



পশ্চিমবঙ্গ সরকার

ভূমি সংশ্লিষ্ট আইনের প্রাসঙ্গিক ধারাসমূহের সংকলন

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পুঁজি

“পুঁজি হল পিঠারি আইনের প্রাথমিক পরামর্শের সংকলন”। প্রকলন বইতে ‘পুঁজি’ শব্দে আইন কান্ডে অভিযুক্ত। পুঁজি ও পুঁজি প্রকাশের প্রক্রিয়া কাল্পনিক পুঁজির আইন নিয়ন্ত্রিত। এ কারণে পুঁজি প্রকাশের পুঁজির পুঁজির আইন কান্ডে অভিযুক্ত। পুঁজি প্রকাশের প্রক্রিয়া কাল্পনিক পুঁজির আইন নিয়ন্ত্রিত। এ কারণে পুঁজি প্রকাশের পুঁজির পুঁজির আইন কান্ডে অভিযুক্ত।

পুঁজি বিচারক পুঁজির আইন কান্ডে অভিযুক্ত। পুঁজি প্রকাশের পুঁজির পুঁজির আইন কান্ডে অভিযুক্ত। পুঁজি প্রকাশের পুঁজির পুঁজির আইন কান্ডে অভিযুক্ত।

পুঁজির পুঁজি, পুঁজির আইন কান্ডে অভিযুক্ত। পুঁজি প্রকাশের পুঁজির পুঁজির আইন কান্ডে অভিযুক্ত। পুঁজি প্রকাশের পুঁজির পুঁজির আইন কান্ডে অভিযুক্ত।

অনুলিপি: ১. পুঁজির আইন কান্ডে অভিযুক্ত।

পুঁজির আইন কান্ডে অভিযুক্ত।
পুঁজির আইন কান্ডে অভিযুক্ত।



১৩৩

“শুধি সঙ্গীতটি আঁড়নের প্রাথমিক পর্যায়েই বসে বসে” প্রকাশ বিসময়ই একটি সংস্করণসহী ও প্রকাশনীয় উদ্যোগ। শুধি আঁড়ন প্রকাশের পরে শুধি বিদ্যালয় আঁড়ন পুরস্কারটি ও প্রোগ্রামটিই চলবে এবং এতে প্রকাশের উদ্যোগ প্রকাশ করবে। এ সংস্করণটি শুধি প্রকাশের কর্মসূচী ও কর্মসূচীসমূহে সঙ্গীত জীবন ও বিদ্যালয়ের পুস্তকগুলি ছাড়াও প্রকাশ করা হবে। শুধি বিদ্যালয় আঁড়ন প্রকাশের পরে শুধি বিদ্যালয় আঁড়ন প্রোগ্রামের পরে শুধি বিদ্যালয় আঁড়ন প্রোগ্রামটিই চলবে এবং এতে প্রকাশের উদ্যোগ প্রকাশ করবে। এ সংস্করণটি শুধি প্রকাশের কর্মসূচী ও কর্মসূচীসমূহে সঙ্গীত জীবন প্রকাশের পুস্তকগুলি ছাড়াও প্রকাশ করা হবে এবং এতে প্রকাশের উদ্যোগ প্রকাশ করবে।

শুধি আঁড়ন, সঙ্গীত পরামর্শ এবং সঙ্গীত শুধি আঁড়নের আঁড়ন সঙ্গীত পরামর্শের কর্মসূচী ও কর্মসূচীসমূহের আঁড়ন প্রোগ্রামটিই চলবে এবং এতে প্রকাশের উদ্যোগ প্রকাশ করবে। এ সংস্করণটি শুধি প্রকাশের কর্মসূচী ও কর্মসূচীসমূহে সঙ্গীত জীবন প্রকাশের পুস্তকগুলি ছাড়াও প্রকাশ করা হবে এবং এতে প্রকাশের উদ্যোগ প্রকাশ করবে। এ সংস্করণটি শুধি প্রকাশের কর্মসূচী ও কর্মসূচীসমূহে সঙ্গীত জীবন প্রকাশের পুস্তকগুলি ছাড়াও প্রকাশ করা হবে এবং এতে প্রকাশের উদ্যোগ প্রকাশ করবে।

শুধি আঁড়নের সঙ্গীত জীবন প্রোগ্রামটিই চলবে এবং এতে প্রকাশের উদ্যোগ প্রকাশ করবে। এ সংস্করণটি শুধি প্রকাশের কর্মসূচী ও কর্মসূচীসমূহে সঙ্গীত জীবন প্রকাশের পুস্তকগুলি ছাড়াও প্রকাশ করা হবে এবং এতে প্রকাশের উদ্যোগ প্রকাশ করবে। এ সংস্করণটি শুধি প্রকাশের কর্মসূচী ও কর্মসূচীসমূহে সঙ্গীত জীবন প্রকাশের পুস্তকগুলি ছাড়াও প্রকাশ করা হবে এবং এতে প্রকাশের উদ্যোগ প্রকাশ করবে।

তারিখ: ১৭ মার্চ ২০২০ খ্রি.
সংস্করণসহী
প্রতিশ্রুতি
শুধি আঁড়ন



প্ৰতি!

অনুভৱ কৰাটোৱেই কোনো নতুন কামৰ প্ৰথম পদক্ষেপ। অসংখ্য ক্ষেত্ৰত প্ৰতিদিনে প্ৰতিজনৰ প্ৰতিটো নতুন পদক্ষেপৰ আৰম্ভণি। আনহাতে নতুন কামৰ প্ৰতিটো পদক্ষেপৰ আৰম্ভণিৰ প্ৰথম পদক্ষেপ হৈছে। প্ৰতিদিনে নতুন কামৰ প্ৰতিটো পদক্ষেপৰ আৰম্ভণিৰ প্ৰথম পদক্ষেপ হৈছে। প্ৰতিদিনে নতুন কামৰ প্ৰতিটো পদক্ষেপৰ আৰম্ভণিৰ প্ৰথম পদক্ষেপ হৈছে।

বাংলাদেশৰ অৰ্থনৈতিক উন্নয়নৰ বাবে শিক্ষাৰ গুৰুত্ব অসংখ্য ক্ষেত্ৰত প্ৰতিদিনে প্ৰতিজনৰ প্ৰতিটো নতুন পদক্ষেপৰ আৰম্ভণিৰ প্ৰথম পদক্ষেপ হৈছে। প্ৰতিদিনে নতুন কামৰ প্ৰতিটো পদক্ষেপৰ আৰম্ভণিৰ প্ৰথম পদক্ষেপ হৈছে।

এ সকলোৰে প্ৰতিটো পদক্ষেপৰ আৰম্ভণিৰ প্ৰথম পদক্ষেপ হৈছে। প্ৰতিদিনে নতুন কামৰ প্ৰতিটো পদক্ষেপৰ আৰম্ভণিৰ প্ৰথম পদক্ষেপ হৈছে।

শিক্ষাৰ নতুন মনোভাৱৰ আৰম্ভণিৰ প্ৰথম পদক্ষেপ হৈছে। প্ৰতিদিনে নতুন কামৰ প্ৰতিটো পদক্ষেপৰ আৰম্ভণিৰ প্ৰথম পদক্ষেপ হৈছে।

তাৰিখ: ১৫ মে ২০২৩ চন

মহাপ্ৰধান পৰিচালক
শিক্ষাৰ নতুন মনোভাৱ

ভূমি সংক্রান্ত আইনের প্রাথমিক ধারাসমূহের সংকলন

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THE STATE ACQUISITION AND TENANCY ACT, 1950
(EAST BENGAL ACT NO. XXVIII OF 1951).

An Act to provide for the acquisition by the State of the interests of rent-receivers and certain other interests in land in Bangladesh and to define the law relating to tenancies to be held under the State after such acquisition and other matters connected therewith.¹

WHEREAS it is expedient to provide for the acquisition by the State of the interests of rent-receivers and certain other interests in land in Bangladesh and to define the law relating to tenancies to be held under the State after such acquisition and other matters connected therewith;

It is hereby enacted as follows:-

CHAPTER I
PRELIMINARY

Section/Short Title	Descriptions
2. Definitions	<p>2. In this Act, unless there is anything repugnant to the subject or context,-</p> <p>(3) "Collector" means the Collector of a district and includes a Deputy Commissioner and such other officers as may be appointed by the Government to perform all or any of the functions of a Collector under this Act;</p> <p>(4) "Commissioner" means the Commissioner of State Purchase appointed under subsection (1) of section 48;</p> <p>(6) "complete usufructuary mortgage" means a transfer by a tenant of the right of possession in any land for the purpose of securing the payment of money or the return of grain advanced or to be advanced by way of loan upon the condition that the loan, with all interests thereon, shall be deemed to be extinguished by the profits arising from the land during the period of the mortgage;</p> <p>(7) "consolidation", used with respect to holdings means the re-distribution of all or any of the areas of land comprised in the holdings for the purpose of rendering separate holdings more compact by reducing the total number of separate plots;</p> <p>(8) "co-operative society" means a society registered or deemed to be registered under the Co-operative Societies Act, 1912, or the Bengal Co-operative Societies Act, 1940;</p> <p>(9) "cultivating raiyat" or "cultivating under-raiyat" means a raiyat or an under-raiyat, as the case may be, who holds land by cultivating it either by himself or by members of his family or by servants or by bargadars or by or with the aid of hired labourers or with the aid of partners;</p>

¹ Throughout this Act, the word "Bangladesh" has substituted for the words "East Pakistan" by article 1 of the [Bangladesh Independence of East Bengal Order, 1971](#) (President's Order No. 49 of 1971).

² Throughout this Act, the word "Government" has substituted for the words "Provincial Government" by article 1 of the [Bangladesh Independence of East Bengal Order, 1971](#) (President's Order No. 49 of 1971).

<p>[9a] "derelict tea garden" means any parcel or group of parcels of land held under single management which was held, settled or leased for the purpose of cultivation or manufacture of tea, or which has contained or contains tea bushes, and which has been notified by the Government to be a derelict tea garden and includes all buildings on such land.</p> <p>Provided that in notifying a parcel or parcels of land as a derelict tea garden, the Government may have regard to-</p> <p>(i) whether such land is planted to the extent of less than 15 per cent of its area with tea of which no substantial proportion has been planted in the previous 5 years; and</p> <p>(ii) the opinion of the Tea Board as to whether the area planted with tea more than 7 years previously has produced per acre in the last 3 years less than 25 per cent of the average production per acre of the whole area planted with tea in the Province for that period.]</p> <p>[9b] "Director of Land Records and Surveys" includes Additional Director of Land Records and Surveys;</p> <p>(10) "encumbrance", in relation to any estate, tenure, holding, tenancy or land, means any mortgage, charge, lien, sub-tenancy, easement or other right or interest created by the holder thereof on such estate, tenure, holding, tenancy or land or in limitation of his own interest therein;</p> <p>(11) "estate" means land included under one entry in any of the general registers of revenue-paying lands and revenue-free lands, prepared and maintained under the law for the time being in force by the Collector of a district, and includes Government khas mahals and revenue-free lands not entered in any register, and also includes the following in the district of Sylhet-</p> <p>(i) any land subject either immediately or prospectively to the payment of land revenue for the discharge of which a separate engagement has been entered into;</p> <p>(ii) any land subject to the payment of, or assessed with, a separate amount as land-revenue although no engagement has been entered into with the Government for that amount;</p>

² Clause (9a) was inserted and Clause (9b) clause (10) was amended in clause (9b) by section 3 of the East Bengal State Acquisition and Tenancy (Third Amendment) Ordinance, 1951 (East Bengal Ordinance No. 20 of 1951).

³ Clause (9b) was inserted by section 3 of the East Bengal State Acquisition and Tenancy (Amendment) Ordinance, 1950 (East Bengal Ordinance No. 15 of 1950) and amended in clause (9b) by the East Bengal State Acquisition and Tenancy (Third Amendment) Ordinance, 1951 (East Bengal Ordinance No. 20 of 1951).

<p>(11) any land which is, for the time being, included under one entry in the Deputy Commissioner's register of revenue-free estates as well as revenue-free lands which are not so included in such register;</p> <p>(iv) any land, being the exclusive property of Government, of which a separate entry has been made in the general register of revenue-paying and revenue free estate mentioned in Chapter IV of the Assam Land and Revenue Regulation, 1886;</p> <p>(12) "hai" or "bazar" means any place where persons assemble daily or on particular days in a week primarily for the purposes of buying or selling agricultural or horticultural produce livestock, poultry, hides, skins, meat, fish, eggs, milk, milk products or any other articles of food or drink or other necessities of life, and includes all shops of such articles or manufactured articles within such place;</p> <p>(13) "holding" means a parcel or parcels of land or an undivided share thereof, held by a riyat or an under-riyat and forming the subject of a separate tenancy;</p> <p>(14) "homestead" means a dwelling house with the land under it, together with any courtyard, garden, tank, place of worship and private burial or cremation ground attached and appertaining to such dwelling house, and includes any out-buildings used for the purpose of enjoying the dwelling house or for purpose connected with agriculture or horticulture and such lands within well defined limits, whether vacant or not, as are treated to be appertaining thereto;</p> <p>(15) "khas land" or "land in khas possession", in relation to any person, includes any land let out together with any building standing thereon and necessary adjuncts thereto, otherwise than in perpetuity;</p> <p>(16) "land" means land which is cultivated, uncultivated or covered with water at any time of the year, and includes benefits to arise of land, houses or buildings and also things attached to the earth, or permanently fastened to anything attached to the earth;</p> <p>[{ 16a) notwithstanding anything contained in any other law for the time being in force or in any instrument or in any judgment or decree or order of any Court, the definition of "land" in clause (16) includes and shall be deemed always to have included all fisheries, seven] or territorial]</p> <p>(17) "non-agricultural tenant" means a tenant who holds land for purposes not</p>

connected with agriculture or horticulture, but does not include a person holding land together with any building standing thereon any necessary adjuncts thereto under a lease other than a lease in perpetuity;

(18) "notification" means a notification published in the official Gazette ;

[18a] "orchard" means a garden of fruit-trees grown by human efforts and includes coconut, betel nut and pineapple gardens.]

(19) "prescribed" means prescribed by rules made under this Act;

(20) "proprietor" means a person owning, whether in trust or for his own benefit, an estate or a part of an estate;

(21) "registered" means registered under any Act for the time being in force for the registration of documents;

(22) "rent" means whatever is lawfully payable or deliverable in money or kind by a tenant to his landlord on account of the use or occupation of the land held by the tenant;

(23) "rent-receiver" means a proprietor or a tenure holder, and includes a raiyat, an under-raiyat or a non-agricultural tenant whose land has been let out and also the immediate landlord of a person who holds any land free of rent in consideration of some service to be rendered, but does not include a person in respect of such of this lands, as has been let out, together with any building standing thereon and necessary adjuncts thereto, otherwise than in perpetuity;

(24) "Revenue-officer" includes any officer whom the Government may appoint to discharge all or any of the functions of a Revenue-officer under this Act or any rules made thereunder;

(25) "signed" includes "marked", when the person making the mark is unable to write his name; it also includes "stamped" with the name of the person referred to;

(26) "succession" includes both intestate and testamentary succession;

	<p>(27) "tenant" means a person who holds land under another person and is, or but for a special contract would be, liable to pay rent for that land to that person:</p> <p>Provided that a person who, under the system generally known as "adhi", "barga", or "bhug", cultivates the land of another person on condition of delivering a share of the produce to that person, is not a tenant, unless-</p> <p>(i) such person has been expressly admitted to be a tenant by his landlord in any document executed by him or executed in his favour and accepted by him, or</p> <p>(ii) he has been or is held by a Civil Court to be a tenant;</p> <p>(28) "tenure" means the interest of a tenant-holder or an under-tenure holder;</p> <p>(29) "village" means the area defined, surveyed and recorded as a district and separate village in any survey made by, or under the authority of, the Government and, where no such survey has been made, such area as the Collector may, with the sanction of the Board of Revenue, by general or special order, declare to constitute a village;</p> <p>(30) "year" or "agricultural year" means the Bengali year commencing on the first day of Baishakh; and</p> <p>(31) all words and expressions used in Parts I, II, III and IV of this Act, but not defined in this Act, and used in the Bengal Tenancy Act, 1885, or in the Sylhet Tenancy Act, 1956, have the same meanings as in those Acts in the respective areas to which those Acts apply.</p> <p style="text-align: center;">CHAPTER II SPECIAL PROVISIONS FOR THE ACQUISITION OF THE INTERESTS OF CERTAIN RENT-RECEIVERS</p>
<p>Acquisition of the interest of certain rent-receivers and consequences thereof</p>	<p>3. (1) At any time after the commencement of this Act, it shall be lawful for the Government to acquire, by notification in the official Gazette, with effect from such date as may be specified in the notification (hereinafter referred to as the notified date):-</p> <p>(i) all interests of such of the rent-receivers as may be specified in the notification, in their respective estates, taluks, tenures, holdings or tenancies, as the case may be, in any district, part of a district or local area, and</p>

(ii) all interests of all rent-receivers whose properties are, for the time being, under the management of the Court of Wards under the Court of Wards Act, 1879, in their respective estates, taluks, tenures, holdings or tenancies, as the case may be, including all their interests in all sub-soil and rights to minerals in such estates, taluks, tenures, holdings or tenancies.

(2) Subject to the provisions of sub-sections (2), (3), (4), (5) and (6) of section 20, the Government may also, simultaneously with or at any time after the publication of a notification under sub-section (1) in respect of the interests of any rent-receiver in any estate, taluk, tenure, holding or tenancy, acquire, by notification in the official Gazette, with effect from such date as may be specified in the notification (hereinafter referred to as the notified date), all or any of the lands in his khas possession of which he shall not be entitled to retain possession under the said section and so much of the lands in his khas possession as has been acquired under this sub-section and has not vested in the Government under clause (a) of sub-section (4), shall vest absolutely in the Government free from all encumbrances.

[2a] In a notification issued under this section, rent-receivers may be specified or described by name, or by reference to areas wherein they have interests, or in such other manner as the Government may determine.]

(3) The notification referred to in sub-section (1) or sub-section (2) shall be in such form and shall contain such particulars as may be prescribed.

(4) On and from the date specified in a notification under sub-section (1):

(a) all interests of the rent-receivers in the estates, taluks, tenures, holdings or tenancies specified in the notification, including their interests in all lands in their khas possession, and interests in all sub-soil and rights to minerals, in such estates, taluks, tenures, holdings or

tenancies and also including the interests of any such rent-receiver in any building or part of a building standing on any such land and used primarily as office or catchery for the collection of rent of any estate, taluk, tenure, holding or tenancy, shall vest absolutely in the Government free from all encumbrances:

Provided that nothing in this clause shall apply to any building within the homestead

² Sub-section (2a) was inserted by section 4 of the East Bengal State Acquisition and Tenancy (Amendment) Ordinance, 1956 (East Bengal Ordinance No. 11 of 1956).

of the rent-receiver concerned:

(b) all arrears of revenue or rent and all cesses, together with interest, if any, payable thereon, remaining lawfully due to the Collector on the notified date in respect of any interest acquired under sub-section (1) shall, after the said date, continue to be recoverable from the person by whom they were payable and shall, without prejudice to any other mode of recovery, be recoverable by the deduction of the amount of such arrears, cesses and interest from the compensation money payable to such person under section 58, when so ordered by the Collector;

(c) all arrears of rent and all cesses, together with interest if any, due thereon, in respect of any period previous to the notified date payable to a rent-receiver in respect of any interest acquired under sub-section (1) which have not been barred by limitation shall, on and from the said date, vest in, and be recoverable by, the Government and shall, without prejudice to any other mode of recovery, be recoverable, from the persons by whom they were payable, by the deduction of the amount of such arrears, cesses and interest from the compensation money, if any, payable to such persons under section 58, when so ordered by the Collector;

(d) all amounts recoverable by the Government from a rent-receiver under the Bengal Embankment Act, 1882, or the East Bengal [Embankment and Drainage Act, 1952](#) which remain outstanding on the notified date, whether on account of arrear dues or dues under future instalments under the said Acts, in respect of any interest acquired under sub-section (1), shall, without prejudice to any other mode of recovery, be recoverable by the deduction of the amounts of such arrear and future instalments from the compensation money payable to such rent-receiver under section 58 in respect of such interest, when so ordered by the Collector;

⁷[(dd) all arrears of agricultural income-tax recoverable by the Government from a rent-receiver under the Bengal Agricultural Income-tax Act, 1944, which remain outstanding on the notified date, in respect of any interest acquired under sub-section (1), shall, without prejudice to any other mode of recovery, be recoverable by the deduction of the amounts of such arrears from the compensation money payable to such rent-receiver under section 58 in respect of such interest, when so ordered by the Collector;]

(e) all tenants holding lands in such estates, tahsils, tenures, holdings or tenancies directly under the rent-receiver specified in the notification under sub-section (1),

⁷ Clause (dd) was inserted by section 3 of the East Bengal State Acquisition and Tenancy (Second Amendment) Ordinance, 1959 (East Pakistan Ordinance No. XXXIX of 1959)

shall become tenants directly under the Government and shall pay rent at the existing rate, in respect of the rent-paying lands so held by them, to the Government and not to anybody else:

Provided that in cases where no notification was issued under sub-section (2) of section 43 before the commencement of the East Bengal State Acquisition and Tenancy (Amendment) Ordinance, 1957, declaring that the Compensation Assessment-roll in respect of the interest of any such rent-receiver in any such estate, taluk, tenure, holding or tenancy had been finally published, all tenants holding lands in such estate, taluk, tenure, holding or tenancy directly under such rent-receiver shall, as tenants under the Government, be liable to pay rents in respect of the lands so held by them, except rent-free lands, at the rates determined in the record-of-rights finally published under sub-section (3) of section 19 subject to modification under section 53:

(f) all such rent-receivers shall be entitled to hold as tenants directly under the Government such of their khas lands as has not been acquired under sub-section (2) and shall be liable to pay to the Government, the rent determined for such lands under section 5.

