

1. What are the duties of a police officer as per the Police Act, 1861 (Section 23)?

The key duties of police officers as per Section 23 of the Police Act, 1861:

1. Obedience and execution of lawful orders and warrants from competent authorities.
2. Gathering and communicating intelligence related to public peace and order.
3. Preventing the commission of offences and public nuisances.
4. Detecting offenders and bringing them to justice.
5. Apprehending persons they are legally authorized to arrest.
6. Inspecting places of disorderly conduct without a warrant.
7. Laying information before magistrates and obtaining legal processes.
8. Taking charge of unclaimed property and following the magistrate's orders.
9. Performing all duties under this Act and other relevant laws.
10. Assisting in preserving public order and safety in the general police district.

Overall, the Act empowers and obligates police officers to maintain law and order, prevent and detect crimes, and apprehend offenders through a range of specified duties and powers.

2. What is the penalty for neglecting duties by police officers under the Police Act, 1861 (Section 29)?

According to Section 29 of the Police Act, 1861, the penalty for police officers who neglect their duties is as follows:

Any police officer who is guilty of any of the following offenses can be punished:

1. Violation of duty or willful breach or neglect of any rule, regulation or lawful order made by a competent authority.
2. Withdrawing from the duties of their office without permission or without giving a 2-month prior notice.
3. Failing to report for duty without reasonable cause after the expiration of their leave.
4. Engaging in any unauthorized employment other than their police duties.
5. Being guilty of cowardice.
6. Offering any unwarranted personal violence to any person in their custody.

The punishment for such offenses can be:

1. A fine not exceeding 3 months' pay.
2. Imprisonment with or without hard labor for a period not exceeding 3 months.
3. Both fine and imprisonment.

In simple terms, the Act imposes strict penalties, including fines and imprisonment, on police officers who neglect their duties, disobey orders, or engage in misconduct while performing their responsibilities.

3. What is considered a terrorist act under the Anti-Terrorism Act, 2009?

According to the Anti-Terrorism Act, 2009, a terrorist act is defined under Section 6 of the Act. The key points are:

1. Any act or attempt to commit an act which threatens the unity, integrity, security or sovereignty of Bangladesh, or
2. Causes or is likely to cause death or injuries to any person or damage to any property, or
3. Involves the use of firearms, explosives or any other deadly weapon or hazardous substance to endanger life, or
4. Causes or is likely to cause a breakdown of law and order, thereby alarming the public or a section of the public.

These acts are considered terrorist acts under the law, and anyone found involved in planning, preparing, assisting or committing such acts can be prosecuted under the Anti-Terrorism Act, 2009.

4. What are the punishments for terrorist financing and providing shelter under the Anti-Terrorism Act, 2009?

According to the Anti-Terrorism Act, 2009:

1. Punishment for Terrorist Financing:

Section 7 of the Act states that any person who provides or collects funds, by any means, directly or indirectly, with the intention or knowledge that such funds are to be used, in full or in part, to carry out a terrorist act, shall be punished with imprisonment for a term which may extend to 20 years, but not less than 4 years, and shall also be liable to fine.

2. Punishment for Providing Shelter:

Section 8 of the Act states that any person who knowingly provides shelter, refuge or gives assistance to a terrorist shall be punished with imprisonment for a term which may extend to 10 years, but not less than 2 years, and shall also be liable to fine.

So in summary, the law prescribes stringent punishments for those involved in funding terrorist activities, as well as for those who provide shelter or assistance to terrorists.

5. Define pre-judicial act. Which act is considered as pre-judicial act under Special Powers Act, 1974 (Section 2(f))?

According to Section 2(f) of the Special Powers Act, 1974, a "prejudicial act" means any act which is intended or likely:

3. To prejudice the sovereignty or defense of Bangladesh;
4. To prejudice the maintenance of friendly relations of Bangladesh with foreign states;
5. To prejudice the security of Bangladesh or to endanger public safety or the maintenance of public order;
6. To create or excite feelings of enmity or hatred between different communities, classes or sections of people;
7. To interfere with or encourage or incite interference with the administration of law or the maintenance of law and order;
8. To prejudice the maintenance of supplies and services essential to the community;
9. To cause fear or alarm to the public or to any section of the public;
10. To prejudice the economic or financial interests of the State.

