

# The Parliament of Bangladesh

Dhaka, 14 February 2000/ 2 Falgun 1406.

The Act below enacted by Parliament, was approved by the President on 14 February 2000( 2 Falgun 1406) and is published herewith for the information of the general public:-

## Act No VIII of 2000

This Act is enacted to make necessary provisions for the prevention of crime against women and children.

Whereas, it is proper and expedient to make provisions for the strict prevention of offences relating to women and child oppression:

So the Act is enacted as follows:-

**1. Short Title:** This Act shall be called The Prevention of Oppression Against Women and Children Act 2000.

**2. Definition:** Unless different intention appears from the subject or context, in this Act-

- a) '*Offence*' means any offence punishable under this Act.
- b) '*Abduction*' means taking a person away by force or by inducement or by instigation or by misrepresentation or by coercion from one place to another.
- c) '*Detention*' means confining a person against his/her will.
- d) '*Tribunal*' means any tribunal established under this Act.
- e) '*Rape*' means rape stated under section 375 of the Penal Code 1860 (Act XLV of 1860) subject to section 9 under this Act;
- f) '*New born baby*' means any baby which is below the age of forty days;
- g) '*Woman*' means a woman of any age;
- h) '*Ransom*' means financial facility or any other facility;
- i) '*Criminal Procedure*' means the Code of Criminal Procedure 1898 (Act V of 1898);
- j) '*Dowry*' means money, goods or any property which has been given or agreed to give to the bride-groom or his father or mother or any person on his behalf, directly or indirectly, at the time of marriage or before marriage at any time after marriage in condition with the smooth continuation of marital life or as a consideration given by the side of the bride and the money, goods or property which has been demanded from the bride or her father or mother or any person on her behalf, by the bride-groom or his father or mother or any other person on his behalf as the above mentioned condition or consideration.
- k) '*Child*' means any person under fourteen years of age;
- l) '*High Court division*' means the High Court Division of the Supreme 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 prevail.

4. **Punishment for offences committed by corrosive or any other substances:**

- i. Whoever causes death or attempts to cause death of any woman or a child by burner, corrosive poisonous substance, he shall be punished with death or transportation for life and also with fine not exceeding one lac taka.
- ii. Whoever causes hurt to a child or a woman in consequence of which the sight or ear is permanently damaged or any organ, joint or limb thereof is disfigured any part of the body of the woman or the child is as such that-
  - a) The sight or ear is damaged or face or breast or sexual organ is disfigured, the person shall be punished with death or transportation for life and also with fine not exceeding one lac taka.
  - b) In case where, any limb, joint or part of the body is disfigured or any part of the body is damaged, he shall be punished with imprisonment of either description which may extend to fourteen years but not less than seven years of rigorous punishment and also with fine not exceeding fifty thousand taka.
- iii. Whoever throws or attempts to throw any substance burner, caustic or poisonous over a child or a woman, he shall be punished , if the child or woman is injured physically, mentally or otherwise in consequence of such act, with rigorous imprisonment of either description which may extend to seven years but not less than three years and also with fine not exceeding fifty thousand taka.
- iv. The fine amount imposed under this section, shall be realized from, the person convicted or his existing property or if he is dead from the property left at the time of his death, under the provision of the law in force, and shall be given to the successors of the person died in consequences of the offence or in place, to the person who is injured physically, mentally or to the successors of that person if he dead.

5. **Punishment for trafficking of woman:**

- i. Whoever fetches from abroad or dispatches or sends abroad for prostitution or, to engage a woman in illicit immoral act or sale or buy or, for the purpose of torturing her in rent or otherwise or, keeps a woman in his possession, custody or security for such purpose, he shall be punished with death or transportation for life or with rigorous imprisonment of either description which may extend to twenty years but not less than ten years and also with fine.
- ii. If a woman is transferred through sale rent or otherwise to a prostitute or the caretaker of a brothel or the manager of it, the man transferring such, if not proved otherwise, shall be deemed to have sold or transferred the woman for the purpose of prostitution and shall also be punished under sub-section (i).
- iii. If the caretaker of a brothel or any person engaged in the management of the brothel, keeps in his possession or custody of any woman through sale, rent or

otherwise, he shall be deemed, if not proved otherwise, to have bought or rented or taken in possession or custody of that woman to use that woman as a prostitute and shall be punished under sub-section (i).