¹(ff) pending the final publication of the record-of-rights under sub-section (3) of section 19 or determination of rents under section 5, as the case may be, the tenants referred to in the proviso to clause (e) and in clause (f) shall pay rents to the Government at the rates shown in the preliminary rent-rolls prepared under the rules made ²under Chapter IV in the district other than the district of Sylhet; and, in the district of Sylhet, the tenants referred to in the proviso to clause (e) shall pay rents to the Government at the rates shown in the provisional rent-rolls, prepared on the basis of draft record-of-rights annexed under the provisions of the Sylhet Tenancy Act, 1946, the Assam Land and Revenue Regulations, 1886, or the East Bengal [State Acquisition and Tenancy Act, 1950](#), as the case may be, and the tenants referred to in clause (f) shall pay rent to the Government at the rates determined under section 5 and the rules made thereunder:

Provided that when any such rent is shown either at an enhanced or at a reduced rate in the record-of-rights finally published under sub-section (3) of section 19, or determined either at an enhanced or at a reduced rate under section 5, as the case may

¹ Clauses (ff) with the proviso was inserted by section 5 of the East Bengal State Acquisition and Tenancy (Amendment) Ordinance, 1958 (East Pakistan Ordinance No. XLIV of 1958)

² The words, figures, brackets, commas, semi-colon within the square were substituted for the words, figures and colon "under Chapter IV;" by section 3 of the East Bengal State Acquisition and Tenancy (Second Amendment) Ordinance, 1959 (East Pakistan Ordinance No. IV of 1959)

	<p>be, or when any such rent is enhanced or reduced under section 53, the tenant shall be liable to pay the balance or entitled to the adjustment of excess payment against future rent payable by him, as the case may be, with retrospective effect from the notified date.]</p> <p>(g) an arrear of rent payable under ¹¹clauses (e), (f) and (ff) ¹²may, without prejudice to any other mode of recovery,] be recoverable under the Bengal Public Demands Recovery Act, 1913.</p> <p>(h) a transferable tenure coming in whole directly under the Government under clause (e) shall be deemed to be a tenure as defined in section 1 of the Bengal Land Revenue Saks Act, 1868.</p> <p>¹³[(4a) Notwithstanding anything contained in any other law for the time being in force, in computing the period of limitation for the recovery of any arrear of rent payable under clauses (e), (f) and (ff) of sub-section (4) in the district of Sylhet, a period of twenty-four months on and from the date of acquisition under this Act of the rent-receiving interests to which such arrears relate shall be excluded.]</p> <p>(5) The outgoing rent-receivers, whose interests have been acquired under this section, shall be entitled to compensation as provided in this Act.</p>
<p>CHAPTER IV PREPARATION OF RECORD-OF-RIGHTS</p>	
Preparation of record-of-rights	<p>17. (1) The Government may, with a view to acquisition under the provisions of this Act of the interests of all rent-receivers within any district, part of a district or local area and of such other interests in land therein as are liable to be acquired under the provisions of this Act, and with a view to the assessment of compensation payable for all such interests including the interests which have already been acquired under Chapter II, make an order directing-</p> <p>(a) that a record-of-rights be prepared in respect of such district, part of a district or local area, or</p> <p>(b) that the record-of-rights, last prepared and finally published under Chapter X of the</p>

¹¹ The words brackets, comma and letters "d, e, (e), (f) and (ff)" were substituted for the words brackets and letters "clauses (e) and (f)" by section 5(3) of the East Pakistan Ordinance XLIV of 1958.

¹² The words and comma "may, without prejudice to any other mode of recovery," were substituted for the word "shall" by section 4 of the East Bengal State Acquisition and Tenancy (Second Amendment) Act, 1952 (East Bengal Act No. VI of 1952).

¹³ Sub-section (4a) was inserted by section 2 of the East Bengal State Acquisition and Tenancy (Amendment) Ordinance, 1961 (East Pakistan Ordinance No. III of 1961).

	<p>Bengal Tenancy Act, 1885, in respect of such district, part of a district or local area, be revised.</p> <p>by a Revenue-officer in accordance with the provisions of this Chapter and with such rules as may be made in this behalf by the Government.</p> <p>(2) If any order has been made under section 101 of the Bengal Tenancy Act, 1885, or under section 117 of the Sylhet Tenancy Act, 1936, for the preparation of a record-of-rights in respect of any district, part of a district or local area, but the preparation of such record-of-rights has not been completed or such record-of-rights has not been finally published at the time when an order is made under sub-section (1) for the preparation or revision of a record-of-rights in respect of such district, part or area, then on the making of an order under the said sub-section, all further proceedings relating to the preparation of the record-of-rights under the said Act shall be stayed; and such record-of-rights shall be prepared in accordance with the provisions of this Chapter and with such rules as may be made in this behalf by the Government:</p> <p>Provided that any proceedings in respect of the preparation of such record-of-rights commenced under Chapter X of the Bengal Tenancy Act, 1885, or under Chapter IX of the Sylhet Tenancy Act, 1936, and undertaken prior to the publication of the draft of such record-of-rights under section 103A of the Bengal Tenancy Act, 1885, or under section 119 of the Sylhet Tenancy Act, 1936, as the case may be, shall, for the purposes of the preparation of such record-of-rights under this Chapter, be deemed to have been commenced and undertaken under this Chapter.</p> <p>(3) A notification in the official Gazette of an order under sub-section (1) shall be conclusive evidence that the order has been duly made.</p>
<p>Lands to be retained in the possession of rent-receivers, cultivating raiyats, cultivating under-raiyats and non-agricultural tenants</p>	<p>20. (1) On the acquisition of the interests of rent-receivers in any area under Chapter V, no rent-receiver, cultivating raiyat, cultivating under-raiyat or non-agricultural tenant shall be entitled to retain possession of any of his khas lands in such area except as provided in sub-section (2).</p> <p>(2) A rent-receiver, a cultivating raiyat, a cultivating under-raiyat, or a non-agricultural tenant shall be entitled to retain, as a tenant under the Government, possession of-</p> <p>(a) lands covered by his homestead or any other building belonging to him with necessary adjuncts thereto, other than such building or part of a building outside his homestead as is used primarily as office or catchery for the collection of rents of any estate, taluk or tenure and may be decided to be acquired by the Government;</p> <p>(b) lands in his khas possession of the following classes, other than derelict tea</p>

	<p>gardens, namely:-</p> <p>(i) lands used for agricultural or horticultural purposes including tanks,</p> <p>(ii) lands which are cultivable or which are capable of cultivation on reclamation, and</p> <p>(iii) vacant non-agricultural lands:</p> <p>Provided that the aggregate quantity of all lands of the classes referred to in clauses (a) and (b) in the whole of province so retained in possession by a rent-receiver, a cultivating raiyat, a cultivating under-raiyat or a non-agricultural tenant shall not exceed three hundred and seventy-five standard bighas or an area determined by calculating at the rate of ten standard bighas for each member of his family, whichever is greater.</p> <p>1. (2a) Notwithstanding anything contained in any other law for the time being in force or in any instrument or in any judgment or decree or order of any Court lands of the classes referred to in the clauses (a) and (b) of sub-section (2) do not include and shall be deemed never to have included-</p> <p>(i) any land or building in a hat or bazar, or,</p> <p>(ii) any fishery other than a tank constructed solely by process of excavation, or,</p> <p>(iii) any land consisting of forest, or,</p> <p>(iv) any land actually in use for a ferry.]</p> <p>(3) Allotments of lands, of which a rent-receiver, a cultivating raiyat, a cultivating under-raiyat or a non-agricultural tenant is entitled to retain possession under clause (b) of sub-section (2), shall be made by the Revenue-officer according to the choice of such rent-receiver, cultivating raiyat, cultivating under-raiyat or non-agricultural tenant or, where no such choice is exercised within a prescribed period, according to the rules to be made in this behalf by the Government.</p> <p>Provided that in exercising such choice such rent-receiver, cultivating raiyat, cultivating under-raiyat or non-agricultural tenant shall retain the entire area of land</p>
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¹⁸ Sub-section (2) was substituted for the original text by section 6 of the First Bengal State Acquisition and Tenancy (Special Amendment) Ordinance, 1953 (First Proclamation Ordinance No. XX of 1953).

held by each of the other members of his family if it is ten standard bighas or less and to the extent of at least ten standard bighas if it exceeds that quantity and that in allotting land to a family, the Revenue-officer shall record them in the names of the persons who actually hold them.

Provided further that when a rent-receiver, a cultivating raiyat, a cultivating under-raiyat or a non-agricultural tenant or any member of his family has mortgaged any land to the Agricultural Development Finance Corporation established under the Agricultural Development Finance Corporation Act, 1952, or to the House Building Finance Corporation established under the House Building Finance Corporation Act, 1952, or to the Agricultural Bank of Pakistan established under the Agricultural Bank Act, 1957, he shall, when exercising choice under this section, be bound to include in his choice all lands, so mortgaged, of the classes and up to the limit he is entitled to retain under sub-section (2) and when such a rent-receiver, a cultivating raiyat, a cultivating under-raiyat or a non-agricultural tenant has already exercised his choice under this section, but no Compensation Assessment roll in respect of his excess khas land has been finally published, he shall be required to revise his choice in accordance with the provisions of this provision.

(4) Notwithstanding anything contained in sub-section (2), a rent-receiver, a cultivating raiyat or a cultivating under-raiyat or a group of rent-receivers, cultivating raiyat or cultivating under-raiyats who has or have undertaken large scale farming on a co-operative basis or otherwise by the use of power driven mechanical appliances, or large scale dairy farming may, if he is or they are certified in that behalf by the prescribed Revenue Authority, retain possession of and hold such quantity of lands in excess of the limit specified in the said sub-section as may be specified in the certificate granted by such Revenue Authority:

Provided that such a certificate shall be subject to revisions by the said Revenue Authority at such intervals as may be fixed in this behalf by the Government.

1. (4A) Notwithstanding anything contained in sub-section (2), a person or persons holding land for the purposes of the cultivation and manufacture of tea or coffee or the cultivation of rubber or a company holding land for the cultivation of sugarcane for the purpose of manufacture of sugar by that company may, if he or it is or they are certified in that behalf by the prescribed Revenue Authority, retain possession of and hold such quantity of land in excess of the limit specified in the said sub-section as may be specified in the certificate granted by such Revenue Authority.

Provided that such a certificate shall be subject to revisions by the said Revenue Authority at such intervals as may be fixed in this behalf by the Government:

Provided further that for the purpose of this sub-section, a defect tea garden shall not be deemed to be land held for the purpose of the cultivation and manufacture of tea.]

^(b)(4B) Notwithstanding anything contained in sub-sections (4) and (4A) or in sections 39, 43 and 44 or in any other law for the time being in force, the land held under a certificate granted under sub-section (4) or (4A) by the prescribed Revenue Authority shall absolutely vest in the Government on the date when the Government shall take a decision in favour of the certificate-holder on an application submitted by him for granting a lease on a long term basis in respect of such land, wherein the certificate holder gave up the claim of compensation that would have been assessed under section 39 for the purpose of formal acquisition of such land, and such land may be leased out under the second proviso to sub-section (1) of section 81 to the certificate-holder without charging any premium thereof, on such terms and conditions as may be set forth in the lease by the Government, by terminating the certificate].

(5) (i) Noting in sub-sections (1), (2) and (3) of this section shall apply-

(a) Omitted by section 4 of the East Bengal State Acquisition and Tenancy (Third Amendment) Ordinance, 1961 (E. P. Ord. XV of 1961).

(b) to any land covered by buildings or structures and necessary adjuncts thereto as are used for the purpose of any large scale industry with such other lands as are used for growing raw materials therefor, or

(c) to so much of the lands held under debutter, wakf, wakf-al-aulad or any other trust as is exclusively dedicated and the income from which is exclusively applied to religious or charitable purposes without reservation of pecuniary benefit for any individual.

(ii) Where, under any debutter, wakf, wakf-al-aulad or any other trust, the income from the lands covered by such trust is partly dedicated for religious or charitable purposes and partly reserved for the pecuniary benefit of any individual, only such portion of the lands, as may be selected in accordance with the rules to be made in this behalf by the Government, shall come within the purview of sub-clause (c) of clause

¹⁰ Sub-section (4B) inserted by section 2 of East Bengal Ordinance No. 1 of 1971.

	<p>(b) Explanation- For the purposes of sub-section (2) of this section-</p> <p>(a) a rent-receiver, cultivating raiyat, cultivating under-raiyat or non-agricultural tenant shall be deemed to include a group of them who are members of the same family; and</p> <p>(b) a family shall, when used in relation to a rent-receiver, cultivating raiyat, cultivating under-raiyat, or non-agricultural tenant, be deemed to consist of such rent-receiver cultivating raiyat, cultivating under-raiyat or non-agricultural tenant and all persons living in the same mess with and dependant upon such rent-receiver, cultivating raiyat, cultivating under-raiyat or non-agricultural tenant, but does not include any servant or hired labourer living in the same mess.</p> <p>(6) The provision of sub-section (c) of clause (b) of sub-section (5) and clause (i) of that sub-section shall not apply and be deemed never to have applied to any land on which hats or bazars are held or which consists of forests or fisheries or ferries.</p>
<p>CHAPTER V ASSESSMENT OF COMPENSATION AND ACQUISITION OF INTERESTS OF RENT-RECEIVERS AND OF CERTAIN OTHER INTERESTS</p>	
Printing and distribution of record-of-rights	<p>46. (1) After the Compensation Assessment-roll or Compensation Assessment-rolls in respect of all estates, tenures, and interest of rent-receivers in holdings or tenancies comprised within a district, part of a district or local area, in respect of which a record-of-rights has been prepared or revised and finally published under Chapter IV, has or have been published, such record-of-rights shall be modified by eliminating therefrom the entire chain of interests of rent-receivers and showing therein only the tenant who will come directly under the Government as a result of the acquisition of such interests; and one or more numbers to be borne on the Revenue-roll of the district shall be assigned by the Collector in respect of the areas to which such record-of-rights relates in accordance with such rules as the Government may make in this behalf; and the record-of-rights so modified shall be reprinted.</p> <p>(2) Copies of the record-of-rights so reprinted shall be distributed free of cost to the tenants of the areas to which such record-of-rights relates in such manner as may be prescribed.</p>
<p>CHAPTER XI MISCELLANEOUS</p>	
Settlement and use of land vested in the	<p>76. (1) Except as otherwise expressly provided in this Act, any land which vests in the Government under any of the provisions of this Act shall be absolutely at the disposal of the Government; and the Government shall be competent to make settlement of such</p>

Government	<p>land in accordance with such rules as it may make in this behalf or to use or otherwise deal with such land in such manner as it thinks fit:</p> <p>Provided that no land shall be settled with a person unless he is a person to whom transfer of land can be made under section 90.</p> <p>Provided further that in making settlement of any cultivable land preference shall be given to an applicant for settlement who cultivates land by himself or by the members of his family and holds a quantity of cultivable land which, added to the quantity of cultivable land, if any, held by the other members of his family, is less than three acres.</p> <p>(2) No Civil Court shall entertain any application or suit concerning any matter relating to the settlement, by any officer of the Government, of any land under sub-section (1).</p> <p>Explanation.- For the purposes of this section, the definition of "family" as given in the explanation under section 20 shall apply mutatis mutandis.</p> <p style="text-align: center;">CHAPTER XII APPLICATION OF THIS PART AND CLASS OF AGRICULTURAL TENANTS</p>
Registration of lease deed	<p>1781B. Notwithstanding anything contained in sections 81 and 81A or any other law for the time being in force, no agricultural or non-agricultural tenancy shall in law be created or deemed to have been created, even after acceptance of salami and/or rent from the lessee, till a deed of lease has been executed in favour of the lessee by an authority competent to grant lease of Government khas land or any other gazetted officer duly authorized in this behalf and the said lease has been duly registered under the provision of clause (d) of sub-section (1) of section 17 of the <u>Registration Act, 1908</u>]</p>
<p>CHAPTER XIII INCIDENTS OF HOLDINGS OF RAYATS, AND TRANSFER, PURCHASE AND ACQUISITION OF LANDS</p>	
Rights of raiyat in respect of use of land	<p>83. A raiyat shall have the right to occupy and use the land comprised in his holding in any manner he likes.</p>
Ground for eviction of raiyats	<p>85. A raiyat shall not be ejected from his holding or from any part of his holding, except in execution of a decree for ejectment from the whole holding or from any part of the holding, as the case may be, passed by a Civil Court, on the ground that he has done any act in contravention of the provisions of this Act with respect to the whole</p>

	holding or the Part concerned.
Abatement of rent on account of dilution and determination of right in land re-appeared on account of alluvion	<p>1786. (1) If the lands of a holding or a portion of such lands are lost by dilution, the rent or the land development tax of holding shall, on application or intimation made by the tenant in the prescribed form to the Revenue-officer, be abated by such amount as may be considered by the Revenue-officer to be fair and equitable in accordance with the rules made in this behalf by the Government and the act of such loss by dilution shall be recorded in accordance with such rules, which shall be treated as proof of title to the lands when the same re-appear in situ.</p> <p>(2) Notwithstanding anything contained in any other law for the time being in force, the right, title and interest of the original tenant or his successors-in-interest shall subsist in the lands of a holding or portion thereof during the period of loss by dilution if such lands re-appear in situ within thirty years of their loss.</p> <p>(3) Notwithstanding the right, title and interest under sub-section (2), the right to immediate possession of the lands re-appeared shall first be exercised by the Collector, either on his own motion or on an intimation made in writing by the tenant or his successors-in-interest whose land was so lost or by any other person.</p> <p>(4) Notwithstanding anything contained elsewhere in this Act, the Collector or the Revenue-officer shall, on taking possession of such lands give public notice of the fact of his taking possession in accordance with the rules made in this behalf by the Government and cause a survey to be made of the lands so re-appeared and prepare maps thereof.</p> <p>(5) The Collector shall, within 45 days of the completion of survey and preparation of map under sub-section (4), allot to the tenant whose land was so lost by dilution or, as the case may be, to his successors-in-interest such quantity of land which, together with the land already held by him or his successors-in-interest, shall not exceed sixty standard bighas and the excess land of the tenant or his successors-in-interest, if any, after the allotment shall vest in and be at the disposal of the Government.</p> <p>(6) The lands allotted under sub-section (5) shall be free of sakami but shall be subject to the condition that the tenant or his successors-in-interest shall be liable to pay such fair and equitable rent and land development tax as may be determined by the Revenue-officer.</p> <p>(7) The provision of this section shall not apply to cases of re-appearance of land</p>

	caused or accelerated by any artificial or mechanical process as a result of development works undertaken by the Government or any authority empowered or authorised by or under any law to undertake such development works.
Rights in land gained by accession from recess of river or sea	<p>L⁸⁷. "(1) Notwithstanding anything contained in any other law for the time being in force, when any land has been gained by accession, whether from the recess of a river or of the sea, it shall not be considered as an increment to the holding or tenancy to which it may be thus annexed, but shall vest absolutely in the Government of the People's Republic of Bangladesh and shall be at their disposal.</p> <p>[²(2) The provision of sub-section (1) shall apply to all lands so gained whether before or after the 28th June, 1972, but shall not apply to any land so gained before the said date if the right of a Malik to hold such land as an increment to his holding was finally recognised or declared by a competent authority or court before the date of commencement of the State Acquisition and Tenancy (Sixth Amendment) Order, 1972 (P.O. No. 137 of 1972) under the law then in force.</p> <p>(3) All suits, applications, appeals or other proceedings for the assertion of any claim to hold, as an increment to any holding, any land gained or alleged to have been gained from the recess of a river or of the sea, pending before any court or authority on the date of commencement of the said Order shall not be further proceeded with and shall abate and no court shall entertain any suit, application or other legal proceedings in respect of any such claim.]</p>
Transferability of holding of raiyats	<p>88. The holding of a raiyat or a share or portion thereof shall, subject to the provisions of this Act, be capable of being transferred by him in the same manner and to the same extent as his other immovable property²¹ :</p> <p>Provided that the khas lands of a tea garden retained under sub-section (2) of section 20, or any portion thereof, shall not be transferred without the prior sanction in writing of the Deputy Commissioner and that the proposed transfer shall not in any way disrupt the entity of the tea garden as a whole or in any way affect the cultivation of tea for which the land is held.]</p>
Manner of transfer	<p>89. (1) Every such transfer shall be made by registered instrument, except in the case of a bequest or a sale in execution of a decree or of a certificate signed under the Bengal Public Demands Recovery Act, 1913; and a Registering officer shall not accept for registration any such instrument unless the sale price, or where there is no sale price, the value of the holding or portion or share thereof transferred is stated therein and</p>

²⁰ Section 87 was substituted by Article 2 of the State Acquisition and Tenancy (Amendment) Order, 1972 (P.O. No. 72 of 1972).

²¹ Section 87 was renumbered as subsection (1) of that section by Article 2 of the Bangladesh State Acquisition and Tenancy (Sixth Amendment) Order, 1972 (P.O. No. 137 of 1972).

²² Section 88(2) and (3) were deleted by Article 2 of the Bangladesh State Acquisition and Tenancy (Sixth Amendment) Order, 1972 (P.O. No. 137 of 1972).

²³ The words "and shall abate" were deleted by Article 2 of the Bangladesh State Acquisition and Tenancy (Sixth Amendment) Order, 1972 (P.O. No. 137 of 1972).

unless it is accompanied by:-

(a) a notice giving the particulars of the transfer in the prescribed form together with the process fee prescribed for the transmission thereof to the Revenue-officer; and

(b) such notices and process fees as may be required by sub-section (4).

(2) In the case of a bequest of such a holding or portion or share thereof, no Court shall grant probate or letters of administration until the applicant files a notice similar to, and deposits a process fee of the same amount as, that referred to in clause (a) of sub-section (1).

(3) No Court or Revenue Authority shall confirm the sale of such a holding or portion or share thereof put to sale in execution of a decree or a certificate signed under the Bengal Public Demands Recovery Act, 1913 and no Court shall make a decree or order absolute for foreclosure of a mortgage of such a holding or portion or share thereof, until the purchaser or the mortgagee, as the case may be, files a notice or notices similar to, and deposits process fees of the same amount as, that referred to in sub-section (1).

(4) If the transfer of a portion or share of such a holding be one to which the provisions of section 96 apply, there shall be filed notices giving particulars of the transfer in the prescribed form together with process fees prescribed for the service thereof on all the co-sharer tenants of the said holding who are not parties to the transfer and for affixing a copy thereof in the office of the Registering officer or the Court house or the Office of the Revenue Authority, as the case may be.