In simple terms, a "prejudicial act" under the Special Powers Act, 1974 refers to any act that is intended or likely to harm the sovereignty, security, public order, community, or economic interests of Bangladesh.

6. What are the punishments for sabotage (section 15), curfew of foods(section 24), drugs, smuggling (section 25(b), and adulteration of drinks and cosmetics under the Special Powers Act, 1974 (Section 25(c))?

According to the Special Powers Act, 1974:

1. Sabotage (Section 15):

Punishment: Imprisonment for a term which may extend to 14 years, or imprisonment for life, or death penalty, and also liable to fine.

2. Curfew (Section 24):

Punishment: Imprisonment for a term which may extend to 1 year, or fine, or both.

3. Smuggling (Section 25B):

Punishment: Imprisonment for a term which may extend to 14 years and shall not be less than 2 years, or imprisonment for life, or death penalty, and also liable to fine.

4. Adulteration of Drugs, Food, Drinks, and Cosmetics (Section 25C):

Punishment: Imprisonment for a term which may extend to 14 years, or imprisonment for life, or death penalty, and also liable to fine.

In simple terms, the Special Powers Act, 1974 prescribes severe punishments, including imprisonment for a long duration, life imprisonment, or even the death penalty, for offenses related to sabotage, curfew violations, smuggling, and adulteration of essential items like drugs, food, drinks, and cosmetics.

7. What are the reasons behind the enactment of the Human Trafficking Act, 2012?

The main reasons behind the enactment of the Prevention and Suppression of Human Trafficking Act, 2012 are:

- ☉ Necessity to make provisions to prevent and suppress human trafficking, and ensure the protection of victims of human trafficking and their rights, as well as ensure safe migration (Preamble).
- ☉ Necessity to make provisions in conformity with international standards to prevent and suppress the transnational organized crimes relating to human trafficking (Preamble).

As stated in the Preamble:

- ☉ "WHEREAS it is necessary to make provisions to prevent and suppress human trafficking and to ensure the protection of victims of the offence of human trafficking and their rights and to ensure safe migration; and
- ☉ WHEREAS it is expedient and necessary to make provisions, keeping conformity with the international standards, to prevent and suppress the transnational organised crimes relating to human trafficking;"

The Act was enacted to address these necessities and provide a legal framework to prevent and suppress human trafficking, protect victims, and ensure safe migration.

8. How is exploitation defined within the context of the Human Trafficking Act, 2012?

According to Section 2(15) of the Prevention and Suppression of Human Trafficking Act, 2012, "exploitation" or "oppression" is defined to include, but not be limited to, the following actions done against any person with or without their consent:

1. Exploitation or oppression of any person through prostitution or sexual exploitation or oppression.
2. Taking benefits from any person engaging the person in prostitution or production/distribution of pornographic materials.
3. Receiving forced labor or service.
4. Debt-bondage, slavery or servitude, practices similar to slavery, or servitude in household.
5. Exploitation or oppression through fraudulent marriage.
6. Forcibly engaging any person in the amusement trade.
7. Forcibly engaging any person in begging.

8. Maiming any person or the removal of organs for the purpose of trade.

In simple terms, the Act defines exploitation or oppression in a broad manner to cover various forms of exploitation, including sexual exploitation, forced labor, slavery, debt-bondage, and other practices that violate a person's rights and dignity.