**6. Punishment for trafficking of child:**

- i. Whoever fetches from abroad or dispatches or smuggles abroad a child for any illegal or immoral purpose, or sells or purchases or keeps a child in his possession, custody or security for such purpose, he shall be punished with death or rigorous transportation for life and also with fine.
- ii. If any person steals a newborn baby from a hospital, child or mother care home, nursing home etc. or from the custody of the guardian of the child, he shall be punished under sub-section (i).

**7. Punishment for kidnapping a child or a woman:** Whoever kidnaps a child or a woman for the purpose other than of which to commit an offence under section 5, he shall be punished with transportation for life or with rigorous imprisonment for either description, which may extend to fourteen years and also with fine.

**8. Punishment for taking ransom:** Whoever detains a child or a woman to levy a ransom; he shall be punished with death or with rigorous imprisonment for life and also with fine.

**9. Punishment for rape or death in consequence of rape:**

- i. Whoever commits rape with a woman or a child, shall be punished with rigorous imprisonment for life and with fine.

Explanation: Whoever has sexual intercourse without lawful marriage with a woman not being under fourteen years of age, against her will or with her consent obtained, by putting her in fear or by fraud, or with a woman not being above fourteen years of age with or without her consent, he shall be said to commit rape.

- ii. If in consequence of rape or any act by him after rape, the woman or the child so raped, died later, the man shall be punished with death or with transportation for life and also with fine not exceeding one lac taka.
- iii. If more than one man rape a woman or a child and that woman or child dies or is injured in consequences of that rape, each of the gang shall be punished with death or rigorous imprisonment for life and also with fine not exceeding one lac taka.
- iv. Whoever attempts on a woman or a child-
  - a) To cause death or hurt after rape, he shall be punished with rigorous imprisonment for life and also with fine.

- b) To commit rape, he shall be punished with imprisonment for either description, which may extend to ten years but not less than five years rigorous imprisonment and also with fine.
- v. If a woman is raped in the police custody, each and every person, under whose custody the rape was committed and they all were directly responsible for safety of that woman, shall be punished for failure to provide safety, unless otherwise proved, with imprisonment for either description which may extend to ten years but not less than five years of rigorous imprisonment and also with fine.

**10. Punishment for sexual oppression:**

- i. Whoever, to satisfy his sexual urge illegally, touches the sexual organ or other organ of a woman or a child with any organ of his body or with any substance, his act shall be said to be sexual oppression and he shall be punished with imprisonment for either description which may extend to ten years but not less than two years of rigorous imprisonment and also with fine.
- ii. Whoever, to satisfy his sexual urge illegally, assaults a woman sexually or makes any indecent gesture, his act shall be deemed to be sexual oppression and he shall be punished with imprisonment for either description which may extend to seven years but not less than two years of rigorous imprisonment and also with fine.

**11. Punishment for causing death for dowry:** If the husband of a woman or his father, mother, guardian or any other person on behalf of the husband, causes death or attempts to cause death, cause hurt or attempts to cause hurt to the woman, the husband, the father, mother guardian, relative or any other person on his behalf, shall;

- i. for causing death or attempt for causing death, be punished with transportation for life and also with fine, in both case;
- ii. be punished with transportation for life for causing hurt and with imprisonment for either description which may extend to fourteen years but not less than five years of rigorous punishment in case of attempt to hurt and also with fine in both the case.

**12. Punishment for impairing any limb of a child for the purpose of begging:** Whoever damages hands, feet, eyes or any other limb of a child, or makes disabled or disfigured by any means, for the purpose of making him a beggar or to sale any part thereof, he shall be punished with death or rigorous imprisonment for life and also with fine.

**13. Provision regarding the child born in consequence of rape:** Notwithstanding anything contained under any other law for the time being in force, any child born in consequence of a rape:-

- i. the maintenance of that child shall be borne by the person who commits rape;

- ii. the Tribunal may determine after the birth of the child, in whose custody the child shall be and how much money shall be provided to the legal guardian, by the person who commits rape, as expense for the maintenance of the child;
- iii. this expense shall be provided for upto the period, the child attains twenty-one years if male and, marriage of the female child, if not disabled, and until the date he/she obtains the capability to earn his/her living, if disabled.