(5) The Court, Revenue Authority or Registering officer, as the case may be, shall transmit the notice referred to in clause (a) of sub-section (1) to the Revenue-officer and shall serve the notices on the co-sharer tenants referred to in sub-section (4) by registered post and shall cause a copy of the notice to be affixed in the Court house or in the Office of the Revenue Authority or of the Registering Officer, as the case may be.

Provided that the service of such a notice shall not operate as an admission of the amount of rent or the area of such holding by the Government or by any co-sharer tenant of such holding on whom such notice is served or be deemed to constitute an express consent of the Government or such co-sharer tenant to the division of the holding or to the distribution of the rent payable in respect thereof.

	<p>Provided further that if a transfer is subsequently set aside or modified by a competent authority in any suit, appeal or other proceedings to which the Revenue-officer was not a party,</p> <p>the authority before whom the appropriate suit or proceedings was first initiated shall transmit a copy of such order to the Revenue-officer.</p> <p>(6) In this section-</p> <p>(a) "transferee", "purchaser" and "mortgagee" include their successors-in-interest, and</p> <p>(b) "transfer" does not include partition or, until a decree or order absolute for foreclosure is made, simple or usufructuary mortgage or mortgage by conditional sale.</p>
<p>Limitation of transfer of holding</p>	<p>90 (1) Notwithstanding anything contained in any other law for the time being in force, no person shall, after the commencement of this Part, be entitled to purchase or otherwise acquire, except in accordance with the provisions of this Part, any quantity of land which added to the total quantity of land already held by him for himself and his family exceeds three hundred and seventy-five standard bighas.</p> <p>(2) Notwithstanding anything contained in any other law for the time being in force, the holding of a raiyat or a share or portion thereof shall not be transferred whether by sale or gift or bequest or otherwise or by sale in execution of a decree or of a certificate signed under the Bengal Public Demands Recovery Act, 1913, except to a bona fide cultivator, and any other tenancy or a share or portion thereof shall not be transferred by any such means except to a person, who holds for the time being lands for himself and his family of a total area of less than three hundred and seventy-five standard bighas; and no such transfer shall be valid if, on such transfer, the area of the land so transferred added to the area of land held by the transferee at the time of such transfer exceeds three hundred and seventy-five standard bighas:</p> <p>Provided that nothing in sub-sections (1) and (2) shall render a transfer to any person or co-operative society invalid where the total area of the land held by such person or co-operative society on such transfer exceeds three hundred and seventy-five standard bighas, if-</p> <p>(i) such person has been certified by the prescribed Revenue Authority to be a person who has undertaken large scale farming by the use of power driven mechanical appliances, and</p>

(ii) in the case of a co-operative society, the prescribed Revenue Authority has certified that such society has been formed by a group of cultivating land owners for better farming, irrespective of whether it uses power driven mechanical appliances or not, and that the ownership of the land has been transferred unconditionally to the society by the individual members,

and, in either case, such transfer is limited to the extent specified in the certificate granted by such Revenue Authority:

Provided further that nothing in sub-section (1) or (2) shall apply to the transfer of lands to a person who is bona fide carrying on the cultivation of tea or to a co-operative society or company which is bona fide carrying on the cultivation of sugarcane for the purpose of manufacture of sugar by that society or company or to any other company the object of which is to develop industries by the manufacture of commodities.

(3) Notwithstanding anything contained in sub-section (1) or (2), a person who is not a bona fide cultivator, may, with the previous written permission of the prescribed Revenue Authority, purchase or otherwise acquire such quantity of land as may be specified in such permission, for occupation and use for commercial or industrial purposes or for charitable or religious purposes.

(4) Notwithstanding anything contained in sub-sections (1) or (2), a person who is not a bona fide cultivator, may, with the previous written permission of the prescribed Revenue Authority, purchase or otherwise acquire, such quantity of land as may be specified in the permission, for the purpose of constructing a dwelling house for himself and his family or for the purpose of cultivating such land by himself or by the members of his family or by, or with the aid of, servants or labourers or with the aid of partners or burgadars; and such person shall hold the land so acquired as a tenant under the Government:

Provided that no such person shall be allowed to hold any area of land in excess of the limit imposed in sub-section (1):

Provided further that, in case of land acquired by such person for the purpose of constructing a dwelling house for himself or his family, if no dwelling house is constructed on the land within five years from the date of such acquisition, the right of such person in such land shall be extinguished and the land shall vest on the Government.

(5) Any transfer of a holding or tenancy or of a share or portion thereof made in contravention of the provisions of this section shall be void, and the lands comprised in

	<p>the holding or tenancy or share or portion thereof so transferred shall vest absolutely in the Government free from all encumbrances.</p>
<p>Extinction of interest of raiyats in certain cases</p>	<p>92 (1) The interest of a raiyat in a holding shall be extinguished-</p> <p>(a) when he dies intestate leaving no heir entitled to inherit under the law of inheritance to which he is subject;</p> <p>(b) when he surrenders his holding at the end of any agricultural year by giving notice in the prescribed form and in the prescribed manner and within the prescribed period to the Revenue-officer;</p> <p>(c) when he voluntarily abandons his residence without making any arrangement for payment of the rent as it falls due and ceases to cultivate his holding either by himself or by members of his family or by, or with the aid of, servants or labourers or with the aid of partners or bargadars for a period of three successive years; or</p> <p>(d) when such interest has devolved by inheritance, under the law of inheritance to which such raiyat is subject, on a person who is not a bona fide cultivator and such person has not cultivated the land comprised in the holding either by himself or by members of his family or by, or with the aid of, servants or labourers or with the aid of partners or bargadars during the period of five years from the date on which such interest has so devolved on him and there is no sufficient cause why he has not so cultivated the land.</p> <p>(2) When the interest of a raiyat in a holding is extinguished under sub-section (1), the Revenue-officer may enter on the holding, and the holding shall, with effect from the date on which the Revenue-officer so enters on it, vest absolutely in the Government free from all encumbrances except the encumbrances on the holding which is extinguished under clause (a) of the said sub-section, but the person whose interests in the holdings are extinguished under clauses (b), (c) and (d) of that sub-section shall continue to be personally liable for the money secured by the encumbrances on such holdings.</p> <p>(3) Before entering on a holding under sub-section (2), the Revenue-officer shall cause a notice to be published in the prescribed manner declaring his intention to so enter on the holding and specifying the reasons thereof and also inviting objections from all persons interested in the holding and shall consider any objections that may be submitted to him within the period specified in that behalf in the notice and shall record a decision.</p>

	<p>(4) Any person aggrieved by an order passed by the Revenue-officer under sub-section (3) on any objection shown against the extinguishment of the interest of any raiyat in his holding under clause (d) of sub-section (1) may, instead of filing an appeal under section 147, institute a suit in the Civil Court against such order. Notwithstanding anything contained in any other law for the time being in force, such suit shall be filed within ninety days from the date of the order of the Revenue-officer under sub-section (3).</p> <p>(5) All arrears of rent in respect of a holding remaining due from a raiyat whose interest in such holding has been extinguished under sub-section (1) shall be deemed to be irrecoverable.</p>
Restrictions on subletting	<p>93. (1) No raiyat shall sublet the whole or any part of his holding on any terms or conditions whatsoever.</p> <p>(2) If any holding or any part of holding is sublet in contravention of the provisions of this section, the interest of the raiyat in the holding or in that part of the holding shall be extinguished, and the holding or the part of the holding, as the case may be, shall vest in the Government from the date of such subletting free from all encumbrances.</p>
Limitation on mortgage of raiyat holdings	<p>95. (1) Notwithstanding anything contained in any other law for the time being in force, a raiyat shall not enter into any form of usufructuary mortgage other than a complete usufructuary mortgage in respect of his holding or of a portion or share thereof, and every such complete usufructuary mortgage shall be subject to the same limitations as are imposed by section 90 on a transfer of the holding of a raiyat or of any share or portion thereof; and the period for which such complete usufructuary mortgage may be entered into by any raiyat shall not exceed, by any agreement express or implied, seven years:</p> <p>Provided that any such usufructuary mortgage may be redeemed at any time before the expiry of the said period, on payment of an amount which shall bear the same proportion to the total consideration money received by the mortgagor, as the unexpired period bears to the total period for which the mortgage had been entered into.</p> <p>(2) Every such complete usufructuary mortgage shall be registered under the Registration Act, 1908.</p> <p>(3) If any usufructuary mortgage entered into by a raiyat does not fulfill any of the conditions specified in sub-section (1) or is not registered as required under sub-section (2) it shall be void.</p>

	<p>“(4) Notwithstanding anything contained in any other law for the time being in force, if any mortgagee prevents the redemption of a usufructuary mortgage under the proviso to sub-section (1) or refuses to restore any land covered by a usufructuary mortgage after the expiry of the period of such mortgage, the mortgagee may apply to the Subdivisional Magistrate or to any officer authorised in this behalf by the Government, for such redemption or restoration and, on such application and, in the case of redemption, also on payment by the applicant of the amount due to the mortgagee under the said proviso, the Subdivisional Magistrate or the officer so authorised shall pass an order directing the mortgagee to restore possession of the mortgaged land to the applicant and to deliver up to the applicant all documents in his possession or power relating to the mortgaged land by such date as may be fixed in the order.]</p> <p>(5) If the mortgagee does not restore possession of the mortgaged land to the mortgagee by the date fixed under sub-section (4), the Subdivisional Magistrate²² or any Officer authorised in this behalf by the Government shall, on application made by the mortgagee, put the applicant in possession of such land by evicting the mortgagee therefrom and may, for such eviction, use or cause to be used such force as may be necessary.]</p>
Treatise of of certain transaction as usufructuary mortgage	<p>“195A. Notwithstanding anything contained in any other law for the time being in force, any transfer of a holding or of portion or share thereof,²³ either by way of an out and out sale with an agreement to reconvey,²⁴ or where the transferee receives from the transferee any consideration and the transferee acquires the right to possess, and to enjoy the usufruct of, such holding or portion or share thereof for a specified period in lieu of such consideration, shall notwithstanding anything contained in the document relating to the transfer, be deemed to be a complete usufructuary mortgage for a period not exceeding seven years and the provisions of section 95 shall apply to such transfer whether made before or after the date of commencement of the State Acquisition and Tenancy (Second Amendment) Order, 1972 (P.O. No. 88 of 1972).</p>
Right of pre-emption	<p>“196. (1) If a portion or share of a holding of a raiyat is sold to a person who is not a co-sharer tenant in the holding, one or more co-sharer tenants of the holding may, within two months of the service of the notice given under section 89, or, if no notice has been served under section 89, within two months of the date of the knowledge of the sale, apply to the Court for the said portion or share to be sold to himself or themselves:</p>

²² Sub-section (4) and (5) were added by Article 2 of the State Acquisition and Tenancy (Second Amendment) Order, 1972 (Provisional Order No. 88 of 1972).

²³ Sub-section (4) was substituted by Article 2 of the State Acquisition and Tenancy (Second Amendment) Order, 1972 (Provisional Order No. 88 of 1972).

²⁴ The words and clauses “or any officer authorised in this behalf by the Government shall, on application made by the mortgagee, put the applicant in possession of such land by evicting the mortgagee therefrom and may, for such eviction, use or cause to be used such force as may be necessary” were inserted by Article 2 of the State Acquisition and Tenancy (Second Amendment) Order, 1972 (Provisional Order No. 88 of 1972).

²⁵ Section 95A was inserted by Article 1 of the State Acquisition and Tenancy (Second Amendment) Order, 1972 (Provisional Order No. 88 of 1972).

²⁶ The words and clauses “either by way of an out and out sale with an agreement to reconvey” were inserted by Article 2 of the State Acquisition and Tenancy (Second Amendment) Order, 1972 (Provisional Order No. 88 of 1972).

²⁷ The word “or” was inserted by Article 2 of the State Acquisition and Tenancy (Second Amendment) Order, 1972 (Provisional Order No. 88 of 1972).

²⁸ Section 95 was substituted by Article 1 of the State Acquisition and Tenancy (Second Amendment) Order, 1972 (Provisional Order No. 88 of 1972).

<p>Provided that no application under this section shall lie unless the applicant is-</p> <p>(a) a co-sharer tenant in the holding by inheritance; and</p> <p>(b) a person to whom sale of the holding or the portion or share thereof, as the case may be, can be made under section 90.</p> <p>Provided further that no application under this section shall lie after expiry of three years from the date of registration of the sale deed.</p> <p>(2) In an application under sub-section (1), all other co-sharer tenants by inheritance of the holding and the purchaser shall be made parties.</p> <p>(3) An application under sub-section (1) shall be dismissed unless the applicant or applicants, at the time of making it, deposit in the Court-</p> <p>(a) the amount of the consideration money of the sold holding or portion or share of the holding as stated in the notice under section 89 or in the deed of sale, as the case may be;</p> <p>(b) compensation at the rate of twenty five per centum of the amount referred to in clause (a); and</p> <p>(c) an amount calculated at the rate of eight per centum simple annual interest upon the amount referred to in clause (a) for the period from the date of the execution of the deed of sale to the date of filing of the application for preemption.</p> <p>(4) On receipt of such application accompanied by such deposits, the Court shall give notice to the purchaser and to the other persons made parties thereto under sub-section (2) to appear within such period as it may fix and shall require the purchaser to state what other sums he has paid in respect of rent since the date of sale and what expenses he has incurred in annulling encumbrances on, or for making any improvement in respect of the holding, portion or share sold.</p> <p>(5) The Court shall, after giving all the parties an opportunity of being heard after holding an enquiry as to rent paid and the expenses incurred by the purchaser as referred to in sub-section (4), direct the applicant or applicants to deposit a further sum.</p>
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if necessary, within such period as the Court thinks reasonable.

(6) When an application has been made under sub-section (1), any of the remaining co-sharer tenants may, within the period referred to in sub-section (1) or within two months of the date of the service of the notice of the application under sub-section (4), whichever be earlier, apply to join in the said application; any co-sharer tenant who has not applied either under sub-section (1) or under this sub-section, shall not have any further right to purchase under this section.

(7) On the expiry of the period within which an application may be made under sub-section (6), the Court shall determine, in accordance with the provisions of this section, which of the applications filed under sub-section (6) shall be allowed.

(8) If the Court finds that an order allowing the applications made under sub-section (7) is to be made in favour of more than one applicant, the Court shall determine the amount to be paid by each of such applicants and, after apportioning the amount, shall order the applicant or applicants who have joined in the original application under sub-section (6) to deposit in the Court the amounts payable by him or them within such period as it thinks reasonable; and if the deposit is not made by any such applicant within such period, his application shall be dismissed.

(9) On the expiry of the period within which a deposit, if any, is to be made under sub-section (8), the Court shall pass orders-

(a) allowing the application or applications made by the applicant or applicants who are entitled to purchase under, and have complied with the provisions of, this section;

(b) apportioning the holding or the portion or share of the holding among them in such manner as it deems equitable when such orders are passed in favour of more than one applicant under sub-section (8);

(c) refunding money to any one if entitled to such refund of any money from the amount deposited by the applicant or applicants under sub-sections (3) and (5);

(d) directing that the purchaser be paid out of the deposits made under sub-sections (3) and (5);

(e) directing the purchaser to execute and register deed or deeds of sale within sixty days in favour of the person or persons whose application or applications have been allowed; and no tax, duty or fee shall be payable for such registration.

(10) If the purchaser fails to execute and register deed or deeds of sale in pursuance of the directions under clause (e) of sub-section (9), within sixty days in favour of the person or persons whose application or applications have been allowed, the court shall execute and present deed or deeds of sale for registration within sixty days thereafter in favour of such person or persons whose application or applications have been allowed.

(11) From the date of the registration of sale deed or deeds under clause (e) of sub-section (9) or under sub-section (10), the right, title and interest in the holding or portion or share thereof accruing to the purchaser from the sale shall, subject to any orders passed under sub-section (9), be deemed to have vested, free from all encumbrances which have been created after the date of sale, in the co-sharer tenant or tenants whose application or applications to purchase have been allowed under sub-section (9).

(12) The Court on further application of such applicant or applicants may place him or them, as the case may be, in possession of the property vested in him or them.

(13) No apportionment ordered under clause (b) of sub-section (9) shall operate as division of the holding.

(14) An application under this section shall be made to the Court which would have jurisdiction to entertain a suit for the possession of the land in connection with which the application is brought.

(15) An Appeal shall lie to the ordinary Civil Appellate Court from any order of the Court under this section.

(16) Nothing in this section shall be deemed to apply to homestead land.

(17) Nothing in this section shall take away the right of pre-emption conferred on any person by the Mohammedan Law.

(18) Nothing in this section shall apply to any transfer of any portion or share of a holding of a raiyat or any application under section 96 of this Act, made prior to coming into force of the State Acquisition and Tenancy (Amendment) Act, 2006.]

CHAPTER XIV

30 PROVISIONS AS TO ASSESSMENT, ENHANCEMENT AND REDUCTION OF RENT

³⁰ The words "the holder or the assessment or the reduction of rent" were substituted for the words "Provisions as to assessment and reduction of rent" by section 5 of the Maharashtra (Amendment) Act, 1975.

<p>Assessment or re-assessment of rent in certain cases</p>	<p>[1] 98A. (1) Notwithstanding anything contained elsewhere in this Act, it shall be lawful for the Deputy Commissioner to assess or re-assess rent on land in the following cases, namely:-</p> <p>(a) where any land held by a raiyat or non-agricultural tenant has not been assessed to any rent under Chapter IV or section 144, nor has any rent been settled in respect of such land under section 107; or</p> <p>(b) where any land assessed to rent as agricultural land under any of the provisions mentioned in clause (a), is subsequently used for a non-agricultural purpose or vice versa.</p> <p>(2) In assessing or re-assessing any rent under sub-section (1), the Deputy Commissioner shall have regard to the principles laid down in section 26.</p> <p>Provided that the Deputy Commissioner shall not take action under this section in any area where preparation or revision of record-of-rights has been undertaken under section 144:</p> <p>Provided further that no assessment or re-assessment of rent shall be made under this section unless not less than fifteen days' notice has been given to the raiyat or tenant concerned to appear and be heard in the matter.</p> <p>(3) Where only a part of a holding is used for a non-agricultural purpose, such portion shall be constituted into a separate tenancy on the principles laid down in sub-section (3) of section 107 as far as applicable and assessment or re-assessment of rent thereof made under this section].</p>
<p>Procedure in determining rent-rates</p>	<p>100. (1) When an order is made under clause (a) of sub-section (1) of section 99, the Revenue-officer shall, for the purpose of determining the rent-rates for the area specified in such order, divide such area into as many suitable units of area as he considers necessary having regard to the conditions of the land and, if such area be agricultural area, the crops grown in such area, and the Revenue-officer shall then determine the rent-rates for different classes of lands in each such unit.</p> <p>(2) In determining the rent-rates for different classes of agricultural land under sub-section (1), the Revenue-officer shall take into consideration-</p>

(a) the nature of the soil and the general productivity of the class of land for which the rent-rate is being determined;

(b) the normal yield per acre of the land to be determined in the prescribed manner;

(c) the average prices of the crops grown on such land calculated on the basis of the average prices of such crops prevailing during the preceding twenty years excluding the years in which such prices were abnormal;

(d) any means of irrigation or drainage or any other special facilities for cultivation of such land;

(e) the result of any work of agricultural improvement effected within any particular unit at the expense of Government.

(3) The rate of rent per acre for any class of agricultural land determined under sub-section (1) shall not exceed one-tenth of the total value of the produce per acre of such land obtained by multiplying the normal yield per acre of such land, determined in the manner prescribed, by the average price of crops grown in such land referred to in clause (c) of sub-section (2).