9. What is the extraterritorial application of the Cyber Security Act (Section 5)?

According to Section 4 of the Cyber Security Act, 2023, the Act has extraterritorial application in the following cases:

1. If a person commits an offense under this Act outside Bangladesh which, if committed in Bangladesh, would have been punishable under this Act, the provisions of this Act shall apply as if the offense had been committed by him in Bangladesh. (Section 4(1))
2. If any person commits any offense under this Act within Bangladesh with the help of any computer, computer system, computer network or digital device located in Bangladesh from outside Bangladesh, the provisions of this Act shall apply against such person as if the entire process of the said offense has taken place in Bangladesh. (Section 4(2))
3. If any person commits an offense under this Act outside Bangladesh from within Bangladesh, the provisions of this Act shall apply as if the entire process of the said offense had been committed in Bangladesh. (Section 4(3))

In summary, the Cyber Security Act, 2023 has extraterritorial application, meaning it can be applied to offenses committed outside Bangladesh if they would have been punishable under the Act if committed in Bangladesh, or if the offense was committed within Bangladesh using digital devices located outside the country, or if the offense was committed outside Bangladesh using digital devices located within Bangladesh.

10. What are the punishments for cyber terrorism under the Cyber Security Act?

According to Section 27 of the Cyber Security Act, 2023, the punishments for cyber terrorism are as follows:

1. If a person commits any of the following acts, it shall be considered a cyber-terrorism crime:
 - a) Interferes with lawful access to or unlawfully accesses any computer or computer network or Internet network with intent to endanger national integrity, security and sovereignty and to instill fear among the public or any section thereof.
 - b) Causes contamination of any digital device or introduces malware which causes or is likely to cause death or serious injury to any person.
 - c) Impairs or destroys the provision of essential goods and services to the public or adversely affects any critical information infrastructure.
 - d) Intentionally or knowingly accesses or accesses any computer, computer network, Internet network, stored data or computer database or accesses any such stored

data or computer database in a manner prejudicial to friendly relations with a foreign state or to public order.

2. If any person commits an offense under Section 27(1), they shall be punished with imprisonment for a term not exceeding 14 (fourteen) years, or with a fine not exceeding one (one) crore, or with both.

In summary, the punishments for cyber terrorism under the Cyber Security Act, 2023 include imprisonment up to 14 years and/or a fine up to 1 crore Bangladeshi Taka.

11. What is the composition of the Information Commission as per the Right to Information Act, 2009?

According to the Right to Information Act, 2009, the Information Commission is composed as follows:

- Section 12 states that the Information Commission shall consist of the Chief Information Commissioner and 2 other Information Commissioners, of whom at least 1 shall be a woman.
- Specifically, Section 12(1) says the Information Commission shall be formed with the Chief Information Commissioner and 2 other Information Commissioners.

So in summary, the Information Commission is made up of 3 members the Chief Information Commissioner and 2 other Information Commissioners, with at least one of them being a woman.

12. Which activities are considered offenses under the Right to Information Act, 2009, and what are its penal provisions?

According to the Right to Information Act, 2009, the following activities are considered offenses with corresponding penal provisions:

Section 27 outlines the offenses and penalties. Specifically:

1. If the Information Commission believes that a responsible officer has, without reasonable cause:

- Refused to receive an application for information or an appeal
- Failed to provide information within the stipulated time period
- Maliciously rejected an application for information
- Provided false, incomplete, misleading or distorted information
- Obstructed the path to obtaining information

Then the Information Commission can impose a fine of Tk. 50 per day from the date of the officer's action until the information is provided, up to a maximum of Tk. 5,000.

2. Additionally, if the Information Commission finds that an officer has obstructed a citizen's right to information; it can recommend departmental action against that officer to the relevant authority.

So in summary, the Act prescribes monetary fines as well as the possibility of departmental action against officials who obstruct the right to information in various ways.