**14. Prohibition on publishing acquaintance of a woman or a child oppressed, in new media:**

- i. Any news, information or name & address or any other information regarding any offence, under this Act, committed or any legal proceeding thereof, of which a woman or a child is the victim, shall be published or presented as such that the acquaintance of the woman or the child shall be undisclosed.
- ii. In case, where the provision under sub-section (i) is infringed, the person or persons liable for such infringement, each shall be punished with imprisonment for either description, which may extend to two years or with fine not exceeding one lac taka or both.

**15. Realization of fine from inheritable property in future:** The Tribunal may consider the fine if thinks necessary, which is imposed for the offences under section 4 to 14 of this Act, as damages for the victim of the offence and in case, where the fine cannot be realized from the convict or from his existing property, it can be realized from the property of which he will be the owner or in possession in future and the claim of such fine or damage shall prevail over any other claim on that property.

**16. Procedure for realizing fine or damage:** When any fine is imposed under this Act, the Tribunal shall direct the Collector to deposit the fine amount in the Tribunal collected by attaching the property and selling it on auction or sale on auction without attachment, after making the list of the properties of the offender, movable or immovable or both, under the procedure provided by the law or under the procedure determined by the Tribunal in absence of the former and the Tribunal shall take measure to give it to the victim.

**17. Punishment for filing any false case, complaint etc.:**

- i. If any person files or causes to be filed any case or complaint against a person under this Act for the purpose of causing injury to that person, although he knows that he had not any proper or; legal ground to do so, the person filing or causing to be filed that case or complain 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 and adjudicate any offence under sub-section (i), on a written application by any person.

## **18. Investigation of an offence:**

- i. Any investigation of an offence under this Act shall be completed within the period of sixty days from the date, any information regarding the offence is received or the Magistrate passed the order for investigation;

Provided that if the investigating officer satisfies the Tribunal by showing special causes that it is proper to extend the time for investigation for the end of justice, the Tribunal may order to complete the investigation within the extended period not more than thirty days.

- ii. When the investigation is not completed within the period prescribed under sub-section (i), and if the Tribunal is satisfied, after the expiration of the prescribed period or at any time of the trial, on an application or for the end of justice, that the investigation is to be completed or in place, further investigation is needed, the Tribunal can direct to complete the investigation or further investigation within the extended period not more than thirty days.
- iii. If the investigating officer fails to complete investigation within the extended period under sub-section (ii), the Tribunal
  - a) May direct the authority concerned to complete the investigation by any other officer within the period not more than thirty days; and
  - b) May order the authority under which the investigating officer is, to take step against the officer who fails to complete the investigation within the period prescribed under this section, taking his failure as incompetence.
- iv. If after the investigation Report is produced, the Tribunal is satisfied as such, considering any information in the report, that any accused person should be produced as a witness, the Tribunal can direct to regard the accused as a witness.
- v. If, after the completion of a trial, it appears before the Tribunal that, the officer investigating an offence under this Act, has submitted the report without, collecting or considering any evidence which would be helpful in proving the offence, for the purpose of keeping away any person from the liability of the offence, or voluntary negligence in the investigation, or by producing a person as witness who should be produced as the accused, or without examining an important witness, the Tribunal can direct the authority under which he is, to take proper legal action against the investigating officer, regarding his act or negligence as incompetence or in place, mis-conduct.
- vi. The Tribunal may, on an application or on the basis of any information, direct the concerning authority to appoint another officer in place of the officer investigating the offence.

## **19. Cognizance of offence etc.:**

- i. All offences punishable under this Act shall also be cognizable.
- ii. All offences under this Act shall be non-bailable.
- iii. Subject to other provision under this Act no accused o punishable person shall be released on bail, if-
  - a) the complainant does not get the opportunity for hearing on the application to release him; and
  - b) the Tribunal is satisfied as such, considering the complaint, that there is sufficient ground for to be convicted, or
  - c) the person is , a woman or a child or physically disabled and the Tribunal is not satisfied that justice will not be impeded if he is not released on bail.