(4) In determining the rate of rent for different classes of non-agricultural land under sub-section (1), the Revenue-officer shall take into consideration-

(a) the rent generally paid to the Government for non-agricultural land with similar advantages or of a similar description in the vicinity;

(b) the market value of the land or of similar land in the vicinity immediately before the publication of the notification under section 99, to be determined in the prescribed manner;

(c) special conditions and incidents, if any, of the tenancy, and

(d) the result of any work of improvement effected within any particular unit at the expense of Government:

Provided that the rate of rent per acre for any class of non-agricultural land determined under sub-section (1) shall not exceed one-fourth per centum of such market value in the case of a residential area and half per centum of such market value in the case of

	<p>any other area.</p> <p>(5) The rent generally paid for similar land in the vicinity, as referred to in clause (a) of sub-section (4), shall be calculated by adding up the existing rents of such land in the unit and dividing the sum total by the total area of such unit.</p> <p>Explanation.- For the purpose of this section, "land" does not include any building or structure standing thereon.</p>
<p>CHAPTER XXV AMALGAMATION, SUBDIVISION AND CONSOLIDATION OF HOLDINGS</p>	
<p>Amalgamation of holdings of a tenant in the same village</p>	<p>116. Where various parcels of land are held by one tenant within one village, and such parcels of land or some of them are the subject of separate tenancies, such parcels of land shall, under the orders of the Revenue-officer, be amalgamated into one tenancy.</p>
<p>Subdivision of holding and restrictions thereon</p>	<p>117. (1) Notwithstanding anything contained elsewhere in this part, the Revenue-officer may,-</p> <p>(a) for the purpose of amalgamation of tenancies under section 116, either on his own motion or on an application made to him by one or more co-sharer tenants, in that behalf, or</p> <p>(b) for the purpose of consolidation of holdings of a malik, under section 119, either on his own motion or on an application made to him, in that behalf, or</p> <p>(c) for the purpose of subdivision of a joint tenancy for distribution of rent thereof, on an application made to him by one or more co-sharer tenants,</p> <p>direct, by order in writing, such subdivision of a joint tenancy amongst the co-sharer tenants and distribution of rent thereof, including arrears of rent, if any, as he may consider fair and equitable:</p> <p>Provided that no such order shall be passed unless reasonable notice is given to the parties concerned to appear and be heard in the matter.</p> <p>Provided further that where an order under clause (c) is passed, and distribution of rent, by reason thereof, results in bringing the rent of a portion of the tenancy below rupee</p>

	<p>one, a fraction of rupee one shall be rounded off into rupee one.</p> <p>(2) Omitted by section 19 of the State Acquisition and Tenancy (Amendment) Ordinance, 1967 (East Pakistan Ordinance No. VIII of 1967).</p> <p>(3) When an order under sub-section (1) has been passed subdividing a joint holding, such subdivision may be demarcated on the ground and also shown on the cadastral survey map.</p>
Persons entitled to apply for consolidation of holding	<p>119. (1) Any two or more riyats having lands in the same or contiguous villages may apply in the prescribed form to the Revenue-officer for consolidation of their holdings and submit along with such application a scheme for such consolidation.</p> <p>(2) If not less than two-thirds of the riyats in a village or a block of villages, which form one contiguous area, holding not less than three-fourths of the total cultivable area in such village or block of villages, make an application under sub-section (1) for consolidation of their holdings, such application shall be deemed to be an application on behalf of all the riyats of such villages or block of villages.</p>
Admission of application	<p>120. (1) On receipt of any application for consolidation under section 119, the Revenue-officer shall enquire into such application in the prescribed manner and shall, if he considers after such enquiry that there are good and sufficient reasons for rejecting such application or excluding any of such land from consolidation, submit the application to the prescribed superior Revenue Authority with a recommendation that the application be rejected, or disallowed in a part, specifying his reason therefor; and on receipt of such recommendation, such superior Revenue Authority shall pass such orders thereon as he thinks proper.</p> <p>(2) If the Revenue-officer does not make any recommendation under sub-section (1), or if such superior Revenue Authority, on receipt of the recommendation of the Revenue-officer, makes an order directing the Revenue-officer to admit the application in whole or in part, the Revenue-officer shall admit such application either in whole or in part, as the case may be, and shall deal with it in accordance with the provisions of this Chapter and of any rules made by the Government under this Act.</p>
CHAPTER XVI PROVISIONS AS TO RENT AND REALISATION OF RENT	
Time and place for payment of rent	<p>136. (1) Every riyat shall pay or tender each instalment of rent and every non-agricultural tenant shall pay or tender the rent before sunset of the day on which it falls due:</p> <p>Provided that the riyat or the non-agricultural tenant may pay or tender the rent</p>

	<p>payable for the year at any time during the year before it falls due.</p> <p>(2) The payment or tender of rent may be made-</p> <p>(a) at the village tahsil office or at such other convenient place as may be appointed in that behalf by the Collector; or</p> <p>(b) by postal money-order in the manner prescribed.</p> <p>(3) When rent is sent by postal money-order in the prescribed manner it shall be presumed, until the contrary is proved, that a tender has been made.</p> <p>(4) When rent sent by postal money-order is accepted, the fact of this acceptance shall not be used in any way as evidence of the correctness of any of the particulars set forth in the postal money-order form.</p> <p>(5) Any rent or any instalment or part of an instalment of rent not duly paid at or before the time when it falls due shall be deemed to be an arrear.</p>
Appropriation of payments	<p>137. (1) When a raiyat or a non-agricultural tenant makes a payment on account of rent, he may declare the year or years and the instalment or instalments in respect of which he wishes the payment to be credited, and the payment shall be credited accordingly.</p> <p>(2) If he does not make any such declaration, the payment shall be credited towards the arrears, if any, and the balance, if any, after the arrears have been satisfied, and where there is no arrear, the whole amount, shall be credited as the rent of the current year.</p>
Raiyat making payment of his rent entitled to a receipt	<p>138. Every raiyat or non-agricultural tenant who makes a payment on account of rent shall be entitled to obtain forthwith, from the person authorised in writing by the Collector to receive such rent, a written receipt in the prescribed form for the amount paid by him signed by the person so authorised.</p>
Liability of holding to sale for arrears	<p>139. The holding of a raiyat or the tenancy of a non-agricultural tenant shall be liable to sale in execution of a certificate signed under the Bengal <u>Public Demands Recovery Act, 1913</u>, for the rent thereof, and the rent shall be a first charge thereon.</p>
Interest on arrears	<p>140. An arrear of rent shall bear simple interest at the rate of six and a quarter per centum per annum from the expiry of the year in which the rent or instalments of rent, as the case may be, fall due to the date of payment or of the filing of the certificate under the Bengal <u>Public Demands Recovery Act, 1913</u>, whichever date is earlier</p>

Realisation of arrears of rent under the Bengal Public Demands Recovery Act, 1913	141. All arrears of rent shall be recoverable under the Bengal Public Demands Recovery Act, 1913, subject to such rules as may be made in this behalf by the Government and not otherwise: Provided that a certificate signed under the said Act for arrears of rent shall not be executed by arresting the certificate-debtor and detaining him in the civil prison.
Limitation	142. The period of limitation for the recovery of an arrear of rent shall be three years running from the last day of the year in which the arrear fell due.
CHAPTER XVII MAINTENANCE AND REVISION OF THE RECORD-OF-RIGHTS	
Maintenance of the record-of-rights	143. The Collector shall maintain up-to-date, in the prescribed manner, the record-of-rights prepared or revised under Part IV or under this Part by correcting clerical mistakes and by incorporating therein the changes on account of- (a) the mutation of names as a result of transfer or inheritance; (b) the subdivision, amalgamation or consolidation of holdings; (c) the new settlement of lands or of holdings purchased by the Government; and (d) the abatement of rent on account of abandonment or dilution or acquisition of land.
Correction of the Record-of-Rights upon inheritance	143B. (1) Person acquiring immovable property by inheritance according to their respective personal laws shall amicably effect partition of the property among them after the death propositus. After such partition, an instrument of partition shall be prepared and signed by all the concerned parties and shall be registered under the Registration Act, 1908. (2) Upon presentation of the instrument of partition prepared, signed and registered under sub-section (1), the Revenue-officer shall revise the Khaitan in accordance therewith.
Procedure for Correction of the Record-of-Rights	143C. (1) The Revenue-officer on receipt of the notice under section 89 shall open a file for mutation of record-of-rights and shall issue notice to the co-sharers of the holding for mutation. (2) For this purpose the Revenue-officer shall fix a date for objection if any. If no objection is raised within the stipulated period, the Revenue-officer shall correct the record-of-rights accordingly.

	<p>(3) If any objection is filed by any co-sharer of the holding, then the Revenue-officer shall fix a date for hearing both the parties, and after hearing, the Revenue-officer shall pass an order stating the reasons thereof, and the record-of-rights shall be corrected accordingly.]</p>
<p>Revision of the record-of-rights</p>	<p>144. (1) The Government may in any case if it thinks fit make an order directing that a record-of-rights in respect of any district, part of a district or local area be prepared or revised by a Revenue-officer in accordance with such rules as may be made by the Government in this behalf.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make such order in any of the following cases, namely:-</p> <p>(a) where not less than one-half of the total number of tenants applies for such an order;</p> <p>(b) where the preparation or revision of such a record is calculated to settle or avert a serious dispute existing or likely to arise amongst the tenants; and</p> <p>(c) where a settlement of rent is being or about to be made in respect of any district, part of a district or local area.</p> <p>(3) A notification in the official Gazette of an order under sub-section (1) shall be conclusive evidence that the order has been duly made.</p> <p>(4) When an order is made under sub-section (1), the Revenue-officer shall record in the record-of-rights to be prepared or revised in pursuance of such order such particulars as may be prescribed.</p> <p>[144A] (i) Notwithstanding anything contained elsewhere in this Act, the Revenue-officer shall also assess or re-assess rent on land in the following cases, namely:-</p> <p>(a) where any land held by a raiyat or non-agricultural tenant has not been assessed to any rent under Chapter IV or section 98A, nor has any rent been settled in respect of such land under section 107; or</p> <p>(b) where any land assessed to rent as agricultural land under any of the provisions</p>

	<p>mentioned in clause (a), is subsequently used for a non-agricultural purpose or vice versa.</p> <p>In assessing or re-assessing any rent under this sub-section, the Revenue-officer shall have regard to the principles laid down in section 26.</p> <p>(ii) Where only a part of a holding is used for non-agricultural purpose, the Revenue-officer shall take action on the principles laid down in sub-section (3) of section 98A.]</p> <p>(5) When a record-of-rights has been prepared or revised so as to contain or include therein the particulars referred to in sub-section (4) [] and the rents assessed or re-assessed under sub-section (4A)], the Revenue-officer shall publish a draft of the record-of-rights so prepared or revised in the prescribed manner and for the prescribed period and shall receive and consider any objections which may be made to any entry therein or to any omission therefrom during the period of such publication.</p> <p>(6) Any person aggrieved by an order passed by the Revenue-officer on any objection made under sub-section (5) may prefer an appeal to the prescribed Revenue Authority not below the rank of an Assistant Settlement Officer in such manner and within such period as may be prescribed.</p> <p>(7) When all such objections and appeals have been considered and disposed of according to such rules as the Government may make in this behalf, the Revenue-officer shall finally frame the record and shall cause such record to be finally published in the prescribed manner and the publication shall be conclusive evidence that the record has been duly prepared or revised under this section.</p> <p>(8) When a record-of-rights has been finally published under sub-section (7), the Revenue-officer shall, within such time as the " Director of Land Records and Surveys) may fix in this behalf, make a certificate stating the fact of such final publication and the date thereof and shall date and subscribe the same with his name and official title.</p>
Presumption as to correctness of record of rights	<p>"144A. Every entry in a record-of-rights prepared or revised under section 144 shall be evidence of the matter referred to in such entry, and shall be presumed to be correct until it is proved by evidence to be incorrect.</p>
Recovery of the cost of revision of record-of-	<p>145. (1) Where the preparation or revision of a record-of-rights has been directed under this Chapter in respect of any district, part of a district or local area, the expenses incurred in respect of such preparation or revision shall be recoverable from the riyat and other occupants of land in such proportions and in such instalments, if any, as the</p>

²⁴ The words "New Area, Open and Other" and the words assessed or re-assessed under sub-section (4A) were inserted by section 7 of the East Pakistan Ordinance No. 1 of 1973.

²⁵ The words "Director of Land Records and Surveys" were substituted for the words "Board of Revenue" in Article 3 and the Schedule of the Bangladesh Laws (Repealing and Amending) Order, 1973 (Government Order No. 22 of 1973).

²⁶ Sections 144A and 144B were inserted by section 14 of the State Acquisition and Tenancy (Amendment) Ordinance, 1967 (East Pakistan Ordinance No. VII of 1967).

rights	<p>Government, having regard to all the circumstances, may determine:</p> <p>Provided that no part of these expenses shall be recoverable from the raiyats and other occupants in the case where the preparation or revision of the record-of-rights has been undertaken under clause (c) of sub-section (2) of section 144 with a view to settlement of fair and equitable rents of such raiyats under the provisions of Chapter XIV.</p> <p>(2) The portion of the aforesaid expenses which any person is liable to pay under sub-section (1) shall be recoverable by the Government as if it were an arrear of rent due in respect of the holding or other interest, as the case may be, of such person, situated within the said district, part of a district or local area.</p>
Land Survey Tribunal	<p>145A. (1) The Government may, by notification in the official Gazette, establish as many Land Survey Tribunals as may be required to dispose of the suits arising out of the final publication of the last revised record-of-rights prepared under section 144.</p> <p>(2) The Government may, by notification in the official Gazette, fix and alter the territorial limits of the jurisdiction of any Land Survey Tribunal.</p> <p>(3) The Government shall, in consultation with the Supreme Court, appoint the judge of the Land Survey Tribunal from among persons who are Joint District Judges.</p> <p>(4) No suit other than the suits arising out of the final publication of the last revised record of rights prepared under section 144 shall lie in the Land Survey Tribunal.</p> <p>(5) If any suit arising out of the final publication of the last revised record-of-rights prepared under section 144 is instituted in any civil court before the establishment of the Land Survey Tribunal under this section, such suit shall stand transferred to the Tribunal as soon as it is established.</p> <p>(6) Subject to the provision of sub-section (7), any person aggrieved by the final publication of the last revised record-of-rights prepared under section 144 may, within one year from the date of such publication or from the date of the establishment of the Land Survey Tribunal, whichever is later, file a suit in such Tribunal.</p> <p>(7) A suit may be admitted within next one year after the expiry of the period specified in sub-section (6), if the Land Survey Tribunal is satisfied with the reasons for delay shown by the plaintiff.</p> <p>(8) The Tribunal shall be competent to declare the impugned record-of-rights to be</p>

	incorrect and further direct the concerned office to correct the record-of-rights in accordance with its decision, and may also pass such other order as may be necessary.
Land Survey Appellate Tribunal	<p>145B. (1) The Government may, by notification in the official Gazette, establish as many Land Survey Appellate Tribunals as may be required to hear the appeals arising out of the judgment, decree or order of the Land Survey Tribunals.</p> <p>(2) The Government may, by notification in the official Gazette, fix and alter the territorial limits of the jurisdiction of any Land Survey Appellate Tribunal.</p> <p>(3) The Government shall appoint the judge of the Land Survey Appellate Tribunal from among persons who are or have been Judges of the High Court Division of the Supreme Court.</p> <p>(4) No appeal other than the appeals arising out of the judgment, decree or order of the Land Survey Tribunal shall lie in the Land Survey Appellate Tribunal.</p> <p>(5) Subject to the provision of sub-section (6), any person aggrieved by any judgment, decree or order of the Land Survey Tribunal may, within three months from the date of such judgment, decree or order, prefer an appeal to the Land Survey Appellate Tribunal.</p> <p>(6) An appeal may be admitted within next three months even after the expiry of the period specified in sub-section (5), if the Land Survey Appellate Tribunal is satisfied with the reasons for delay shown by the appellant.</p>
Appeal to the Appellate Division	145C. An appeal from a judgment or order of the Land Survey Appellate Tribunal shall lie to the Appellate Division of the Supreme Court only if the Appellate Division grants leave to appeal.
Powers and procedure of Tribunals	<p>145D. (1) For the purposes of disposal of suits or appeals, a Land Survey Tribunal or a Land Survey Appellate Tribunal, as the case may be, shall exercise the powers and follow the procedure under the <u>Code of Civil Procedure, 1908</u> (N of 1908), so far as not inconsistent with the provisions of this Act or the rules made thereunder, in respect of the following matters, namely:-</p> <p>(a) summoning and enforcing the attendance of any person and examining him;</p> <p>(b) requiring the discovery and production of any document;</p> <p>(c) requiring evidence on affidavit;</p>

	<p>(d) requisitioning any public record or a copy thereof from any office;</p> <p>(e) issuing commissions for the examination of witnesses or documents; and</p> <p>(f) such other matters as may be prescribed by rules.</p> <p>(2) Any proceeding before a Land Survey Tribunal or a Land Survey Appellate Tribunal shall be deemed to be a judicial proceeding within the meaning of section 193 of the <u>Pennal Code</u> (XLV of 1860).</p> <p>(3) A Land Survey Tribunal or a Land Survey Appellate Tribunal shall sit at such place or places as the Government may fix.</p> <p>(4) The Judge of the Land Survey Tribunal or Land Survey Appellate Tribunal may make such administrative arrangements as he considers necessary for the performance of the functions of the Land Survey Tribunal or Land Survey Appellate Tribunal, as the case may be.</p> <p>(5) The Land Survey Appellate Tribunal may, of its own motion or upon an application made to it, by order in writing, transfer, at any stage of the proceedings, any suit from one Land Survey Tribunal to another Land Survey Tribunal within the territorial limits of its jurisdiction.</p>
Finality of Tribunals' decisions and orders	145E. Subject to the decisions and orders of the Land Survey Appellate Tribunal and the Appellate Division of the Supreme Court, as the case may be, the decisions and orders of the Land Survey Tribunal shall be final.
Power to abolish Tribunals, etc	145G. The Government may, by notification in the official Gazette, at any time, abolish any Land Survey Tribunal established under section 145A, and any Land Survey Appellate Tribunal established under section 145B, and while so abolishing, the Government shall, in the same notification, specify the courts where the suits, appeals and other proceedings pending in such Tribunals at the time of such abolition shall be transferred to and be disposed of.
CHAPTER XVII JURISDICTION, APPEAL, REVISION AND REVIEW	

Superintendence and control over Revenue-officers	<p>[146. (1) The general superintendence and control over all Revenue-officers shall be vested in and all such officers shall be subordinate to, the "1 Board of Land Administration].</p> <p>[2 Subject to the provisions of sub-section (1), a Commissioner of a division shall exercise control over all other Revenue-officer in his Division.</p> <p>(3) Subject as aforesaid and to the control of the Commissioner of the division, a Collector shall exercise control over all other Revenue-officers in his district.]</p>
Appeals	<p>147. Subject to any special provisions for appeal made in this Part or in any rules made under this Act, an appeal shall lie from every original or appellate order made under any of the provisions of this Part by a Revenue-officer as follows, namely:-</p> <p>(a) to the Collector, when the order is made by a Revenue-officer subordinate to the Collector;</p> <p>[^(a) (a) to the Commissioner of the division, when the order is made by the Collector of a district within the division; and]</p> <p>[^(b) (b) to the "1 Board of Land Administration], when the order is made by the "1 Commissioner of a division].</p>
Limitation for appeals	<p>148. The period of limitation for an appeal under section 147 shall run from the date of the order appealed against and shall be as follows, that is to say-</p> <p>(a) when the appeal lies to the Collector thirty days.</p> <p>[^(b) (b) when the appeal lies to the Commissioner of a division sixty days.</p> <p>(b) when the appeal lies to the "1 Board of Land Administration] ninety days].</p>

¹ Section 146 was substituted by Section 7 and the Schedule of the [Bangladesh Land Administration Ordinance, 1975](#) (President's Order No. 12 of 1975).

² The words "Board of Land Administration" were substituted for the word "Commissioner" by section 2 and the Schedule of the [Bangladesh Land Administration Ordinance, 1962](#) (S.I. of 1962).

³ Sub-section (2) and (3) were substituted by section 2 and the Schedule of the [Bangladesh Laws \(Amendment\) Ordinance, 1976](#) (Ordinance No. 25 of 1976).

⁴ These words were inserted by section 2 and the Schedule of the [Bangladesh Laws \(Amendment\) Ordinance, 1975](#) (Ordinance No. 25 of 1975).

⁵ Clause (b) was inserted by Article 3 and the Schedule of the [Bangladesh Laws \(Amendment\) Ordinance, 1975](#) (President's Order No. 12 of 1975).

⁶ Clause (c) was substituted by Article 3 and the Schedule of the [Bangladesh Laws \(Amendment\) Ordinance, 1975](#) (President's Order No. 12 of 1975).

⁷ The words "Board of Land Administration" were substituted for the word "Commissioner" by section 2 and the Schedule of the [Bangladesh Land Administration Ordinance, 1962](#) (S.I. of 1962).

⁸ The words "Commissioner of a division" were substituted for the words "Collector of a district" by section 2 and the Schedule of the [Bangladesh Laws \(Amendment\) Ordinance, 1976](#) (Ordinance No. 25 of 1976).

⁹ Clause (b) was substituted by section 2 and the Schedule of the [Bangladesh Laws \(Amendment\) Ordinance, 1976](#) (Ordinance No. 25 of 1976).

¹⁰ The words "Board of Land Administration" were substituted for the word "Commissioner" by section 2 and the Schedule of the [Bangladesh Land Administration Ordinance, 1962](#) (S.I. of 1962).

	[1 * * *]
Revision	<p>149. (1) Subject to any special provision for revision made in this Part, the Collector may of his own motion within one month of the date of any order passed under this Part by a Revenue-officer subordinate to him or on application made in that behalf within one month of the date of such order, revise such order.</p> <p>[1 (a) The Commissioner of a division may, of his own motion, within three months of the date of any order passed under this Part by the Collector of a district within the division or on an application made in that behalf within three months of the date of such order, revise such order.]</p> <p>[1 * * *]</p> <p>[2] (3) The [1] Board of Land Administration] may, of its own motion, within six months of the date of any order passed under this Part by the Commissioner of a division or on an application made in that behalf within six months of the date of such order, revise such order.]</p> <p>[1 (4) The [1] Board of Land Administration] may at any time order the correction of any entry in a record-of-rights maintained under this Part or in a settlement rent-roll prepared and finally published under this Part which, it is satisfied, has been made owing to a bona fide mistake:</p> <p>Provided that an order shall not be revised under this section if an appeal has been preferred against such order:</p> <p>Provided further that no order for correction shall be made under sub-section (4) until reasonable notice has been given to the parties concerned to appeal and be heard in the matter.)</p>
Review by Revenue-officer	<p>150. (1) A Revenue-officer may, on application made in that behalf by any party interested or of his own motion review any order passed by himself or by any of his predecessors in office under this Part, and in so reviewing any order, may modify,</p>

⁴² Clause (1) was inserted by Article 3 and the Schedule of the Rajasthan-Land Revenue (Repealing and Amending) Order, 1977 (Gazette No. 12 of 1977).

⁴³ Sub-section (a) was inserted by section 7 and the Schedule of the Rajasthan Land Revenue (Amendment) Ordinance, 1976 (Ordinance No. 20 of 1976).

⁴⁴ Sub-section (3) was inserted by Article 3 and the Schedule of the Rajasthan Land Revenue (Amendment) Order, 1977 (Gazette Order No. 12 of 1977).

⁴⁵ Sub-section (3) was substituted by section 2 and the Schedule of the Rajasthan Land Revenue (Amendment) Ordinance, 1977 (Ordinance No. 12 of 1977).

⁴⁶ The words "Board of Land Administration" were substituted for the word "Government" by section 4 and the Schedule of the Rajasthan Land Revenue (Amendment) Ordinance, 1982 (Ordinance No. 12 of 1982).

⁴⁷ Sub-section (4) was substituted by section 2 and the Schedule of the Rajasthan Land Revenue (Amendment) Ordinance, 1977 (Ordinance No. 12 of 1977).

⁴⁸ The words "Board of Land Administration" were substituted for the word "Government" by section 4 and the Schedule of the Rajasthan Land Revenue (Amendment) Ordinance, 1982 (Ordinance No. 12 of 1982).

