedure, as far as applicable.

(2) If the person accused of any offense under this Act is arrested by the police for handcuffs or handed over to the police by any other person, the police shall present him to the court within twenty-four hours with the initial report of the charges brought against him and the crime within the next seven business days, shall submit a report or complaint to the court and the court shall inform the accused person and the party shall, within the scope of such report or complaint, complete the trial within thirty business days from the date of receipt of such report.

(3) If the accused is not caught in the handicap mentioned in sub-section (2), the report or complaint under section 9(2) shall be filed within the next seven working days of the offense, and within sixty business days after the filing of such report or complaint. Subject to this provision of section 11, the court will complete the trial.

[(4) Notwithstanding anything contained in sub-clauses (2) and (3), the accused under any offense under this Act shall not be caught as mentioned in sub-section (2) or surrender to the court in any other way, In the matter, as soon as possible, the report or complaint under section 9(2) shall be filed and the court shall provide the accused with the opportunity of supporting thyself and within thirty (30) working days from the date of receipt of such report or complaint, the trial will be completed.]⁴

11. Judgment in the absence of the accused

³ Sub-section (2) has been substituted in section 3 of the Law and Order Disruption (Speedy Trial) (Amendment) Act, 2018 (Act No. 11 of 2018).

⁴ Article (4) is amended in section 3 of the Law and Order Disruption (Speedy Trial) (Amendment) Act, 2009 (Act No. 34 of 2009).

If the court has a valid reason to believe that -

- (A) The accused has escaped or hid himself to avoid his arrest or extradition to trial, and
- (B) There is no possibility of his arrest within seven days of the arrest warrant issued –

If that is the case, the court may order the accused person to appear in the court for a period not exceeding seven days, by order notified in at least one Bengali daily newspaper, and if the accused fails to appear in court during that period, the court will proceed in his absence.

12. Enforcement of criminal proceedings, etc.

- (1) Unless there is anything else in this Act, the provisions of the Criminal Procedure Code shall be applicable to the filing of a crime or to provide preliminary information, investigation, proceedings before trial, trial and settlement of appeals.
- (2) For the purpose of this Act, the court shall be deemed to be a first class magistrate court and the court of appeal shall be a court of jurisdiction.
- (3) Offenses under this Act shall be cognizable.

13. Provisions regarding bail

No matter what is different in the criminal procedure, the court or the appellate court, if given a reasonable opportunity of hearing to the state and reviewing the relevant documents, is satisfied that bail to a person convicted or, in fact, guilty of a crime committed under this Act, is justified, accordingly, the court or the appellate court, as the case may be, shall record reasons and may order the release on bail.

14. Appreciation for photos taken on camera, recorded conversations, etc.

If a police or law enforcement member or any other person receives or receives film or photographs of any incident in preparation for any crime or incident described in this Act, or holds a recording tape or record on discourse, talk or conversation; photographs or tapes or discs shall be admissible as evidence in the trial of the crime

15. Ability of formulation of rules

The Government may, by notification in the Official Gazette, make rules for the purposes of this Act.

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