

The Soldiers (Litigation) Act, 1925

(ACT NO. IV OF 1925)

¹♣An Act to consolidate and amend the law to provide for the special protection in respect of civil and revenue litigation of soldiers serving under special conditions.

WHEREAS it is expedient to consolidate and amend the law to provide for the special protection in respect of civil and revenue litigation of soldiers serving under special conditions; It is hereby enacted as follows:-

Short title, extent and commencement 1.(1) This Act may be called the Soldiers (Litigation) Act, 1925.
(2) It extends to the whole of Bangladesh.
(3) It shall come into force on the first day of April, 1925.

Definition 2. In this Act, unless there is anything repugnant in the subject or context,-
(a) "Court" means a Civil or Revenue Court;
²[* * *]
(b) "soldier" means any person subject to the ³[Army Act, 1952, or the] Air Force Act, 1953;
(c) "prescribed" means prescribed by rules made under this Act; and
(d) "proceeding" includes any suit, appeal or application.

Circumstances in which a soldier shall be deemed to be serving under special conditions 3. For the purposes of this Act, a soldier shall be deemed to be or, as the case may be, to have been serving-
⁴[(a) under special conditions-when he is or has been serving under war conditions or overseas, or with any unit the headquarters of which are situated at any place which is more than fifty miles distant by road from the nearest railway station;]

(b) under war conditions-when he is or has been, at any time during the continuance of any hostilities declared by the Government by notification in the official Gazette to constitute a state of war for the purposes of this Act or at any time during a period of six months thereafter,-

(i) serving out of Bangladesh,

(ii) under orders to proceed on field service,

(iii) serving with any unit which is for the time being mobilised, or

(iv) serving under conditions which, in the opinion of the prescribed authority, preclude him from obtaining leave of absence to enable him to attend a Court as a party to any proceeding, or when he is or has been at any other time serving under conditions service under which has been declared by the Government by notification in the official Gazette to be service under war conditions; and

(c) overseas-

(i) when he is or has been serving in any place outside Bangladesh the journey between which and Bangladesh is ordinarily undertaken wholly or in part by sea, or

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6[* * *]

**Particulars
to be
furnished in
plaints,
applications
or appeals
to court**

4. If any person presenting any plaint, application or appeal to any Court has reason to believe that any adverse party is a soldier who is serving under special conditions, he shall state the fact in his plaint, application or appeal.

**Power of
Collector to
intervene
in case of
unrepresented
soldier**

5. If any Collector has reason to believe that any soldier, who ordinarily resides or has property in his district and who is a party to any proceeding pending before any Court, is unable to appear therein, the Collector may certify the facts in the prescribed manner to the Court.

**Notice to be
given in**

**case of
unrepresented
soldier**

6.(1) If a Collector has certified under section 5, or if the Court has reason to believe, that a soldier, who is a party to any proceeding pending before it, is unable to appear therein, and if the soldier is not represented by any person duly authorised to appear, plead or act on his behalf, the Court shall suspend the proceeding and shall give notice thereof in the prescribed manner to the prescribed authority:

Provided that the Court may refrain from suspending the proceeding and issuing the notice if-

(a) the proceeding is a suit, appeal or application instituted or made by the soldier, alone or conjointly with others with the object of enforcing a right of preemption, or

(b) the interests of the soldier in the proceeding are, in the opinion of the Court, either identical with those of any other party to the proceeding and adequately represented by such other party or merely of a formal nature.

(2) If it appears to the Court before which any proceeding is pending that a soldier though not a party to the proceeding is materially concerned in the outcome of the proceeding, and that his interests are likely to be prejudiced by his inability to attend, the Court may suspend the proceeding and shall give notice thereof in the prescribed manner to the prescribed authority.

**Postponement
of
proceedings**

7. If, on receipt of a notice under section 6, the prescribed authority certifies in the prescribed manner to the Court in which the proceeding is pending that the soldier in respect of whom the notice was given is serving under special conditions, and that a postponement of the proceeding in respect of the soldier is necessary in the interests of justice, the Court shall thereupon postpone the proceeding in respect of the soldier for the prescribed period, or, if no period has been prescribed, for such period as it thinks fit.

**Court may
proceed
when no**

8. If, after issue of a notice under section 6, the prescribed authority either certifies that the soldier is not serving under special conditions or that such postponement is not necessary, or fails to certify, in the case of a soldier