## 20. Trial procedure:

- i. The Nari O Shishu Nirjaatan Daman Tribunal, established under section 25 of this Act, shall try the Proceedings of any offence under this Act.
- ii. If the trial commenced in the Tribunal, it shall be held on each working day until the completion of the trial.
- iii. The Tribunal shall complete the adjudication within the period of one hundred and eighty days from the date the case was filed.
- iv. If the adjudication is not completed within the period under sub-section (iii), the Tribunal can release the accused on bail and shall notify the causes if the accused is not released on bail.
- v. In case, the judge of the Tribunal is transferred before the completion of the adjudication, the judge replacing the former shall proceed from the stage of the adjudication on which the former was transferred and he need not to examine the witness again whom the former already examined;

Provided that, if the judge thinks inevitable to examine any witness once more for the ends of justice, he can call the witness and examine him, although he was previously examined.

- vi. In case of adjudication of any offence under section 9, the Tribunal, on an application, can examine, if thinks fit, a woman raped or any witness in a closed door room.
- vii. When a child is accused of committing an offence under this Act or is a witness of an offence, the provision of the Children Act 1974 (Act XXXIX of 1974) shall be followed as far as possible.

## 21. Trial in absence of the accused:

- i. If the Tribunal has reasonable ground to believe that-
  - a) The accused is absconding or hiding himself to avoid arrest or consign himself from trial; and

- b) There is no chance for arresting him immediately, the tribunal can direct the accused to be present before the Tribunal within the period stated in the order, not more than thirty days, which is published in at least two daily bangla newspaper, and if the accused fails to be present before the Tribunal within the prescribed period, the Tribunal shall conclude the trial in absence of him.
- ii. If an accused abscond after, his appearance before the tribunal or he is produced before the Tribunal or he is released on bail, the provision of sub-section (i) shall not apply to him and the Tribunal shall conclude the trial in absence of him notifying the reasons of it.

**22. Power to take statement at any place, by the Magistrate:**

- i. If, any investigating police officer or any person investigating or any police officer while arresting the accused of an offence under this Act on the spot, thinks that the statement of a person, acquainted with or eye-witness of that offence, is needed to be written immediately by the Magistrate, he can request, in writing or otherwise, to a first class Magistrate to take the statement of the person in writing.
- ii. The Magistrate under sub-section (i) shall take the statement on the spot or any other proper place and send it to the investigating officer or person to produce it before the Tribunal along with the investigation report.
- iii. If the trial of an accused of an offence under this Act commences before the Tribunal and it appears that the evidence of the person giving statement under sub-section (ii) is needed, but he is dead or incapable of giving evidence or he cannot be found or the attendance of the witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case would be unreasonable, the Tribunal can take the statement as evidence for the case:

Provided that the Tribunal cannot punish the accused only on that evidence.

**23. Evidence by the Chemist, Pathologist etc.:** Any doctor, chemist, assist chemist, pathologist, handwriting expert, finger-print expert, or armament expert who submitted the report by testing or analyzing anything at any receding of an offence, whose evidence is needed at the trial, but he cannot be found or the attendance of the witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case would be unreasonable, the test report signed by him may be taken as evidence in a trial under this Act:

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

**24. Appearance of the witness:**

- i. To give effect of summon or warrant of a witness for the trial of an offence under this Act, the summon or warrant shall be sent to the officer-in-charge of

the Thana, in which the latest address of the witness is situated and the liability lies on that officer- in charge to produce the witness before the Tribunal.

- ii. Notwithstanding the provision under sub-section(i), a copy of the summon of the witness shall be sent to the witness concerned and to the District Police Super or in place, to the Police Commissioner, along with the acknowledgement letter by registered post.
- iii. If any police officer acts negligently in giving effect of the summon or warrant under this Act, the Tribunal can direct the authority under which the officer is, to take step against him also notifying his act as incompetence.

#### **25. Application of the Code of Criminal Procedure etc.:**

- i. Except other wise provided under this Act, the provision of the Code of Criminal procedure shall be followed regarding submission of a complaint, investigation, trial and settlement of any offence and the Tribunal shall be treated as a court of Session and it can apply all powers of a Court of Session while trying any offence under this Act or any other offence thereof.
- ii. The person applying before the Tribunal on behalf of the complainant shall be called as the Public Prosecutor.