	<p>reverse or confirm any such order:</p> <p>Provided that-</p> <p>(a) an application for review of an order shall not be entertained unless it is made within thirty days from the date of such order or, when such application is presented after the expiry of the said period of thirty days, unless the applicant satisfies the Revenue-officer that he had sufficient cause for not making the application within the said period;</p> <p>(b) an order shall not be reviewed if an appeal has been preferred against such order or an application for revision of such order has been made to the superior Revenue Authority; and</p> <p>(c) an order shall not be modified or reversed on a review unit reasonable notice has been given to the parties concerned to appear and be heard in the matter.</p> <p>(2) No appeal shall lie from an order rejecting an application for review or confirming on a review any previous order.</p>
Computation of the period of limitation for appeals, applications for revision and review under this Act	<p>151. (1) Sections 6, 7, 8 and 9 and sub-section (2) of section 29 of the <u>Limitation Act</u> 1908, shall not and, subject to the provisions of Part V of this Act, the remaining provisions of the former Act, shall, so far as applicable, apply to all suits, appeals and applications arising under the said Part.</p> <p>(2) All suits, appeals and applications referred to in Part V shall be instituted and made within the time prescribed therefore; and every such suit instituted, appeal preferred, and application made, after the prescribed period of limitation shall be dismissed, although limitation has not been pleaded.</p>
<p>CHAPTER X V I A SPECIAL PROVISIONS FOR EXEMPTION OF RENT</p>	
Exemption of rent in respect of certain land	<p>151A. (1) Notwithstanding anything contained elsewhere in this Act, where a milk or non-agricultural tenant holds any land which is used primarily as a place of public prayer or religious worship or a public graveyard or a public cremation ground, he may apply in the prescribed form, to the Deputy Commissioner for exempting such land from payment of rent.</p> <p>(2) Within three months from the date of receipt of such application, the Deputy Commissioner shall, after such enquiry as he deems fit, ascertain whether any land specified in the application is used as mentioned therein.</p>

	<p>(3) If the Deputy Commissioner is satisfied that any land specified in the application is used as mentioned therein, he shall determine, in the prescribed manner, the area of the land so used and pass an order exempting such area from payment of rent, and, if the Deputy Commissioner is not so satisfied, he shall pass an order rejecting the application.</p> <p>(4) If the area determined under sub-section (3) forms a part of a holding or tenancy, the Deputy Commissioner shall separate such area from the rest of the holding or tenancy and create a separate rent-free tenancy for such area.</p> <p>(5) Where a separate rent-free tenancy is created under sub-section (4), the Deputy Commissioner shall reduce the rent payable in respect of the holding or tenancy out of which such rent-free tenancy is created in proportion to the area of such rent-free tenancy.</p> <p>(6) Any person aggrieved by an order of the Deputy Commissioner under sub-section (3) may, within thirty days from the date of such order, prefer an appeal to the [1 Commissioner of the Division].</p> <p>[1] (6) Any person aggrieved by an order of the Commissioner of the Division under sub-section (6) may, within sixty days from the date of such order, make an application to the [2] Board of Land Administration for the revision of such order.]</p> <p>[1] [s + s]</p> <p>(8) The [3] Board of Land Administration may, at any time, of its own motion, revise any order passed under this section by [4] the Commissioner of the Division or] the Deputy Commissioner.</p> <p>(9) An order for exemption from payment of rent under this section shall take effect from the beginning of the agricultural year next after the date of such order.</p> <p>Explanation- In this section-</p> <p>(a) 'a place of public prayer or religious worship' means a public place specifically ear-</p>
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²⁴ The words "Commissioner of the Division" were substituted for the word "Government" by section 2 and the Schedule of the Bangladeshi Laws (Amendment) Ordinance, 1976 (Ordinance No. 15 of 1976).

²⁵ Sub-section (6) was inserted by section 2 and the Schedule of the Bangladeshi Laws (Amendment) Ordinance, 1976 (Ordinance No. 15 of 1976).

²⁶ The words "Board of Land Administration" were substituted for the word "Government" by section 2 and the Schedule of the Laws (Amendment) Ordinance, 1982 (Ordinance No. 12 of 1982).

²⁷ Sub-section (7) was inserted by Article 2 and the Schedule of the Bangladeshi Laws (Amendment) Ordinance, 1975 (Ordinance No. 12 of 1975).

²⁸ The words "Board of Land Administration" were substituted for the word "Government" by section 2 and the Schedule of the Laws (Amendment) Ordinance, 1982 (Ordinance No. 12 of 1982).

²⁹ The words "the Government of the Division" were inserted by section 2 and the Schedule of the Bangladeshi Laws (Amendment) Ordinance, 1976 (Ordinance No. 15 of 1976).

	<p>marked, permanently preserved and regularly used exclusively for the purpose of offering prayers or worship by the followers of any particular religion or faith, such as Mosque, Jamatkhana, Eidgah, Temple, Church, Math, Synagogue, Pagoda, etc., and includes such adjuncts thereto as are necessary for such purpose and treated as appertaining to such place, but does not include any place used for deriving pecuniary benefit therefrom; and</p> <p>(b) 'Deputy Commissioner' includes Additional Deputy Commissioner (Revenue).</p>
<p>Re-assessment of rent on land exempted from payment the roof under section 151A</p>	<p>151B. (1) When any land exempted from payment of rent under section 151A ceases to be used for the purpose for which such exemption was allowed, it shall be liable to be re-assessed to rent and it shall be competent for the Deputy Commissioner to re-assess the rent of such land at a rate which he may deem fair and equitable having regard to the rates of rent generally paid for lands of a similar description and with similar advantages in the same village or in the neighbouring villages:</p> <p>Provided that no such re-assessment shall be made unless not less than fifteen days' notice has been given to the persons concerned to appear and be heard in the matter.</p> <p>(2) Any person aggrieved by an order of the Deputy Commissioner under sub-section (1) may, within thirty days from the date of such order, prefer an appeal to the [] Commissioner of the Division].</p> <p>[(2a) Any person aggrieved by an order of the Commissioner of the Division under sub-section (2) may, within sixty days from the date of such order make an application to the [] Board of Land Administration for the revision of such order and the order of that Board shall be final.]</p> <p>[* * *]</p> <p>(4) The rent re-assessed under this section shall be payable from the beginning of the agricultural year next after the date of such re-assessment.]</p>
<p>CHAPTER XVIII SPECIAL PROVISIONS FOR EXEMPTION OF LAND REVENUE IN RELATION TO AGRICULTURAL LAND</p>	

¹⁵¹ The words "Commissioner of the Division" were substituted for the word "Government" by section 2 and the Schedule of the Bangalore (Amendment) Ordinance, 1976 (Ordinance No. 12 of 1976).

¹⁵² The words "Deputy Commissioner" were substituted for the word "Government" by section 2 and the Schedule of the Bangalore (Amendment) Ordinance, 1976 (Ordinance No. 12 of 1976).

¹⁵³ The words "Board of Land Administration" for the text under sub-section (2) and the words "Board of the State" were substituted for the words "Government for the revision of such order" by section 2 and the Schedule of the Bangalore (Amendment) Ordinance, 1976 (Ordinance No. 12 of 1976).

¹⁵⁴ Section 2 (3) was inserted by Article 3 and the Schedule of the Bangalore (Amendment) Ordinance, 1976 (Ordinance No. 12 of 1976).

¹⁵⁵ Chapter XVIII B was added by Article 3 of the State Acquisitions and Transfer (Final Amendment) Order, 1975 (Order No. 16 of 1975).

Exemption of land revenue in respect of agricultural land in certain cases	<p>151C. Notwithstanding anything contained elsewhere in this Act and subject to the provisions of this Chapter, where the total area of agricultural land held in Bangladesh by a family does not exceed twenty-five standard bighas, such family shall be exempted from payment of land revenue in respect of such lands with effect from the first Baisakh of 1379 B. S. or from such date as it may be entitled to such exemption under section 151I, as the case may be:</p> <p>Provided that a family holding a total area of agricultural land exceeding twenty-five standard bighas on the 16th day of December, 1971, shall not be entitled to claim any exemption from payment of land revenue as a result of decrease in the total area to twenty-five standard bighas or less due to any transfer made during the period from the 16th day of December, 1971, to the last date for submission of the statement under section 151D.</p> <p>Provided further that exemption from payment of land revenue under this section or under section 151I shall not absolve any person from the liability of payment of the Development and Relief Tax under the <u>Finance (Third) Ordinance, 1958</u> (E.P. Ord. LXXXII of 1958), the Additional Development and Relief Tax under the <u>Finance Ordinance, 1970</u> (E.P. Ord. XVI of 1970), the Education Cess under the <u>Bengal (Rural) Primary Education Act, 1950</u> (then Act VII of 1950) and the Local Rate under the <u>Basic Democracies Order, 1959</u> (P.O. 8 of 1959), payable on the basis of land revenue and such other taxes, rates and cesses as may be payable under any other law for the time being in force.</p>
Compulsory filing of statements by heads of families holding more than twenty-five bighas of agricultural land	<p>151D. [] By the 31st day of January, 1973, all heads of families, who either individually or with other members of their families held or hold more than twenty-five standard bighas of agricultural lands in Bangladesh on the 16th day of December, 1971, or on the date of submission of the statement, shall submit to the Revenue Officer a statement of all such lands in such form and manner as may be prescribed [].</p> <p>Provided that the Government may extend the time for submission of such statements in all cases or in any particular case or class of cases or in respect of any area up to such date as it thinks fit [].</p>
Penalty for non-submission of statements or willful suppression of land	<p>151E. Any head of a family, who fails, without any reasonable cause, to submit the statement required under section 151D within the specified time or willfully makes any omission from, or incorrect declaration in, the statement submitted by him under the said section, shall be liable to a fine which may extend to taka one thousand, and the land for which no statement has been filed or which has been omitted from the statement or in respect of which the incorrect declaration is made shall stand forfeited to the Government:</p>

⁶⁸ The words "rates and cesses" in the Text of Section 157 were substituted for the words "taxes, rates and cesses" by Ministry Order from the date of commencement of the State Acquisition and Tenancy (Third Amendment) Order 1972, No. A-142 of the State Acquisition and Tenancy (Third Amendment) Order, 1972 (Proclamation Order No. 17 of 1972).

⁶⁹ The words "as prescribed" in the said section and the provision in sub-section 2 of the Acquisition and Tenancy (Third Amendment) Order 1972 (Proclamation Order No. 17 of 1972).

<p>Liability of exempted holdings for re-assessment in certain cases</p>	<p>Provided that where the failure to submit the statement or the omission from, or incorrect declaration in, the statement relates to any land transferred by any member of the family on or after the 16th day of December, 1971, such land shall not be forfeited but an equivalent quantity of land out of the lands actually held by any member or members of the family shall be forfeited in lieu thereof.</p> <p>151F. If any person who is exempted from payment of land revenue under section 151C subsequently acquires at any time agricultural land by inheritance, purchase, gift, beque or otherwise which, added to the total quantity of agricultural land already held by him and other members of his family, exceeds twenty-five standard bighas in the aggregate, the entire quantity of agricultural land held by him and the other members of his family shall be liable to the payment of land revenue with effect from the following dates, namely:-</p> <p>(i) in case of acquisition before the first day of Kartik of the Bengali year, with effect from the first day of Kartik of that year; and</p> <p>(ii) in case of acquisition on or after the first day of Kartik of the Bengali year, from the first day of the Bengali year next following the date of such acquisition.</p>
<p>Compulsory submission of statement by head of the family acquiring land in certain cases</p>	<p>151G. A head of a family, who, or any of the members of whose family, acquires agricultural land making the entire quantity of agricultural land held by such family liable to the payment of land revenue under section 151F, shall, within ninety days of the date of such acquisition, submit to the Revenue-officer a statement of all agricultural lands held by him and the other members of his family in such form and manner as may be prescribed.</p>
<p>Penalty for non-submission of statement or willful suppression of land</p>	<p>151H. A head of a family, who fails to submit a statement under section 151G within the specified time or willfully makes any omission from, or incorrect declaration in, the statement submitted by him under the said section, shall be liable to a fine which may extend to taka one thousand and the land for which no statement has been filed or which has been omitted from the statement or in respect of which the incorrect declaration is made shall stand forfeited to the Government.</p>
<p>Exemption from payment of land revenue in case of decrease in area</p>	<p>151I. Where the total area of agricultural land held by a family liable to the payment of land revenue decreases after the submission of the statement under section 151D or section 151G to twenty-five standard bighas or less due to inheritance or bona fide transfer, the head of such family may apply, in the prescribed form, praying for exemption from payment of land revenue, to the Revenue-officer stating the dates and reasons for such decrease, and the Revenue-officer shall, on being satisfied about the statement made in the application after making such enquiry as he deems fit, pass an order allowing such exemption with effect from the following dates, namely:-</p>

	<p>(i) in case the application is made before the first day of Kartik of the Bengali year, with effect from the first day of Kartik of that year; and</p> <p>(ii) in case the application is made on or after the first day of Kartik of the Bengali year, from the first day of the Bengali year next following the date of such application.</p>
Definition of family and head of family	<p>[151]. For the purpose of this Chapter-</p> <p>(a) "family" in relation to a person includes such person and his wife, son, unmarried daughter, son's wife, son's son and son's unmarried daughter:</p> <p>Provided that an adult and married son who has been living in a separate mess independently of his parents continuously since [* * *] before the 16th day of December, 1971, and his wife, son and unmarried daughter shall be deemed to constitute a separate family.</p> <p>Provided further that in the cases of lands held under wafq, wafq-al-ah-aulad, debottar or any other trust where the beneficiaries have no right to alienate such lands as their personal property, all such beneficiaries together shall be deemed to constitute a separate family in relation to such land; and</p> <p>(b) "head of a family" means-</p> <p>(i) in cases other than those mentioned in the second proviso to clause (a) the person, male or female, in relation to whom a family is determined by the Revenue-officer in the prescribed manner, and</p> <p>(ii) in the cases mentioned in the second proviso to clause (a), the Mutawalli, Sebit or Trustee, as the case may be.]</p>

⁶⁷ Section 151 is substituted by Act No. 7 of the Bangladesh State Acquisition and Tenancy (Bangladesh) Amendment Ordinance, 1972 (Ordinance No. 171 of 1972)

⁶⁸ The words "the year" were substituted by Act No. 7 of the State Acquisition and Tenancy (Bangladesh) Amendment Ordinance, 1972 (Ordinance No. 171 of 1972)

THE NON-AGRICULTURAL TENANCY ACT, 1949
(EAST BENGAL ACT NO. XXIII OF 1949)

An Act to make better provision relating to the law of landlord and tenant in respect of certain non-agricultural tenancies in Bangladesh.

WHEREAS it is expedient to make better provision relating to the law of landlord and tenant in respect of certain non-agricultural tenancies in Bangladesh;

It is hereby enacted as follows:-

Section Short Title	Descriptions
Definitions	<p>(3) "Landlord" means a person immediately under whom a non-agricultural tenant holds;</p> <p>(4) "Non-agricultural land" means land which is used for purposes not connected with agriculture or horticulture and includes any land which is held on lease for purposes not connected with agriculture or horticulture irrespective of whether it is used for any such purposes or not, but does not include-</p> <p>[a + s]</p> <p>(b) land which was originally leased for agricultural or horticultural purposes but is being used for purposes not connected with agriculture or horticulture without the consent either express or implied of the landlord, if the period for which such land has been so used is less than twelve years, and</p> <p>(c) land which is held for purposes connected with the cultivation or manufacture of tea.</p> <p>Provided that where an order has been made under section 72 converting a parcel of land which is not non-agricultural land into a tenancy to which the provisions of this Act apply such land shall be deemed to be non-agricultural land.</p> <p>(5) "Non-agricultural tenant" means a person who holds non-agricultural land under another person with the consent of that person and is, or but for a special contract would be liable to pay rent to such person for that land and also includes the successors-in-interest of the farmer but does not include any person who holds any such land on which any premises occupied by such person are situated if such premises have been erected, or are owned, by the person to whom such occupier is, or but for a special contract would be, liable to pay rent for such occupation;</p>

⁶⁶ Throughout this Act, unless otherwise provided, the words "Bangladesh" and "Government" mean substituted for the words "East Pakistan" and "Provincial Government" respectively by section 7 and the Second Schedule of the [Bangladesh \(Geographical Names\) Act, 1973](#) (Act No. VIII of 1973).

⁶⁷ Page closed for re-assembly session 1 and the Second Schedule of the [Bangladesh \(Geographical Names\) Act, 1973](#) (Act No. VIII of 1973).

	<p>Explanation:- In this clause "premises" mean any building such as a house, manufactory, warehouse, stable, shop or hut whether constructed of masonry, bricks, concrete, wood, mud, metal or any other material whatsoever and includes any land appertaining to such building;</p>
<p>Classes of non-agricultural tenants</p>	<p>3. (1) There shall be, for the purposes of this Act, the following classes of non-agricultural tenants, namely:-</p> <p>(a) tenants, and</p> <p>(b) under-tenants.</p> <p>(2) "Tenant" means a person who has acquired from a proprietor or a tenant-holder a right to hold non-agricultural land for any of the purposes provided in this Act, and includes also the successors-in-interest of persons who have acquired such a right.</p> <p>(3) "Under-tenant" means a person who has acquired a right to hold non-agricultural land for any of the purposes provided in this Act either immediately or mediately under a tenant and includes also the successors-in-interest of persons who have acquired such a right.</p>
<p>Purposes for which non-agricultural tenant may hold non-agricultural land</p>	<p>4. A non-agricultural tenant may hold non-agricultural land for-</p> <p>(a) homestead or residential purposes;</p> <p>(b) manufacturing or business purposes; or</p> <p>(c) religious or other purposes.</p>
<p>Tenancies held by a non-agricultural tenant</p>	<p>5. A non-agricultural tenant shall be deemed to hold any non-agricultural land-</p> <p>(a) for homestead or residential purposes if such tenant is entitled, under the terms of any agreement between himself and the landlord to use or is actually using such land for homestead or residential purposes;</p> <p>(b) for manufacturing or business purposes if such tenant is entitled, under the terms of any agreement between himself and landlord, to use or is actually using such land for carrying on therein any commercial or industrial enterprise or any trade or business; and</p> <p>(c) for religious or other purposes if such tenant is entitled, under the terms of any</p>

	<p>agreement between himself and landlord, to use or is actually using such land for a religious purpose or for any purpose not connected with agriculture or horticulture other than-</p> <p>(i) the purposes specified in clauses (a) and (b), and</p> <p>(ii) the exercise of any forest-rights or rights over fisheries or rights to minerals in such land.</p>
Manner of use of non-agricultural lands	<p>6. (1) A tenant holding non-agricultural land may use such land in any manner which is not inconsistent with any of the purposes for which non-agricultural land may be held under this Act and which does not materially impair the value of such land.</p> <p>(2) A tenant holding non-agricultural land comprised in any tenancy to which the provisions of section 7 or section 8 apply shall be entitled-</p> <p>(a) to erect any structure including any pucca structure;</p> <p>(b) to erect a mosque, a temple or any other place of worship;</p> <p>(c) to dig any tank; and</p> <p>(d) to plant, enjoy the flowers, fruits and other products of, and fell and utilise or dispose of the timber of, any tree on such land.</p> <p>(3) A tenant holding non-agricultural land comprised in any tenancy to which the provisions of section 9 apply shall be entitled-</p> <p>(a) to erect any structure other than a pucca structure;</p> <p>(b) to plant, and enjoy the flowers, fruits and other products of, any tree, and</p> <p>(c) to fell, and utilise or dispose of the timber of, any tree planted by him on such land.</p>
Incidents of certain tenancies	<p>7. Notwithstanding anything contained in any other law for the time being in force or in any contract-</p>

(1) if any non-agricultural land has been held with or without any lease having been entered into by the landlord and the tenant from before the commencement of the Transfer of Property Act, 1882, or if the origin of any tenancy is unknown, or

(2) if the non-agricultural land comprised in any tenancy which has been or is created after the commencement of the Transfer of Property Act, 1882, has been held for a period of not less than twelve years without any lease in writing, or

(3) if any non-agricultural land has been held under a lease in writing for a period of not less than twelve years but no term is specified in such lease, or

(4) if any non-agricultural land held under a lease in writing for a period specified therein continues to be held after the expiration of the time limited by such lease and the total period for which such land is so held is not less than twelve years, or

(5) if the landlord has allowed pucca structures to be erected on any non-agricultural land held under a lease in writing for a period specified therein, whether such structures have been erected,

(a) before the expiration of the said period, or

(b) where such non-agricultural land continues to be held with the express or implied consent of the landlord after the expiration of the said period, during the period such non-agricultural land so continues to be held,

then-

(i) the tenant holding the non-agricultural land comprised in such tenancy shall not be ejected by his landlord from such land except on the ground that he has used such land in a manner which renders it unfit for use for any of the purposes specified in section 4.

(ii) subject to the provisions of section 91 of the [* * *] State Acquisition and Tenancy Act, 1950, the interest of the tenant in the non-agricultural land comprised in such tenancy shall, in the case where such tenant dies intestate in respect of such interest, be transmitted by inheritance in the same manner as his other immovable property.

Provided that in any case in which under the law of inheritance to which such

⁷³ The words "Ear Bungalow" were crossed by Article 61 of the [Constitution of India](#), 1972 (President's Order No. 48 of 1972).

	<p>tenant is subject, his other property goes to the State, his interest in such land shall be extinguished, and</p> <p>(iii) the non-agricultural land comprised in such tenancy or a share or a portion thereof together with the interest of the tenant therein shall, subject to the provisions of this Act and of section 90 of the ³¹ * * * <u>State Acquisition and Tenancy Act, 1950</u>, be capable of being transferred and bequeathed in the same manner, and to the same extent as his other immovable property.</p>
<p>Renewals of lease of tenancies held for not less than twelve years and succession to, and transfer of, such tenancies</p>	<p>8. (1) Notwithstanding anything contained in any other law for the time being in force or in any contract, where any non-agricultural land is held under a lease in writing for a term of not less than twelve years specified in such lease, the tenant holding such land shall, on the expiration of the period so specified, be entitled to the renewal of such lease for perpetuity on such fair and reasonable rent as may be determined under Chapter XIV of the ³¹ * * * <u>State Acquisition and Tenancy Act, 1950</u>.</p> <p>Provided that no premium or salami shall be payable in respect of such renewal.</p> <p>(2) Omitted by section 5 of the East Bengal Non-Agricultural Tenancy (Amendment) Ordinance, 1967 (East Pakistan Ordinance No. IX of 1967).</p> <p>(3) A tenant holding non-agricultural land comprised in a tenancy to which the provisions of sub-section (1) apply shall not be ejected by his landlord from such land during the term specified in the lease, nor at any time after the tenant has exercised his right of renewal, except on the ground that he has used such land in a manner which renders it unfit for use for any of the purposes specified in section 4.</p> <p>(4) The interest of the tenant in any non-agricultural land held under a lease to which the provisions of sub-section (1) apply shall, during the term specified in the lease, or where the tenant has exercised his right of renewal, at any time thereafter-</p> <p>(i) in the case where such tenant dies intestate in respect of such interest, be, subject to the provisions of section 91 of the ³¹ * * * <u>State Acquisition and Tenancy Act, 1950</u>, transmitted by inheritance in the same manner as his other immovable property.</p> <p>Provided that in any case in which, under the law of inheritance to which such tenant is subject, his other property goes to the State his interest in such land shall</p>

³¹ The words "East Bengal" were omitted by Article 60 of the [Bangladesh Constitution of 1972](#) (1972) (President's Order No. 48 of 1972).