13. What are the provisions regarding arrest and investigation according to the Children Act, 2013?

According to the Children Act, 2013, the key provisions regarding arrest and investigation of children are:

Section 44:

- ☉ Children below the age of 9 years shall not be arrested or detained under any circumstances (Section 44(1)).
- ☉ Children shall not be arrested or detained under any law relating to preventive detention (Section 44(2)).
- ☉ After arresting a child, the police officer must immediately inform the Child Affairs Police Officer about the reasons and place of arrest, and record the child's age (Section 44(3)).
- ☉ To determine the child's age, the police officer shall check the birth registration certificate or other relevant documents. If the age cannot be confirmed, the person shall be considered a child under this Act (Section 44(4)).
- ☉ If there is no safe place in the police station, the arrested child shall be detained in a Safe Home until produced before the court (Section 44(5)).

Section 45:

- ☉ The Child Affairs Police Officer shall inform the child's parents/guardians, the Probation Officer, and the nearest Board about the child's arrest (Section 45(1)).
- ☉ If it is not possible to inform the required parties, the Child Affairs Police Officer shall submit a report to the court stating the reasons (Section 45(2)).

Section 46:

- ☉ The provisions of the Code of Criminal Procedure shall, as far as possible, be applicable and followed in all investigations under this Act, unless there is a specific provision in this Act or the rules (Section 46).

Section 47:

- ☉ The Child Affairs Police Officer shall record the child's statement in the presence of the parents/guardians and the Probation Officer or Social Worker (Section 47(1)).

- ☯ The Child Affairs Police Officer may release the child after warning or send them for diversion, considering the nature of allegations and the child's condition (Section 47(2)).

So in summary, the Act has specific provisions to protect children during arrest and investigation, including restrictions on arrest, age determination, informing relevant parties, and recording statements in a child-friendly manner.

14. What are the provisions regarding appeal and investigation according to the Pornography Control Act?

According to the Pornography Control Act, 2012:

Investigation (Section 5):

- ☯ Any offense under this Act shall be investigated by a police officer not below the rank of Sub-Inspector or an officer of equivalent rank.
- ☯ The time limit for investigation of any offense under this Act is 30 working days. This time limit can be extended by 15 working days with justifiable reasons, and further extended by 30 working days with the approval of the court.

Appeal (Section 12):

- ☯ Any person aggrieved by any judgment or order passed by a court or tribunal under this Act can appeal to the competent court within 30 days from the date of such judgment or order.

15. What is the establishment and composition of the Anti-Corruption Commission (ACC)?

According to the Anti-Corruption Commission Act, 2004, the key points regarding the establishment and composition of the Anti-Corruption Commission (ACC) are:

1. Establishment of the Commission (Section 3):

- ☯ The Government shall establish an independent and impartial Anti-Corruption Commission.
- ☯ The Commission is an autonomous body with perpetual succession and a common seal.

2. Constitution of the Commission (Section 5):

- ☯ The Commission shall consist of three Commissioners, including a Chairman, appointed by the President.
- ☯ The acts or proceedings of the Commission shall not be invalid due to any vacancy or defect in the constitution of the Commission.

3. Appointment and Tenure of the Commissioners (Section 6):

- ☉ The Commissioners shall be appointed by the President based on the recommendation of the Selection Committee.
- ☉ The Commissioners shall hold office for a term of five years from the date of joining and are not eligible for re-appointment.

4. Selection Committee (Section 7):

- ☉ A Selection Committee, chaired by a Judge of the Appellate Division of the Supreme Court, is formed to recommend the appointment of Commissioners.
- ☉ The Selection Committee consists of five members, including judges, the Comptroller and Auditor-General, the Chairman of the Public Service Commission, and a retired Cabinet Secretary.

In summary, the Anti-Corruption Commission is an independent and autonomous body established by the government, consisting of three Commissioners, including a Chairman, appointed by the President based on the recommendation of a Selection Committee.

