This a reference under section 6 (eno) of the Law Commission Act, 1996.

The reference is as follows:—“Code of Criminal Procedure, 1898, (Act V of 1898) the section 10 (1) and section 12(1) to the same effect.”

The purport of the above reference is that in view of section 10 of the Code of Criminal Procedure, 1898, a District Magistrate is appointed to exercise powers under the Code in a particular District outside the Metropolitan Area and similarly, in view of section 12 of the Code, Magistrates of the first, second and third class are appointed to exercise powers of such Magistrates under the Code in a particular District outside the Metropolitan Area and notwithstanding this fact and the fact that in view of section 18 of the Code, a Chief Metropolitan Magistrate, an Additional Chief Metropolitan Magistrate and Metropolitan Magistrates are appointed to exercise powers of such Magistrates in a Metropolitan Area, the District Magistrate continues to exercise powers vested in the District Magistrate under various laws in force, within the Metropolitan Area. The reference also indicates that in the opinion of the Government, the above situation has given rise to certain confusion as to whether a District Magistrate who is appointed for areas outside the Metropolitan Area can legally exercise powers of a District Magistrate within the Metropolitan Area. The object of the reference is to suggest suitable amendment to the Code of Criminal Procedure, 1898, so that the so called confusion may be removed and all sorts of disputes between the District Magistracy and the Metropolitan Magistracy regarding their respective jurisdictions within the Metropolitan Area in respect of exercise of powers under the Code and other laws in force may be avoided. In other words, the object of the reference is to seek means for vesting the District Magistracy with the powers of the District Magistracy under the Code and all other laws in force, and to divest the District Magistracy of all these powers, within the Metropolitan Area.

After careful considerations, the Commission are of opinion that insertion of a new provision in the Code of Criminal Procedure, 1898, by suitable amendment thereof will secure the object sought for by the Government in the reference in question. The proposed provision may run as follows:—“Unless the context otherwise requires, any
reference to a District Magistrate, an Additional District Magistrate or a Magistrate wherever occurring in this Code or in any other law for the time being in force, shall, in respect of a Metropolitan Area, be construed, as a reference respectively to a Chief Metropolitan Magistrate, an Additional Chief Metropolitan Magistrate or a Metropolitan Magistrate, as the case may be, of the said Metropolitan Area.”

A draft of the bill for the proposed amendment in the Code of Criminal Procedure 1898, is placed below.
Bill No. 1998

A Bill

to further amend the Code of Criminal Procedure, 1898 (Act V of 1898).

Whereas it is expedient further to amend the Code of Criminal Procedure, 1898 by insertion of a new section 21A;

It is hereby enacted as follows:-

1. Short title, extent and commencement.-

   (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1998.

   (2) This Act shall come into force on such date and in such Metropolitan Area as the Government may, by notification in the official Gazette, appoint.

2. Insertion of a new section 21A.- In the Code of Criminal Procedure, 1898 (Act V of 1898), after section 21, the following new section 21A shall be inserted, namely:-. 

"21A. Unless the context otherwise requires, any reference to a District Magistrate an Additional District Magistrate or a Magistrate wherever occurring in this Code or in any other law for the time being in force shall, in respect of a Metropolitan Area, be construed as a reference respectively to a Chief Metropolitan Magistrate, an Additional Chief Metropolitan Magistrate or a Metropolitan Magistrate, as the case may be, of the said Metropolitan Area."

1. (Justice Kemaluddin Hossain)
   Chairman.

2. (Justice Amin-Ur-Rahman Khan)
   Member.

3. (Justice Naimuddin Ahmed)
   Member.