³² The words "East Bengal" were omitted by Article 60 of the [Bangladesh Constitution of 1972](#) (1972) (President's Order No. 48 of 1972).

³³ The words "East Bengal" were omitted by Article 60 of the [Bangladesh Constitution of 1972](#) (1972) (President's Order No. 48 of 1972).

	<p>be extinguished; and</p> <p>(ii) subject to the provisions of this Act and of section 90 of the <u>[L * *] State Acquisition and Tenancy Act, 1950</u>, be capable of being transferred and bequeathed in the same manner and to the same extent as his other immovable property.</p>
<p>Incidents of non-agricultural tenancies held for less than twelve years</p>	<p>8. (1) Notwithstanding anything contained in any other law for the time being in force or in any contract, if any non-agricultural land has been held for a term of more than one year but less than twelve years-</p> <p>(a) without a lease in writing, or</p> <p>(b) under a lease in writing for a term of more than one year and less than twelve years to which the provisions of clause (5) of section 7 do not apply, or</p> <p>(c) under a lease in writing but no term is specified in such lease,</p> <p>then the tenant holding such non-agricultural land shall be liable to ejection on one or more of the following grounds and not otherwise, namely:-</p> <p>(i) on the ground that he has used such land in a manner which renders it unfit for use for any of the purposes specified in section 4;</p> <p>(ii) on the ground that the term of the lease has expired in the case of tenancies of the class specified in clause (b);</p> <p>(iii) on the ground that the tenancy has been terminated by the landlord by six months' notice in writing expiring with the end of a year of the tenancy served on the tenant in the prescribed manner in the case of tenancies of the class specified in clause (a).</p> <p>Provided that a tenant shall not be liable to ejection on the ground specified in clause (ii) except on payment of such reasonable compensation on account of the cost of removal of any structure erected or of any improvement effected on such land at the expense of the tenant or on other accounts not being the value of the land as may be determined by the Deputy Commissioner in the prescribed manner.</p>

⁷² The words "Ear Bhang" were crossed by Article 61 of the [Bengal Abolition of Tenancy Act, 1972](#) (President's Order No. 8 of 1972).

	<p>(2) The interest of the tenant in any non-agricultural land to which the provisions of sub-section (1) apply shall-</p> <p>(i) in the case where such tenant dies intestate in respect of such interest, be, subject to the provisions of section 91</p> <p>of the "[* * *] <u>State Acquisition and Tenancy Act, 1950</u>, transmitted by inheritance in the same manner as his other immovable property;</p> <p>Provided that in any case in which under the law of inheritance to which such tenant is subject his other property goes to the State, his interest in such land shall be extinguished; and</p> <p>(ii) subject to the provisions of this Act and of the provisions of section 90 of the "[* * *] <u>State Acquisition and Tenancy Act, 1950</u>, be capable of being transferred and bequeathed in the same manner and to the same extent as his other immovable property.</p>
Computation of the period of possession	<p>A. In computing under this Chapter the period for which any non-agricultural land has been held by a tenant, he shall be entitled to tack to the length of his possession any periods during which his predecessors-in-interest were in possession of the land, provided that there is no break between the periods to be tacked.</p>
Special provisions applicable to tenancies for specific religious purposes	<p>10. Notwithstanding anything elsewhere contained in this Act or in any other law for the time being in force or in any contract, if the non-agricultural land comprised in any tenancy is held specifically for any religious purpose for any period under a lease in writing in which such purpose is specified, then such tenancy shall be deemed to be a tenancy of the class specified in section 7: Provided that the tenant holding such land shall not be ejected by his landlord from such land except on the ground that he has used such land for any purpose other than the said religious purpose or has not used the land for the said religious purpose for more than three years.</p>
Ejection of an under-tenant	<p>20. Notwithstanding anything contained in any other law for the time being in force or in any contract, an under-tenant shall, subject to the provisions of this Act, be liable to ejection on one or more of the following grounds, and not otherwise, namely:-</p> <p>(a) on the ground that he has used the non-agricultural land comprised in his tenancy in a manner which renders it unfit for use for any of the purposes</p>

⁷² The words "Eas Bhang" were omitted by Article 66 of the [Constitution \(Seventeenth Amendment\) Act, 1972](#) (President's Order No. 46 of 1972).

⁷³ The words "Eas Bhang" were omitted by Article 66 of the [Constitution \(Seventeenth Amendment\) Act, 1972](#) (President's Order No. 46 of 1972).

<p>Other incidents of tenancies of under-tenants</p>	<p>specified in section 4.</p> <p>(b) on the ground that the term of his lease has expired when he holds the non-agricultural land under a written lease:</p> <p>Provided that in the case where any non-agricultural land is held by an under-tenant without a lease in writing or under a lease in writing but no term is specified in such lease, it shall be also lawful for his landlord to eject him from such land after having given him six months' notice in writing expiring with the end of a year of the tenancy, and on payment of such reasonable compensation as may be determined by the Deputy Commissioner in the prescribed manner.</p> <p>21. The interest of an under-tenant in any non-agricultural land shall—</p> <p>(a) in the case where such under-tenant dies intestate in respect of such interest, be, subject to the provisions of section 91 of the [1 * * *] <u>State Acquisition and Tenancy Act, 1950</u>, transmitted by inheritance in the same manner as his other immovable property;</p> <p>Provided that in any case in which under the law of inheritance to which such under-tenant is subject his other property goes to the State, his interest in such land shall be extinguished; and</p> <p>(b) subject to the provisions of this Act and of the provisions of section 90 of the [1 * * *] <u>State Acquisition and Tenancy Act, 1950</u>, be capable of being transferred and bequeathed in the same manner and to the same extent as his other immovable property.</p>
<p>Manner of transfer of non-agricultural land and notices to landlord</p>	<p>23. (1) Every transfer of non-agricultural land held by a non-agricultural tenant or of any portion or share thereof shall, except in the case of a bequest or a sale in execution of a decree or of a certificate signed under the [1 * * *] <u>Public Demands Recovery Act, 1913</u>, be made by registered instrument, and a Registering officer shall not accept for registration any such instrument unless the sale price or, where there is no sale price, value of the land or portion or share thereof transferred is stated therein, and unless it is accompanied by—</p> <p>(a) a notice giving the particulars of the transfer in the prescribed form, together with the process fee prescribed for the service thereof on the landlord who is not a party to the transfer, and</p> <p>(b) such notices and process fees as may be required by sub-section (4).</p>

³⁰ The words "Eas Bhang" were omitted by Article 66 of the [Public Administration \(Amendment\) Act, 1972](#) (President's Order No. 46 of 1972).

³¹ The words "Eas Bhang" were omitted by Article 66 of the [Public Administration \(Amendment\) Act, 1972](#) (President's Order No. 46 of 1972).

³² The word "Bhang" was omitted in section 4 of the [Public Administration \(Amendment\) Act, 1972](#) (President's Order No. 46 of 1972).

	<p>(2) In the case of a bequest of such land or portion or share thereof, no Court shall grant probate or letters of administration until the applicant files a notice similar to, and deposits a process fee of the same amount, as, that referred to in clause (a) of subsection (1).</p> <p>(3) A Court or Revenue-officer shall not confirm the sale of such land or portion or share thereof put to sale in execution of a decree or a certificate signed under the "Public Demands Recovery Act, 1913, and no Court shall make a decree or order absolute for foreclosure of a mortgage of such land or portion or share thereof until the purchaser or the mortgagee, as the case may be, files a notice similar to and deposits a process fee of the same amount as that referred to in subsection (1).</p> <p>(4) If the transfer of a portion or share of such land be one to which the provisions of section 24 apply there shall be filed notices giving particulars of the transfer in the prescribed form together with process fees prescribed for the service thereof on all co-sharer tenants of such land who are not parties to the transfer.</p> <p>(5) The Court, Revenue-officer or Registering Officer, as the case may be, shall serve, in the prescribed manner, the notices referred to in the preceding subsection.</p> <p>Provided that the service of such a notice shall not operate as an admission of the amount of rent or the area of such land by the landlord or by any co-sharer tenant of such land on whom such notice is served or be deemed to constitute an express consent of the landlord or such co-sharer tenant to the division of the tenancy or to the distribution of the rent payable in respect thereof.</p> <p>Provided further that, if a transfer is subsequently set aside or modified by a competent authority in any suit, appeal or other proceedings to which the landlord was not a party, the authority before whom the appropriate suit or proceedings was first initiated shall transmit a copy of such order to the landlord.</p>
<p>Power of the co-sharer or the immediate landlord of transferee to purchase</p>	<p>24. (1) If a portion or share of the non-agricultural land held by a non-agricultural tenant is transferred, one or more co-sharer tenants of such land may, within four months of the service of notice issued under section 23 and, in case no notice had been issued or served, then within four months from the date of knowledge of such transfer, apply to the court for such portion or share to be transferred to himself or to themselves, as the case may be.</p>

¹⁰ The word "Bequest" was inserted in section 6 of the [Bharatishiksha \(Amendment\) of Existing Laws Ordinance, 1972](#) (President's Order No. 48 of 1972).

(2) The application under sub-section (1) shall be dismissed unless the applicant at the time of making a deposit in Court the amount of the consideration money or the value of the portion or share of the property transferred as stated in the notice served on the applicant under section 23 together with compensation at the rate of five per centum of such amount.

(3) If such deposit is made, the Court shall give notice to the transferee to appear within such period as it may fix and to state what other sums he has paid in respect of tax for the period after the date of transfer or in annulling encumbrances on the property and also what other amounts, if any, have been spent by him, between the date of the transfer and the date of service of the notice of the application, in erecting any building or structure or in making any other improvement in the portion or share of the property transferred. The Court shall then direct the applicant, including any person whose application under sub-section (4) is granted, to deposit within such period as the Court thinks reasonable such amount as the transferee has paid or spent on these accounts together with interest at the rate of six and a quarter per centum per annum with effect from the date on which the transferee made such payments or spent such amounts.

Provided that if the correctness of any amount claimed to have been paid or spent by the transferee on any such account is disputed by any applicant the Court shall enquire into such dispute and, after giving the transferee an opportunity of being heard, determine the amount actually paid or spent by the transferee on any such account and shall then direct the applicant to deposit the amount so determined with interest at the rate of six and quarter per centum per annum as aforesaid within such period as the Court thinks reasonable.

(4) (a) When an application has been made by one or more co-sharer tenants under sub-section (1) any of the remaining co-sharer tenants including the transferee, if one of them, may within the period of four months referred to in the said sub-section or within one month of the service of notice of the application, whichever is later, apply to join in the said application, and any co-sharer tenant who has not applied under sub-section (1) or has not applied to join under this sub-section, shall not have any further right to purchase under this section.

(b) Such application to join as a co-applicant shall be dismissed unless within such period as the Court may fix, the applicant deposits in Court for payment to the applicant under sub-section (1), such sum, as the Court shall determine as the share to be paid by him for the purposes of sub-section (2).

(c) If such deposit is made, the Court shall grant the application to join and

thereafter such applicant shall be deemed to be an applicant under sub-section (1).

(5) If the deposits required under sub-section (2) or clause (b) of sub-section (4), as the case may be, and under sub-section (3) are made, the Court shall make an order allowing the application and directing that the deposits made under sub-sections (2) and (3) shall be paid to the transferee or to such person as the Court thinks fit.

(6) Notwithstanding anything contained in any other law for the time being in force the Court shall, if the applicant under sub-section (1) or any person whose application under sub-section (4) is granted disputes the correctness of the amount of the consideration money as stated in the notice issued under section 23, inquire into such dispute before making an order under sub-section (5) and after giving the transferee an opportunity of being heard determine for the purposes of this section the amount of the consideration money which the transferee has actually paid for the transfer of the portion or share of the property and the amount so determined shall be deemed to be the consideration money referred to in sub-section (2) and where the amount of the consideration money has been so determined the deposit made under that sub-section shall for the purposes of sub-section (5) be the amount so determined together with the compensation at the rate of five per centum of such amount.

(7) In making an order under sub-section (5) in favour of more than one co-sharer tenant, the Court may apportion the property comprised in the portion or share transferred among the applicants in such manner as it deems equitable after taking existing possession into consideration; the Court shall so apportion the said property or portion thereof on the request of any applicant and, in this case, may require the applicant who makes such request to deposit, within such period as the Court may fix, such further sums as the Court considers necessary for equitable distribution among the remaining applicants.

Provided that no apportionment order under this sub-section shall operate as a division of the tenancy.

(8) From the date of making of the order under sub-section (5)-

(i) the right, title and interest in the share or portion of the non-agricultural land accruing to the transferee from the transfer shall, subject to any order passed under sub-section (7), vest free from all encumbrances, which have been created after the date of transfer, in the co-sharer tenant whose application to purchase has been allowed under sub-section (5).

(ii) the liability of the transferee for the rent due from him on account of the

	<p>transfer shall cease, and</p> <p>(iii) the Court, on further application of such applicant, may place him in possession of the property vested in him.</p> <p>(9) An appeal from any order of a Court under this section shall lie to the Civil Appellate Court having jurisdiction to entertain such appeals.</p> <p>(10) Nothing in this section shall take away the right of pre-emption conferred on any person by Muhammadan Law.</p> <p>(11) Nothing in this section shall apply to-</p> <p>(a) a transfer to a co-sharer in the tenancy whose existing interest has accrued otherwise than by purchase, or</p> <p>(b) a transfer by exchange, or partition, or</p> <p>(c) a transfer by bequest or gift (including heba but excluding heba-bl-ewaz for any pecuniary consideration) in favour of the husband or wife of the testator or the donor or of any relation by consanguinity within three degrees of the testator or donor, or</p> <p>(d) a wakf in accordance with the provisions of the Muhammadan Law, or</p> <p>(e) a debtor or any other dedication for religious or charitable purposes without any reservation of pecuniary benefit for any individual.</p> <p>Explanation.- A relation by consanguinity shall for the purposes of this sub-section, include a son adopted under the Hindu Law.</p>
Saving as to statements in instruments of transfer where landlord is not a party	<p>25. Notwithstanding anything contained in the <u>Evidence Act</u>, 1872, nothing contained in any instrument of transfer to which the landlord is not a party shall be evidence against the landlord of the permanence, the amount or futility of rent, the area, the transferability or any incident of any tenancy referred to in such instrument.</p>
Interpretation	<p>26. (1) In this Chapter "transferee", "purchaser" and "mortgagee" include their successors-in-interest.</p>

	<p>(2) In section 23,-</p> <p>(a) "transfer" does not include partition or until, a decree or order absolute for foreclosure is made, simple or usufructuary mortgage or mortgage by conditional sale;</p> <p>(b) "transfer" includes a person whose interest in any non-agricultural land or portion or share thereof has terminated in the circumstances mentioned in sub-section (2) or sub-section (3) of that section.</p>
Bar to sub-let	<p>[26A. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force or in any contract, no non-agricultural tenant shall sub-let the whole or any part of his tenancy on any terms or conditions whatsoever.</p> <p>(2) If any tenancy or any part of a tenancy is sub-let, in contravention of the provision of sub-section (1), the interest of the non-agricultural tenant in the tenancy or in that part of the tenancy, as the case may be, shall be extinguished, and the tenancy or the part of the tenancy shall vest in the Provincial Government from the date of such sub-letting free from all encumbrances.]</p>
Definition of "improvement"	<p>64. For the purposes of this Act the term "improvements" used with reference to a tenancy shall mean any work which adds to the value of the non-agricultural land comprised in the tenancy, which is suitable to such land and consistent with any of the purposes specified in section 4 for which it is being used and which, if not executed on such land, is either executed directly for its benefit, or is, after execution, made beneficial to it, and subject to the foregoing provisions, shall include the following, namely:-</p> <p>(a) laying out of passages or roads,</p> <p>(b) providing open spaces for ventilation,</p> <p>(c) providing facilities for taking water,</p> <p>(d) laying out drainage connections,</p> <p>but shall not include any work executed by a non-agricultural tenant if it substantially diminishes the value of his landlord's property.</p>

⁶² Section 26A was inserted by section 15 of the East Bengal Tenancy (Amendment) Ordinance, 1967 (East Pakistan Ordinance No. 15 of 1967).

Rights to make improvements	<p>65. (1) Subject to the provisions of sub-section (2), neither the non-agricultural tenant nor his landlord shall, as such, be entitled to prevent the other from making an improvement in respect of the tenancy.</p> <p>(2) If both the non-agricultural tenant and his landlord wish to make the same improvement the non-agricultural tenant shall have the prior right to make it, unless it affects another tenancy or other tenancies under the same landlord.</p>
Collector to decide question as to right to make improvement, etc	<p>66. (1) If a question arises between the non-agricultural tenant and his landlord—</p> <p>(a) as to the right to make an improvement, or</p> <p>(b) as to whether a particular work is an improvement,</p> <p>the Deputy Commissioner may, on the application of either party, decide the question.</p> <p>(2) An appeal, if presented within thirty days from the date of the order appealed against, shall lie to the District Judge from every order passed by the Deputy Commissioner under sub-section (1) and the order passed by the District Judge on such appeal shall be final.</p>
Application to record evidence as to improvement	<p>68. (1) If any non-agricultural tenant holding any non-agricultural land desires that evidence relating to any improvement made in respect thereof be recorded, he may apply to the prescribed Revenue-officer and such Revenue-officer shall thereupon, at a time and place of which notice shall be given to the parties, record the evidence.</p> <p>Provided that such Revenue-officer shall not so record the evidence if he considers that there were no reasonable grounds for the making of the application, or if it appears to him that the subject-matter thereof is under inquiry in a Civil Court.</p> <p>(2) When any matter has been recorded under this section, the record thereof shall be admissible in evidence in every subsequent proceeding between the landlord and the non-agricultural tenant or any persons claiming under them.</p>
No ejectment except in execution of decree	<p>70. No non-agricultural tenant shall be ejected from the tenancy or from any non-agricultural land which he holds except in execution of a decree of a competent Civil Court.</p>
Application of the	<p>71. The provisions of the <u>Transfer of Property Act</u>, 1882, and of any other law for</p>

Transfer of Property Act, 1882, or other law	the time being in force, in so far as they may be applicable and in so far as they are not inconsistent with the provisions of this Act shall continue to apply to all tenancies to which the provisions of this Act apply.
Relief against forfeiture in certain cases	<p>75. A suit for the ejection of a non-agricultural tenant, on the ground that he has used the non-agricultural land in a manner which renders it unfit for use for any of the purposes specified in section 4, shall not be entertained unless the landlord has served in the prescribed manner, a notice in writing on the non-agricultural tenant-</p> <p>(i) specifying the particular misuse complained of, and</p> <p>(ii) if the misuse is capable of remedy, requiring the tenant to remedy the same, and the tenant has, where the misuse is capable of remedy, failed within a reasonable time from the date of the service of the notice to remedy the misuse.</p>
Delivery of possession of land sold for arrears of rent which has any structure erected on it by a non-agricultural tenant	<p>77. Where a non-agricultural tenant or his predecessor-in-interest has erected any structure on any non-agricultural land held by such tenant and such land is sold in execution of a certificate signed under the <u>"Public Demands Recovery Act, 1913</u>, for arrears of rent due in respect of such land, the purchaser shall be entitled to obtain delivery of possession of the land sold by the removal of such structure:</p> <p>Provided that the judgment-debtor shall be allowed reasonable time by the Court to remove such structure from the property sold before the possession of such property is delivered to the purchaser:</p> <p>Provided further that it shall be open to the purchaser to obtain possession of such land together with such structure on payment of such compensation for the value of such structure to the judgment-debtor as may be agreed upon between the purchaser and the judgment-debtor or, in the case where they do not agree, as may be determined by the Court on application by the purchaser, and, on payment of such compensation, the interest of the judgment-debtor in such structure shall vest absolutely in the purchaser.</p>
Bar to application of Act to certain lands and to certain cases	<p>88. (1) Nothing in this Act shall apply to-</p> <p>(a) any land vested in, or in the possession of-</p> <p>(i) a port authority of a port, or</p>

⁶⁰ The word "Group" was omitted in section 6 of the [Amendment Act of 1972](#) (President's Order No. 48 of 1972)

	<p>(ii) a railway administration, or</p> <p>(iii) any local authority, or</p> <p>(b) any lease in respect of any forest-rights or rights over fisheries or rights to minerals in any non-agricultural land, or</p> <p>(c) any land acquired under the ³⁶ Acquisition and Requisition of Immovable Property Ordinance, 1982 (III of 1982), or under any other law, for the use of any Department of the ³⁷ Government, or</p> <p>(d) any other land in the possession of the ³⁸ Government, or</p> <p>(e) any land held under a public walk or a trust for public purpose.</p> <p>(2) Nothing in this Act shall apply to any non-agricultural land held by a tenant under the ³⁹ Government;</p> <p>Provided that the right vested in a tenant by the provisions of this Act shall not be divested by the acquisition of the superior right only in the land by the Government.</p>
Appeal	⁴⁰ 85A. An appeal against an order passed by the Deputy Commissioner determining compensation under the proviso to sub-section (1) of section 9 or the proviso to section 20 shall, if presented within thirty days of such order, lie to the District Judge.]
Certain contracts not to affect the provisions of the Act	86. Nothing in any contract between a landlord and a non-agricultural tenant made before or after the commencement of this Act shall take away or limit the rights of such tenant as provided for by this Act, and any contract which is in contravention of the provisions of this section or which is inconsistent with, or purports to alter the effect of, any of the provisions of this Act, shall, to the extent of such contravention or inconsistency or to the extent it purports to alter such effect, be

³⁶ The words, "Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance No. II of 1982)" were substituted for the words, "Acquisition and Requisition Act, 1982" by section 7 and the Second Schedule of the [Amendment Act, 1977 \(Act No. VIII of 1977\)](#).

³⁷ The word "Government" was substituted for the words "Central or Provincial Government" by section 5 and the Second Schedule of the [Amendment Act, 1977 \(Act No. VIII of 1977\)](#).