16. What are the ingredients of rape and its punishment concerning women and children?

According to Section 9 of the "Nari O Shishu Nirjatan Daman Ain, 2000" (The Suppression of Violence Against Women and Children Act, 2000), the ingredients of rape are:

- ☉ Sexual intercourse with a woman without her consent.
- ☉ Sexual intercourse with a girl child below the age of 16 years, even with her consent.

The key points regarding the ingredients of rape are:

- ☉ Lack of consent from the woman is a crucial element. If the sexual intercourse is without the woman's consent, it constitutes rape.
- ☉ For a girl child below the age of 16 years, even if she gives consent, it is considered rape. Her consent is not valid under the law.
- ☉ The definition of rape is based on Section 375 of the Penal Code, 1860, which defines the act of "rape" in legal terms.

So in summary, the main ingredients of rape under this law are non-consensual sexual intercourse with a woman, or sexual intercourse with a minor girl below the age of 16, irrespective of her consent. The lack of valid consent is the key factor that determines if an act amounts to the crime of rape.

the key points regarding the ingredients of rape and its punishment for women and children are as follows:

Section 9:

- ☉ Rape is defined as per the definition in Section 375 of the Penal Code, 1860.
- ☉ If a man has sexual intercourse with a woman without her consent, or with a girl child below the age of 16 years, even with her consent, it is considered rape.

Punishment for Rape (Section 9):

- ☉ If the rape results in the death of the woman or child, the offender shall be punished with death or imprisonment for life, and shall also be liable to fine.
- ☉ If the rape causes the victim to suffer from loss of sight or hearing, or any other hurt to their body or organ, the offender shall be punished with death or imprisonment for life, and shall also be liable to fine.
- ☉ If the rape is committed by more than one person in a group, each member of the group shall be punished with death or imprisonment for life, and shall also be liable to fine.
- ☉ Attempted rape is also punishable with imprisonment up to 10 years or fine.

So in summary, rape is a serious crime with severe punishments, especially if it results in the death or grave injury of the victim. The law aims to strongly deter and punish such crimes against women and children.

17. What is the composition of the National Cyber Security Council?

According to Section 12 of the Cyber Security Act, 2023, the composition of the National Cyber Security Council is as follows:

1. The Prime Minister, Government of the People's Republic of Bangladesh, who shall also be its Chairman.
2. Ministers, Ministers of State and Deputy Ministers of the Ministry of Posts, Telecommunications and Information Technology.
3. The Minister, Ministry of Law, Justice and Parliamentary Affairs.
4. Advisor to the Prime Minister on ICT.
5. The Principal Secretary to the Prime Minister.
6. The Governor, Bangladesh Bank.
7. Secretary, Department of Posts and Telecommunications.
8. Secretary, Department of Information and Communication Technology.
9. Secretary, Department of Public Safety.
10. Foreign Secretary, Ministry of Foreign Affairs.
11. Inspector General of Police, Bangladesh Police.
12. Chairman, Bangladesh Telecommunication Regulatory Commission.
13. The Director General, Directorate General of Defense Intelligence.
14. The Director General, National Security Intelligence Agency.
15. The Director General, National Telecommunication Monitoring Centre.

16. Director General, National Cyber Security Agency.

The Director General of the National Cyber Security Agency shall provide secretarial assistance in the conduct of the Council.

18. What are the special powers of arrest under the ACC Act?

According to Section 21 of the Anti-Corruption Commission Act, 2004, the Commission has the following special powers of arrest:

- ☯ Notwithstanding anything contained in any other provision of this Act, if an officer of the Commission authorized in this behalf has reasonable grounds to believe that a person has acquired or is in possession, in his own name or in the name of any other person, any movable or immovable property disproportionate to his declared sources of income, such officer may, with approval of the court, arrest such person.
- ☯ In simple terms, the Anti-Corruption Commission can arrest a person if they have reasonable grounds to believe that the person has acquired or possesses any property that is disproportionate to their known sources of income. However, the Commission needs to obtain approval from the court before making such an arrest.