#### **26. Nari o Shishu Nirjatan Daman Tribunal:**

- i. There shall be a Tribunal in each District Sadar to try offences under this Act and the Government may, if it thinks necessary, establish more than one Tribunal in that district; such tribunal shall be called as Nari o Shishu Nirjatan Daman Tribunal.
- ii. The Tribunal shall consist of one Judge and the Government shall appoint the Judge among the District or Session Judges.
- iii. The Government shall appoint the District or Session Judge as the Judge of the Tribunal in addition to his duty.
- iv. Under the section District Judge or Session Judge shall also include Additional District Judge and the Additional Session Judge respectively.

#### **27. Jurisdiction of the Tribunal:**

- i. No Tribunal shall take cognizance of any offence without any report in writing, by any police officer not below the rank of sub-inspector, or any person empowered by the Government for this purpose:

Provided that, if the Tribunal is satisfied that the complaint has requested to take complain of an offence to the police officer or any person empowered, but failed, the Tribunal may take cognizance of that offence directly with out such report.

Also provided that if the Tribunal thinks necessary for the exactness and justice, it can take cognizance of an offence notifying the reasons behind,

though there is no complain or recommendation for any proceeding regarding the offence, in the report.

- ii. When any offence or part thereof, is committed in the jurisdiction of a Tribunal or the place where the offender or where more than one offender, one of them is found, is under the jurisdiction of that Tribunal, the report on the complaint shall be taken for cognizance in that Tribunal and the Tribunal shall try the offence.
- iii. If any offence under this Act is related with another, as such that the offences are needed to be tried together or in a single trial for the ends of justice, the other offence shall be tried with the offence under this Act, together or in the same Tribunal, following the provision of this Act.

28. **Appeal:** The party aggrieved by the order, judgment or punishment imposed by the Tribunal, can appeal to the High Court Division within the period of sixty days against such order, judgment or punishment.

29. **Confirmation of death penalty:** When any Tribunal under this Act passes the sentence of death, the proceeding shall immediately be sent to the High Court Division according to the provision of section 374 of the Code of Criminal Procedure and the sentence shall not be executed unless it is confirmed by the High Court Division.

30. **Punishment for instigation or abetment of offence:** Whoever instigates to commit an offence under this Act and the offence is committed or an attempt was made to commit the offence in consequence of the instigation, or, whoever abets another to commit an offence under this Act, shall be punished with the punishment provided for the commission of the offence or for the attempt to commit the offence.

31. **Safe custody:** if at any stage of the trial of an offence under this Act, the Tribunal thinks that any woman or child is needed to be kept in safe custody, the Tribunal can direct to keep the woman or the child, out of the jail and under the custody of a Govt. authority determined by the Govt. for this purpose or under the custody of a person or organization whom the tribunal thinks proper.

32. **Medical test of a woman or a child being raped:**

- i. Medical test of a woman or a child being raped shall be taken no sooner had the rape is committed.
- ii. If the medical test is not taken immediately under sub-section (i), the Tribunal can direct the appointing authority of the doctor to take step against him for negligence in duty.

33. **Power to make rule:** the Government may, by official Gazette, make rule, for the purpose of this Act.

34. **Abolishment of Act No XVIII of 1995 and its preservation:**

- i. Nari o Shishu Nirjatan (Special Act) Ain 1995 (Act No XVIII of 1995), later stated as this Act, is abolished hereby.

- ii. Next before the abolishment of this law any case not concluded shall be tried by the Tribunal concerned and appeal against the order, judgment or punishment passed in such case, shall be administered and settled as such that the law has not been abolished yet.
  - iii. Any report or complaint of an offence or the charge- sheet of any offence under that law which is submitted or the case which is pending, all such cases shall be deemed to be pending cases under sub-section (ii).
  - iv. All the courts named Nari O Shashu Nirjatan Daman Bishesh Adalat under that law, shall be deemed to the Tribunal under this Act and tea cases under sub-section (ii) shall be settled here.
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