³⁸ The word "Government" was substituted for the words "Central or Provincial Government" by section 5 and the Second Schedule of the [Amendment Act, 1977 \(Act No. VIII of 1977\)](#).

³⁹ The word "Government" was substituted for the words "Central or Provincial Government" by section 5 and the Second Schedule of the [Amendment Act, 1977 \(Act No. VIII of 1977\)](#).

⁴⁰ Section 85A was inserted by section 27 of the East Bengal Non-Agricultural Tenancy (Amendment) Ordinance, 1967 (East Pakistan Ordinance No. 1361 of 1967).

	void and without effect.
Jurisdiction in proceedings under this Act	37. When under this Act a Court is authorised to make an order on the application of a landlord or a non-agricultural tenant, the application shall be made to the Civil Court which would have jurisdiction to entertain a suit for possession of the non-agricultural land comprised in the tenancy in connection with which the application is made.
Application of the provisions of the Act to all pending suits, appeals and proceedings and unexecuted decrees, for ejection	38. The provisions of this Act shall apply to all suits, appeals and proceedings including proceedings in execution for the ejection of a non-agricultural tenant which are pending at the date of the commencement of this Act and also to all decrees passed for the ejection of a non-agricultural tenant which have not been executed and are not barred by limitation and in respect of which no proceedings in execution are so pending, and the tenants against whom such suits, appeals or proceedings are so pending or such decrees have been passed shall not be liable to be ejected on any ground except under the provisions of this Act.
Rules	<p>39. (1) The Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-</p> <p>³⁷ [s + s]</p> <p>(c) the manner of determining compensation referred to in the proviso to sub-section (1) of section 9 and in the proviso to section 20;</p> <p>(d) the forms of the notices referred to in section 23, and the amount of the process- fees referred to in the said section;</p> <p>³⁸ [s + s]</p> <p>³⁹ [(m) the Revenue-officer referred to in sub-section (1) of section 6&]</p> <p>(s) the manner of service of notice issued under this Act where the mode of such service is not provided in this Act.</p>

³⁷ Clause (c) and (d) were Deleted by section 28 of the East Bengal Non-Agricultural Tenancy (Amendment) Ordinance, 1957 (East Pakistan Ordinance No. IX of 1957)

³⁸ Clause (c) and (s) were Deleted by section 28 of the East Bengal Non-Agricultural Tenancy (Amendment) Ordinance, 1957 (East Pakistan Ordinance No. IX of 1957)

³⁹ Clause (c) was amended by section 28 of the East Bengal Non-Agricultural Tenancy (Amendment) Ordinance, 1957 (East Pakistan Ordinance No. IX of 1957)

THE LAND REFORMS ORDINANCE, 1984
(ORDINANCE NO. X OF 1984)

An Ordinance to reform the law relating to land tenure, land holding and land transfer with a view to maximising production and ensuring a better relationship between land owners and bargadars.

WHEREAS it is expedient to reform the law relating to land tenure, land holding and land transfer with a view to maximising production and ensuring a better relationship between land owners and bargadars;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

Section/ Sheet Title	Description
Definitions	<p>(a) "bargadar" means a person who under the system generally known as adhi, barga or bhag cultivates the land of another person on condition of delivering a share of produce of such land to that person;</p> <p>(b) "barga contract" means the contract under which any land is cultivated by a person as a bargadar;</p> <p>(c) "barga land" means any land under cultivation of any person as a bargadar;</p> <p>(d) "family": in relation to a person, includes such person and his wife, son, unmarried daughter, son's wife, son's son and son's unmarried daughter:</p> <p>Provided that an adult or married son who has been living in a separate mess independent of his parents and pays union rate in his own name and his wife, son and unmarried daughter shall be deemed to constitute a separate family;</p> <p>(e) "homestead" means a dwelling house with out-houses, tanks and enclosures immediately connected with it covering an area of not more than one standard bigha:</p> <p>Provided that where such area exceeds one standard bigha, the excess land shall not be deemed to be homestead;</p> <p>(f) "maik" means a person or an organisation, body or authority holding agricultural land;</p> <p>(g) "owner" in relation to a barga land, means the person from whom the bargadar gets the land for cultivation under a barga contract;</p> <p>(h) "personal cultivation" means cultivation by a person of his own land or barga land on his own account.</p>

	(i) by his own labour, or (ii) by the labour of any member of his family, or (iii) by the labour of any servant or labourer employed on wages to supplement his own labour or labour of any member of his family;
	(j) "prescribed appellate authority" means an authority appointed by the Government, by notification in the official Gazette, for the purpose of hearing all or any of the appeals under this Ordinance, or an authority specified in the rules for such purpose;
	(k) "prescribed authority" means an authority appointed by the Government, by notification in the official Gazette, for all or any of the purpose of this Ordinance, except for the purpose of hearing appeals, or an authority specified in the rules for such purposes
	(l) "produce" includes straw, stalk of any crop and any other crop residue;
	(m) "rural area" means any area which is not included within a municipality.
Ordinance to override other laws, etc	3. The provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or in any custom or usage or in any contract or instrument.
Limitation on acquisition of agricultural land	4. (1) No malik who or whose family owns more than sixty standard bighas of agricultural land shall acquire any new agricultural land by transfer, inheritance, gift or any other means. (2) A malik who or whose family owns less than sixty standard bighas of agricultural land may acquire new agricultural land by any means, but such new land, together with the agricultural land owned by him, shall not exceed sixty standard bighas. (3) If any malik acquires any new agricultural land in contravention of the provisions of this section, the area of land which is in excess of sixty standard bighas shall vest in the Government and no compensation shall be payable to him for the land so vested, except in the case where the excess land is acquired by inheritance, gift or will. (4) Compensation for the excess land payable under sub-section (3) shall be assessed and paid in such manner as may be prescribed: Provided that where such compensation is payable only for a portion of the excess land, the assessment and payment of compensation shall be made for such portion of the excess land as the malik may specify in this behalf.
No benami transaction	5. (1) No person shall purchase any immovable property for his own benefit in the name of another person.

	<p>(2) Where the owner of any immovable property transfers or bequeaths it by a registered deed, it shall be presumed that he has disposed of his beneficial interest therein as specified in the deed and the transferee or legatee shall be deemed to hold the property for his own benefit, and no evidence, oral or documentary, to show that the owner did not intend to dispose of his beneficial interest therein or that the transferee or legatee holds the property for the benefit of the owner, shall be admissible in any proceeding before any Court or authority.</p> <p>(3) Where any immovable property is transferred to a person by a registered deed, it shall be presumed that such person has acquired the property for his own benefit, and where consideration for such transfer is paid or provided by another person it shall be presumed that such other person intended to pay or provide such consideration for the benefit of the transferee, and no evidence, oral or documentary, to show that the transferee holds the property for the benefit of any other person or for the benefit of the person paying or providing the consideration shall be admissible in any proceeding before any Court or authority.</p>
No eviction, etc. from homestead	<p>6. Any land used as a homestead by its owner in the rural area shall be exempted from all legal processes, including seizure, distress, attachment or sale by any officer, Court or any other authority and the owner of such land shall not be divested or dispossessed of the land or evicted therefrom by any means:</p> <p>Provided that nothing in this section shall apply to the acquisition of such homestead under any law.</p>
Settlement of khas land for homestead	<p>7. (1) Where in the rural areas any khas land fit for being used as homestead is available, the Government shall, in setting such land, give preference to landless farmers and labourers: Provided that not more than five kathas of such land shall be allotted for such purpose to any individual.</p> <p>(2) Any land settled under sub-section (1) shall be heritable but not transferable.</p>
Cultivation under bargha contract	<p>8. (1) Subject to the other provisions of this Ordinance, no person shall allow another person to cultivate his land and no person shall cultivate the land of another person on condition of sharing the produce of such land between them unless they execute a contract for such cultivation in such form and manner as may be prescribed.</p> <p>(2) A bargha contract shall be valid for a period of five years commencing from such date as may be specified in the bargha contract.</p>
Recognition of existing bargadars	<p>9. (1) Any person cultivating the land of another person as a bargadar immediately before the commencement of this Ordinance shall be deemed to be a bargadar in respect of such land under this Ordinance.</p>

	<p>(2) The owner and the bargadar of any land referred to in sub-section (1) shall execute a contract as required under section 8 within ninety days from the date of commencement of this Ordinance.</p> <p>(3) If the parties fail to execute the contract within the specified period, any of them may make an application to the prescribed authority for getting a contract executed.</p> <p>(4) The prescribed authority shall, after making such enquiry as it deems fit, within sixty days of receipt of the application, decide whether or not the applicant is entitled to get such contract executed.</p> <p>(5) If the prescribed authority decides that the applicant is entitled to get a contract executed in respect of any property mentioned in the application, it shall direct the opposite party to execute the contract within two weeks from the date of receipt of the direction and, if such party fails to execute, the authority shall execute it on behalf of such party.</p> <p>(6) A bargadar contract executed under this section shall be deemed to be effective from the date of commencement of this Ordinance, and shall be valid for a period of five years from that date.</p>
Cultivation of bargadar land after bargadar's death	<p>10. (1) Where a bargadar dies before the expiry of the period of bargadar contract, the cultivation of the bargadar land may be continued by the surviving members of the family of the deceased bargadar till such expiry or till the bargadar contract is terminated under this Ordinance.</p> <p>(2) Where the bargadar dies without leaving any person in his family who is in a position to cultivate the land, the owner of the land may bring the land under his personal cultivation or allow such land to be cultivated by another bargadar.</p>
Termination of bargadar contract	<p>11. (1) No owner shall be entitled to terminate a bargadar contract except in execution of an order, made by the prescribed authority, on the ground that-</p> <p>(a) the bargadar has, without any reasonable cause, failed to cultivate the bargadar land;</p> <p>(b) the bargadar has, without any reasonable cause, failed to produce any crop equal to the average output of such crop in any land similar to the bargadar land in the locality;</p> <p>(c) the bargadar has used the bargadar land wholly or partly for any purpose other than agriculture;</p> <p>(d) the bargadar has contravened any provision of this Ordinance or the rules or orders made thereunder;</p>

	<p>(e) the bargadar has surrendered or voluntarily abandoned his right of cultivation;</p> <p>(f) the barga land is not under personal cultivation of the bargadar, or</p> <p>(g) the owner requires the barga land bona fide for personal cultivation.</p> <p>(2) If the owner, without reasonable cause, fails to bring under personal cultivation any land on termination of a barga contract under sub-section (1)(g) or allows such land to be cultivated by some other bargadar within twenty four months of the date of such termination, the prescribed authority may, on an application made by the evicted bargadar, restore the possession of the land to such bargadar who shall thereupon continue to cultivate the land till the expiry of the period of barga contract or termination of the barga contract under this Ordinance.</p>
<p>Division of produce of barga land</p>	<p>12. (1) The produce of any barga land shall be divided in the following manner, namely:-</p> <p>(a) one-third shall be received by the owner for the land;</p> <p>(b) one third shall be received by bargadar for the labour;</p> <p>(c) one-third shall be received by the owner or the bargadar or by both in proportion to the cost of cultivation, other than the cost of labour, borne by them.</p> <p>(2) The harvested crop of any barga land shall be stored for thrashing and division either at any place belonging to the bargadar or any place belonging to the owner, whichever is nearer to the barga land, or at any other place agreed upon between the parties.</p> <p>(3) The bargadar shall tender to the owner the share of the produce due to him immediately after harvesting of the crop and when the tendered share is accepted by the owner, each party shall give to the other a receipt in such form as may be prescribed for the quantity of the produce received by him.</p> <p>(4) If the owner refuses to accept the share of the produce tendered to him by the bargadar or to give a receipt therefore, the bargadar shall give intimation of such fact in writing to the prescribed authority.</p> <p>(5) The prescribed authority shall, on receipt of such intimation, serve a notice upon the owner, in such form and manner as may be prescribed, asking him to take delivery of the</p>

	<p>produce within seven days from the date of service of the notice.</p> <p>(6) If the owner fails to take delivery of the produce within seven days from the date of service of the notice, the prescribed authority shall permit the bargadar to sell the produce to any Government purchasing agency or, in the absence of such agency, in the local market.</p> <p>(7) If the bargadar sells the produce, he shall deposit the proceeds of such sale with the prescribed authority within seven days from the date of sale.</p> <p>(8) The prescribed authority shall give to the bargadar a receipt, in such form as may be prescribed, stating therein the amount of money deposited with him and the quantity of produce sold by the bargadar and such receipt shall discharge the bargadar from his obligation to deliver the share of the produce to the owner:</p> <p>Provided that the quantity of the produce due to the owner, the obligation of the bargadar with regard to the delivery of the quantity of the produce not tendered or sold shall continue.</p> <p>(9) Where a deposit is made under sub-section (7), the prescribed authority shall give intimation of such deposit to the owner in such form and manner as may be prescribed.</p> <p>(10) If the owner does not receive the money in deposit from the prescribed authority within one month from the date of receipt of intimation of such deposit, the prescribed authority may deposit the money in the treasury in revenue deposit to the credit of the owner and give intimation of such deposit to the owner in such form and manner as may be prescribed.</p>
<p>Bargadar's right to purchase</p>	<p>13. (1) Where the owner intends to sell the barga land, he shall ask the bargadar in writing if he is willing to purchase the land:</p> <p>Provided that this provision shall not apply where the owner sells the land to a co-sharer or to his parent, wife, son, daughter or son's son or to any other member of his family.</p> <p>(2) The bargadar shall, within fifteen days from the date of receipt of the offer, inform the owner in writing of his decision to purchase or not to purchase the land.</p> <p>(3) If the bargadar agrees to purchase the land, he shall negotiate the price of the land with the owner and purchase the land on such terms as may be agreed upon between them.</p> <p>(4) If the owner does not receive any intimation from the bargadar regarding his decision either to purchase or not to purchase the land within the specified time or if the bargadar informs the owner of his decision not to purchase the land or if the bargadar does not agree to</p>

	<p>pay the price demanded by the owner, the owner may sell the land to any person he deems fit:</p> <p>Provided that the owner shall not sell the land to such person at a price which is lower than the price offered by the bargadar.</p> <p>(5) Where the barga land is purchased by a person other than the bargadar, the barga contract in respect of the land shall be binding upon the purchaser as if the purchaser were a party to the contract.</p>
Ceiling of barga land	<p>14. (1) No bargadar shall be entitled to cultivate more than fifteen standard bighas of land.</p> <p>Explanation- In computing this ceiling, area of any land owned by the bargadar as well as the land cultivated by him as a bargadar and held by him under a complete usufructuary mortgage shall be taken into account.</p> <p>(2) If a bargadar cultivates land in excess of fifteen standard bighas, the share of the produce due to him as a bargadar in respect of the excess land may be compulsorily procured by the Government by order made in this behalf by the prescribed authority.</p>
Restriction of cultivation	<p>15. (1) No person shall cultivate the land of another person except under a barga contract or complete usufructuary mortgage or as a servant or labourer.</p> <p>(2) If a person cultivates the land of another person in violation of the provisions of this section, the produce of the land may be compulsorily procured by the Government by order made in this behalf by the prescribed authority.</p>
Disputes	<p>16. (1) Every disputes between a bargadar and the owner in respect of-</p> <p>(a) division or delivery of the produce,</p> <p>(b) termination of barga contract,</p> <p>(c) place of storing and thrashing of the produce, shall be decided by the prescribed authority.</p> <p>(2) If in deciding any dispute referred to in sub-section (1), any question arises as to whether a person is a bargadar or not or to whom the share of the produce is deliverable, such question shall be determined by the prescribed authority.</p> <p>(3) The prescribed authority shall not enter in any dispute if it is not referred to it by an</p>

	<p>application praying for its decision thereon within three months from the date on which the dispute arose.</p> <p>(4) The prescribed authority shall, after giving the parties an opportunity of being heard and adducing evidence and making such enquiry as it deems necessary, give its decision within three months from the date of receipt of the application.</p>
Appeals	<p>17. (1) An appeal shall lie to the prescribed appellate authority against any order, decision or action made or taken by the prescribed authority under any provision of this Ordinance.</p> <p>(2) An appeal under sub-section (1) shall be filed within thirty days from the date of receipt or knowledge of the order, decision or action appealed against.</p> <p>(3) The decision of the prescribed appellate authority shall be final.</p>
Procedure	<p>18. (1) The prescribed authority and the prescribed appellate authority shall, in deciding any matter, dispute or appeal, follow such procedure as may be prescribed.</p> <p>(2) Any person filing any application to the prescribed authority or any appeal to the prescribed appellate authority shall pay such fees as may be prescribed.</p>
Execution	<p>19. Any decision or order of the prescribed authority or of the prescribed appellate authority shall be executed or enforced in such manner as may be prescribed.</p>
Bar of jurisdiction	<p>20. No order, decision, action or proceedings made or taken by any authority under this Ordinance shall be called in question in any Court and no Court shall entertain any suit or proceeding in respect of any such order, decision, action or proceedings.</p>
Penalty	<p>21. Any person who violates any provision of this Ordinance or the rules or any order of any authority made under this Ordinance or the rules shall be punishable with fine which may extend to two thousand Taka.</p>

THE BANGLADESH LAND HOLDING (LIMITATION) ORDER, 1972
(PRESIDENT'S ORDER NO. 58 OF 1972)

WHEREAS it is expedient to provide for the reduction of the maximum quantity of land that may be held by a family (or a body) in Bangladesh and for matters ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamation of Independence of Bangladesh, read with the Provisional Constitution of Bangladesh Order, 1972, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:-

Section/ Short Title	Description
3	<p>3. Notwithstanding anything to the contrary in any other law for the time being in force,-</p> <p>(a) no family¹ or body shall be entitled to retain any land held by it in excess of one hundred standard bighas in the aggregate and all lands held by it in excess of that quantity shall be surrendered to the Government; and</p> <p>(b) no family² or body shall be entitled to acquire any land by purchase, inheritance, gift, bequeath or otherwise which, added to the land already held by it exceeds one hundred standard bighas in the aggregate:</p> <p>Provided that the limitation imposed by clause (a) shall not apply to any land held under waqf, debattor or any other religious or charitable trust, if the income from such land is exclusively dedicated to religious or charitable purposes without reservation of any pecuniary benefit for any individual;</p> <p>Provided further that if the income from any such land is partly dedicated to religious or charitable purposes and partly reserved for the pecuniary benefit of any individual, only such portion of the land, to be selected in the prescribed manner, shall be exempted from such limitation, as would yield the income exclusively dedicated to religious or charitable purposes.</p>
4	<p>4. The Government may relax the limitations imposed by Article 3, to such extent and subject to such conditions as it thinks fit, in the following cases, namely:-</p> <p>(a) a co-operative society of farmers where the members thereof surrender their ownership in the lands unconditionally to the society and cultivate the lands themselves;</p> <p>(b) land used for cultivation of tea, rubber or coffee³ or covered by orchards;</p>

¹ The words "family" were inserted by section 4 of the Bangladesh Land Holding (Limitation) (Amendment) Ordinance, 1982 (Ordinance No. 111 of 1982).
² The words "body" were inserted by section 4 of the Bangladesh Land Holding (Limitation) (Amendment) Ordinance, 1982 (Ordinance No. 111 of 1982).
³ The words "or covered by orchards" were inserted by Article 3 of the Bangladesh Land Holding (Limitation) (Amendment) Ordinance, 1972 (President's Order No. 136 of 1972).

	(c) an industrial concern holding land for the production of raw materials for manufacture of commodities in its own factories;
	(d) any other case where such relaxation is considered necessary in the public interest
5.	5. For the purpose of clause (a) of Article 3, a family shall be deemed to be holding land in excess of one hundred standard bighas, if the aggregate of the total quantity of land held by all the members of the family on the date of submission of the statement under Article 7, together with the total quantity of land, if any, transferred by them after the 7 th 20th day of February, 1972, and before the date of submission of such statement exceeds one hundred standard bighas and the limitation imposed by that clause shall be applied to such family on the basis of such aggregate
5A.	<p>7] 5A. Notwithstanding anything contained in any other law for the time being in force or in any contract or agreement, all transfers of land made by any member of a family, holding land in excess of one hundred standard bighas within the meaning of Article 5, after the 7th 15th day of August, 1972, and before the date of submission of the statement under Article 7, and also all transfers of land made by any member of any such family on or before the 7th 15th day of August, 1972, otherwise than by written instruments duly registered before the said date shall be void.</p> <p>Explanation - For the purposes of Article 5 and this Article, "transfer" includes a transfer effected in consequence of a decree of a Civil Court in a suit for the specific performance of a contract or the declaration of title or for enforcement of a mortgage security except when the mortgagee is the Government, a local authority, a scheduled bank or a co-operative society, but does not include a transfer in favour of the Government.]</p>
5B.	7] 5B. Notwithstanding anything contained in Articles 5 and 5A, if, in the opinion of the Government, any member of a family, holding land in excess of one hundred standard bighas within the meaning of Article 5, transfer any land after the 20th day of February, 1972, and before the 16th day of August, 1972, by a written instrument duly registered, with a view to avoiding the surrender of excess lands to the Government, the Government may pass an order declaring such transfer void.]
6.	6. A family holding a total quantity of land in excess of one hundred standard bighas in the aggregate within the meaning of Article 5 ^{7]} or a body holding a total quantity of land in excess of one hundred standard bighas in the aggregate ^{8]} shall have the option to select ^{9]} 4, out

^{7]} The words, "before the date of submission of the statement under Article 7" were substituted by the words, "on or before the 15th day of August, 1972" by Article 7 of the Bangladesh Landholding (Limitation) (Second Amendment) Order, 1972 (President's Order No. 154 of 1972).

Article 5A was inserted by Article 4 of the [Bangladesh Landholding \(Limitation\) \(Second Amendment\) Order, 1972](#) (President's Order No. 154 of 1972).

^{8]} The words, "before the date of submission of the statement under Article 7" were substituted by the words, "on or before the 15th day of August, 1972" by Article 4 of the Bangladesh Landholding (Limitation) (Second Amendment) Order, 1972 (President's Order No. 154 of 1972).

^{9]} Article 5B was inserted by Article 7 of the Bangladesh Landholding (Limitation) (Second Amendment) Order, 1972 (President's Order No. 154 of 1972).

^{4]} The words "or a body holding a total quantity of land in excess of one hundred standard bighas in the aggregate" were inserted by section 5 of the Bangladesh Landholding (Limitation) (Amendment) Ordinance, 1982 (Ordinance No. 88 of 1982).

^{5]} The words, "out of 4, out of the lands held by it," were inserted by Article 6 of the Bangladesh Landholding (Limitation) (Second Amendment) Order, 1972 (President's Order No. 154 of 1972).

	<p>of the lands held by it.]³⁴ " * * *] the lands to be surrendered to the Government being in excess of one hundred standard bighas:</p> <p>Provided that all lands mortgaged to the Government, the Agricultural Development Corporation, the Agricultural Development Bank, the House Building Finance Corporation or a Co-operative Society shall be included within the quantity of land which the family³⁵ ["] or body) is entitled to retain under this Order, to the extent they can be covered by such quantity, and shall not be so surrendered.</p>
2.	<p>7. ³⁶ [(1) ³⁷ By the 31st day of January, 1973, the head of every family holding land in excess of one hundred standard bighas within the meaning of Article 5, shall submit to the Revenue officer, within whose jurisdiction he resides, a statement, in such form and manner as may be prescribed, showing the particulars of all lands-</p> <p>(i) held by all the members of the family on the date of submission of the statement</p> <p>(ii) transferred by them after the ³⁸ 20th day of February, 1972, and</p> <p>(iii) the family chooses to surrender to the Government as provided in Article 6 ³⁹]:</p> <p>⁴⁰ " * * *]</p> <p>⁴¹ (2) By the 31st day of January, 1973, the head of a body holding land in excess of one hundred standard bighas shall submit to the Revenue officer, within whose jurisdiction he resides or the body has its principal office or ordinarily carries on its business, a statement, in such form and manner as may be prescribed, showing the particulars of all lands-</p> <p>(i) held by the body on the date of submission of the statement, and</p> <p>(ii) the body chooses to surrender to the Government as provided in Article 6</p> <p>(3) The Government may extend the time for submission of statements under this Article in all cases or in any particular case or class of cases or in respect of any area up to such date as it thinks fit.]</p>

³⁴ The words "of which" were inserted by section 5 of the Bangladesh Land Holding (Amendment) Ordinance, 1972 (Ordinance No. 18 of 1972).

³⁵ The words "or body" were inserted by section 5 of the Bangladesh Land Holding (Amendment) Ordinance, 1972 (Ordinance No. 18 of 1972).

³⁶ Article 7 was substituted as clause (1) by section 6 of the Bangladesh Land Holding (Amendment) Ordinance, 1982 (Ordinance No. 18 of 1982).

³⁷ The words "Agree, later and consent" by the 31st day of January, 1973 " was substituted for the words "Whichever day, by each of the members of the family" by Article 1 of the Bangladesh Land Holding (Amendment) Ordinance, 1972 (Ordinance No. 18 of 1972).

³⁸ The words "Agree and consent" 20th day of February, 1972" were substituted for the words, "or may and Agree" 30th day of December, 1971" by Article 7 of the Bangladesh Land Holding (Amendment) Ordinance, 1972 (Ordinance No. 18 of 1972).

³⁹ The words "]" were substituted for the words ") and thereafter the provision shall apply Article 2 of the Bangladesh Land Holding (Amendment) Ordinance, 1982 (Ordinance No. 18 of 1982).

⁴⁰ The words "]" were substituted for the words ") and thereafter the provision shall apply Article 2 of the Bangladesh Land Holding (Amendment) Ordinance, 1982 (Ordinance No. 18 of 1982).

⁴¹ Clause (2) and (3) were added by section 6 of the Bangladesh Land Holding (Amendment) Ordinance, 1982 (Ordinance No. 18 of 1982).

8	8. If any head of a family ¹⁰¹ or body fails, without any reasonable cause, to submit the statement required under Article 7, within the time mentioned therein or willfully makes any omission from, or incorrect declaration in, the statement submitted by him under that Article, he shall be punishable with simple imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand taka, or with both and the land for which no statement has been submitted or which has been omitted from the statement or in respect of which the incorrect declaration has been made ¹⁰¹ may be, forfeited to the Government ¹⁰² . [* * *]
9	9. Any person may furnish to the Revenue-officer the name and address of any head of a family ¹⁰³ or body which, according to his information and belief, holds land in excess of one hundred standard bighas.
10	10. (1) On receipt of a statement under Article 7 or of information under Article 9, the Revenue-officer shall have such statement or information verified by necessary enquiries and shall after giving the parties concerned an opportunity of being heard, pass an order accepting the excess lands surrendered by a family ¹⁰⁴ or body ¹⁰⁵ : Provided that where a family ¹⁰⁶ or body does not exercise its option to select the lands to be surrendered to the Government or the option so exercised does not conform to the provisions of Article 6, the Revenue-officer shall make such selection himself in the prescribed manner. (2) An order of the Revenue-officer under clause (1) ¹⁰⁷ accepting any excess land shall contain the full particulars of such land and upon the passing of such order, such land shall, subject to the provision of Article 11, vest in the Government free from all encumbrances.
11	(1) (1) An appeal against an order passed by the Revenue-officer under clause (1) of Article 10, if preferred within thirty days of the date of such order, shall lie to the Deputy Commissioner. (2) An appeal against an order passed by the Deputy Commissioner on an appeal under clause (1), if preferred within thirty days of the date of such order, shall lie to the ¹⁰⁸ Divisional Commissioner.

¹⁰¹ The words "or body" were inserted by section 7 of the Bangladesh Land Holding (Amendment) Ordinance, 1982 (Ordinance No. 18 of 1982)

¹⁰² The words "or willfully" were substituted for the words "and willfully" by Article 9 of the Bangladesh Land Holding (Amendment) Order, 1972 (President's Order No. 154 of 1972)

¹⁰³ The full name (1) was substituted for the words "and the person" in section 9 of the Bangladesh Land Holding (Amendment) Order, 1972 (President's Order No. 154 of 1972)

¹⁰⁴ The words "or body" were inserted by section 7 of the Bangladesh Land Holding (Amendment) Ordinance, 1982 (Ordinance No. 18 of 1982)

¹⁰⁵ The words "or body" were inserted by section 8 of the Bangladesh Land Holding (Amendment) Ordinance, 1982 (Ordinance No. 18 of 1982)

¹⁰⁶ The words "or body" were inserted by section 9 of the Bangladesh Land Holding (Amendment) Ordinance, 1982 (Ordinance No. 18 of 1982)

¹⁰⁷ The words "or body" were inserted by section 8 of the Bangladesh Land Holding (Amendment) Ordinance, 1982 (Ordinance No. 18 of 1982)

¹⁰⁸ The words "or body" were inserted by section 9 of the Bangladesh Land Holding (Amendment) Ordinance, 1982 (Ordinance No. 18 of 1982)

¹⁰⁹ The words "or body" were inserted by section 8 of the Bangladesh Land Holding (Amendment) Ordinance, 1982 (Ordinance No. 18 of 1982)

¹¹⁰ The words "or body" were inserted by section 9 of the Bangladesh Land Holding (Amendment) Ordinance, 1982 (Ordinance No. 18 of 1982)

¹¹¹ The words "or body" were inserted by section 8 of the Bangladesh Land Holding (Amendment) Ordinance, 1982 (Ordinance No. 18 of 1982)

	<p>¹²[(3) A revision petition against the order of the Divisional Commissioner may be presented before the Board of Land Administration within one month from the date of passing of the order and the decision of the Board of Land Administration in this behalf shall be final]</p>
12	<p>12. All lands acquired by any family ¹³[] or body] in excess of one hundred standard bighas after the date of commencement of this Order, or where a family ¹⁴[] or body] has submitted the statement under Article 7, after the date of submission of such statement, otherwise than by inheritance, shall stand forfeited to the Government, and where any such excess land is acquired by inheritance, it shall vest in the Government free from all encumbrances</p>
13	<p>13. The Government shall pay compensation for all excess lands ¹⁵[] vested in the Government under clause (2) of Article 10], and also for all excess lands acquired by a family by inheritance which have vested in the Government under Article 12, at the following rates, namely:-</p> <p>(a) where the total quantity of land ¹⁶[so vested] does not exceed fifty standard bighas, twenty per centum of the market value of such land; and</p> <p>(b) where the total quantity of land ¹⁷[so vested] exceeds fifty standard bighas,-</p> <p>(i) for fifty standard bighas, twenty per centum of the market value of such land, and</p> <p>(ii) for the balance, ten per centum of the market value of such land:</p> <p>Provided that the family ¹⁸[] or body] shall be given the choice to select the lands for the purpose of assessment of compensation under sub-clause (i) of clause (b):</p> <p>Provided further that no compensation shall be payable for any excess land acquired by a family by inheritance which has vested in the Government under Article 12, unless the head of the family submits the full particulars of such land to the Revenue officer within thirty days of such acquisition]</p>

¹² Clause (3) is a substantially revised clause and the Schedule of the Law (Amendment) Ordinance, 1982 (Ordinance No. 32 of 1982)

¹³ The words "or body" were inserted by section 9 of the Bangladesh Land Holding (Amendment) Ordinance, 1982 (Ordinance No. 11 of 1982)

¹⁴ The words "or body" were inserted by section 9 of the Bangladesh Land Holding (Amendment) Ordinance, 1982 (Ordinance No. 11 of 1982)

¹⁵ The words "acquired by a family" were inserted in the Government order clause (2) of Article 10¹⁹ by an amendment to the words and figures" introduced by a family and acquired under Article 10¹⁹ by Article 10 of the Bangladesh Land Holding (Amendment) Ordinance (Ordinance No. 14 of 1972)

¹⁶ The words "or body" were substituted for the words "or body" by Article 10 of the Bangladesh Land Holding (Amendment) Ordinance (Ordinance No. 14 of 1972)

¹⁷ The words "or body" were substituted for the words "or body" by Article 10 of the Bangladesh Land Holding (Amendment) Ordinance (Ordinance No. 14 of 1972)

¹⁸ The words "or body" were substituted for the words "or body" by Article 10 of the Bangladesh Land Holding (Amendment) Ordinance (Ordinance No. 14 of 1972)

¹⁹ The words "or body" were inserted by section 9 of the Bangladesh Land Holding (Amendment) Ordinance, 1982 (Ordinance No. 11 of 1982)

14	14. The amount of compensation assessed as payable to a family ¹⁴ [or body] under Article 13 shall be paid in cash up to ten thousand taka and the balance, if any, shall be paid in savings certificates.
15	15. The assessment and payment of compensation under Articles 13 and 14 shall be made by the Revenue-officer in such manner as may be prescribed.
16	16. (1) An appeal against an order of the Revenue-officer assessing compensation under Article 15, if preferred within thirty days of the date of such order, shall lie to the Deputy Commissioner. (2) An appeal against an order passed by the Deputy Commissioner under clause (1), if preferred within thirty days of the date of such order, shall lie to the District Judge and the order of the District Judge on such appeal shall be final.
17	17. Except as provided in clause (2) of Article 16, any order passed, any action taken or anything done under the provisions of this Order shall not be called in question in any Court.
18	18. No Court shall take cognizance of an offence punishable under Article 8, except upon a complaint in writing made by the Revenue-officer ¹⁸ [+ +].
19	19. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Order or any rules made thereunder.
20	20. A Revenue-officer may, at any time between the hours of sunrise and sunset, enter upon any land, with such officers or servants as he considers necessary, and make a survey or take measurement thereof or do any other acts which he considers to be necessary for carrying out any of his duties under this Order.
21	21. (1) A Revenue-officer may, for the purposes of this Order, by notice require any person to make or deliver to him a statement or to produce records or documents in his possession or control relating to any land at a time and place specified in the notice. (2) Every person required to make or deliver a statement or to produce any record or document under clause (1) shall be deemed legally bound to do so within the meaning of sections 175 and 176 of the Penal Code (Act XLV of 1860).
22	22. For the purposes of any enquiry under this Order, a Revenue-officer shall have power to summon and enforce the attendance of witnesses or of any person having an interest in any land and to compel the production of documents by the same means and, so far as may be, in the same manner as is provided in the case of Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908).
23	23. The Government may, by notification in the official Gazette, direct that any power conferred or duty imposed by this Order upon it shall, in such circumstances and under such conditions, if any, as may be specified in such notification, be exercised or performed by any

¹⁴ The words "or body" were inserted by section 11 of the Bangladesh Land Holding (Limitation) Amendment Ordinance, 1982 (Ordinance No. III of 1982).

¹⁸ The words "or by any other officer authorized by him in writing to the holder" were inserted by Article 10 of the Bangladesh Land Holding (Limitation) Second Amendment Ordinance, 1972 (Ordinance Order No. 10 of 1972).

	officer or authority subordinate to it
24	24. Notwithstanding anything contained in this Order or in any order law for the time being in force, the Government may, by notification in the official Gazette, at any time, further reduce the maximum quantity of land that may be held by a family in Bangladesh under this Order, and when such further reduction is made, compensation shall be paid for all excess lands that may be surrendered to, or may vest in, the Government in consequence of such reduction at the rates specified in Article 13 and all the other provisions of this Order shall, as far as may be, apply to all matters relating to such reduction.
25	25. The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Order.

THE LAND DEVELOPMENT TAX ORDINANCE, 1976
(ORDINANCE NO.XLII OF 1976).

An Ordinance to provide for the levy of a land development tax.

WHEREAS it is expedient to provide for the levy of a land development tax;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

Section/Title	Short	Description
Definitions		<p>(b) "land" includes land covered with water at any time of the year, hereto arising out of land and things attached to the earth or permanently fastened to anything attached to the earth;</p> <p>(c) "land taxes" means—</p> <p>(i) the development and relief tax payable under the <u>Finance (Third) Ordinance, 1958</u> (E.P. Ord. LXXXII of 1958),</p> <p>(ii) the additional development and relief tax payable under the Finance Act, 1967 (E.P. Act XVII of 1967),</p> <p>(iii) the local rate payable under the Basic Democracies Order, 1959 (P.O. No. 18 of 1959), and</p> <p>(iv) the primary education cess payable under the Finance Act, 1974 (XLIV of 1974);</p> <p>(d) "non-agricultural land" has the same meaning as assigned to it in section 2(4) of the <u>Non-Agricultural Tenancy Act, 1949</u> (E. B. Act XXIII of 1949);</p> <p>(e) "Revenue Officer" includes any officer whom the Government may appoint to discharge all or any of the functions of a Revenue Officer under this Ordinance or any rules made thereunder;</p>
Land development tax	3.	⁽¹⁾ There shall be levied and collected, for every year commencing on the first day of Baisakh, 1383 B.S., on all lands a tax to be called land development tax at the rates specified below, namely:— ⁽¹⁾
Exemption	⁽²⁾ 3A.	The Government or any Officer authorised by it in this behalf may, by order in writing and subject to such conditions as it or he may specify therein, exempt from payment of land development tax, any public graveyard, public cremation grounds or

⁽¹⁾ Sub-section (1) was substituted by section 2 of the Land Development Tax Amendment Ordinance, 1976 (Ordinance No. XCV of 1976).

⁽²⁾ Clause (a) was substituted by section 2 of the Land Development Tax Amendment Ordinance, 1972 (Ordinance No. XV of 1972).

⁽³⁾ Section 3A was inserted by section 1 of the Land Development Tax Amendment Ordinance, 1972 (Ordinance No. XV of 1972).

	place of public prayer or religious worship. Explanation. "Place of public prayer or religious worship" shall have the same meaning as in section 151A of the <u>State Acquisition and Tenancy Act, 1950</u> (E.B. Act XXVIII of 1951.)
Special provision relating to assessment of land development tax in respect of certain lands	"[3AA. Notwithstanding anything contained in section 3, in assessing the land development tax in respect of the lands mentioned in the Third Schedule to this Ordinance, the amount which was payable as rent or land revenue in respect of such lands under the <u>State Acquisition and Tenancy Act, 1950</u> (E.B. Act XXVIII of 1950), shall be excluded from the total amount payable as land development tax for such lands.]
Power of Government to amend schedule	4. The Government may, by notification in the official Gazette, add any other police-station to the schedule or exclude therefrom any police-station or any area of any police-station.
Bar of proceedings in Civil Courts	"[4A. No suit or other legal proceeding shall lie in any Civil Court to set aside or modify any classification of land or assessment of land development tax made by a Revenue Officer or any order made by any authority in any appeal under this Ordinance.]

অর্পিত সম্পত্তি প্রত্যর্পণ আইন, ২০০১
(২০০১ সনের ১৬ নং আইন)

অর্পিত সম্পত্তি হিসাবে অধিকাঙ্কিত করিণ্ডা সম্পত্তি বাংলাদেশী মুহু মালিক বা তাহার বাংলাদেশী উত্তরাধিকারী বা উক্ত মুহু মালিক বা উত্তরাধিকারীর বাংলাদেশী স্বার্থধিকারী (Successor-in-interest) এর নিকট প্রত্যর্পণ এবং আনুষ্ঠানিক বিহয়ানি সম্পর্কে বিধান প্রণয়নক্রমে এই আইন।

যেহেতু অর্পিত সম্পত্তি হিসাবে অধিকাঙ্কিত করিণ্ডা সম্পত্তি বাংলাদেশী মুহু মালিক বা তাহার বাংলাদেশী উত্তরাধিকারী বা উক্ত মুহু মালিক বা উত্তরাধিকারীর বাংলাদেশী স্বার্থধিকারী (Successor-in-interest) এর নিকট প্রত্যর্পণ এবং আনুষ্ঠানিক বিহয়ানি সম্পর্কে বিধান প্রণয়ন সমীচীন ও প্রয়োজনীয়;

সেহেতু, এতদ্বারা নিম্নরূপ আইন করা হইল:-

ধারা/শিরোনাম	কর্ম
সংজ্ঞা	২। কয় বং এর অর্থ পরিপন্থী কোন কিছু ন থাকিলে, এই আইনে- (ক) "অর্পিত সম্পত্তি" অর্থ অর্পিত সম্পত্তি আইনের অধীনে লক্করে রাখা সম্পত্তি;

12 Section 3AA was inserted by section 2 of the Land Dev (Amend) Tax (Ordinance) (E.B. Act XXVIII of 1950) (E.B. Act No. XXVIII of 1950)
13 Section 4A was inserted by section 1 of the Land Dev (Amend) Tax (Ordinance) (E.B. Act XXVIII of 1950) (E.B. Act No. XXVIII of 1950)

	<p>(খ) "অধিক সম্পত্তি আইন" অর্থাৎ</p> <p>(ক) Defence of Pakistan Ordinance, 1965 (Ord. No. XXII of 1965) (সিআই ১৬-০২১৯৬৯ ইং) উল্লিখিত শর্তে কার্যকর ছিল;</p> <p>(খ) ডিফেন্স অর্ডিন্যান্স No. XXIII of 1965 এর অধীনে জাতিতন্ত্র Defence of Pakistan Rules, 1965 এবং ডিফেন্স রুলস এর অধীনে প্রণয়িত আদেশসমূহ (ক) থেকে উদ্ধৃতকৃত Act-বলে প্রযোজ্য হবে;</p> <p>(গ) Enemy Property (Continuance of Emergency Provisions) Ordinance, 1969 (Ord. No. I of 1969) (সিআই Act XLV of 1974 দ্বারা পরিবর্তিত);</p> <p>(ঘ) Bangladesh (Vesting of Property and Assets) Order, 1972 (P. O. No. 29 of 1972) এর ফরমুলার উপস্থাপনা (খ), (গ) এবং (ঘ) থেকে উদ্ধৃতকৃত Ordinance এবং Rules এর ক্ষেত্রে প্রযোজ্য হবে;</p> <p>(ঙ) Enemy Property (Continuance of Emergency Provisions) (Repeal) Act, 1974 (XLV of 1974); এবং</p> <p>(চ) Vested and Non-resident Property (Administration) Act, 1974 (XLI of 1974) (সিআই Ord. No. XXII of 1976 দ্বারা পরিবর্তিত) এর ফরমুলার উপস্থাপনা (খ), (গ) এবং (ঘ) থেকে উদ্ধৃতকৃত Ordinance এবং Rules এর ক্ষেত্রে প্রযোজ্য হবে;</p> <p>(ছ) "অস্থায়ী ইজারা" অর্থাৎ, অস্থায়ী জমির ক্ষেত্রে, ১১ (এক) বঙ্গদেশ কয় দেওয়ানী ইজারার এবং কৃষি জমির ক্ষেত্রে, ১০ (দশ) বঙ্গদেশ কয় দেওয়ানী ইজারার;</p> <p>(জ) "আগামী ট্রাস্টবান্দা" অর্থাৎ ধারা ১৬ এর অধীনে স্থাপিত অধিক সম্পত্তি প্রত্যাহার আগামী ট্রাস্টবান্দা;</p> <p>[**]</p> <p>(গ) "সংশোধিত আইন" বর্নিত, এই আইনের উদ্দেশ্যে প্রণয়িত আইন (ক) থেকে (গ) পর্যন্ত অংশে উল্লিখিত আইনসমূহ।</p>
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¹⁸ সূত্র (খ) অধিক সম্পত্তি প্রত্যাহার (নির্ধারিত আইন) আইন, ২০১০ (২০১০ সনের ৪০ নং আইন) এর ২(ক) ধারায় উল্লিখিত।

<p>(১) "সিই ট্রাস্টলি" অর্থ ধারা ১৬ এর অধীনে স্থাপিত অর্গনিসড সম্পত্তি প্রদান ট্রাস্টলি।</p> <p>¹⁴ (১) "সিই" অর্থ ধারা ১০(৩) ও ধারা ১৬(৩) এর অধীনে স্থাপিত, ট্রাস্টলি বা অংশী ট্রাস্টলি কল কলকর্ত প্রকল্পকর্তৃক তৈরি।</p> <p>(২) "অনুপায়ক" অর্থ অর্গনিসড সম্পত্তির তত্ত্বাবধান ও ব্যবস্থাপনার জন্য অর্গনিসড সম্পত্তি আইনের অধীনে নিযুক্ত Custodian, Additional Custodian, Deputy Custodian বা Assistant Custodian।</p> <p>(৩) "সেওপ্রসি কার্যবিধি" অর্থ Code of Civil Procedure, 1908 (Act V of 1908)।</p> <p>(৪) "প্রদানপত্র" সম্পত্তি: অর্থ অর্গনিসড সম্পত্তি আইনের অধীনে অনুদানকারক কর্তৃক অর্গনিসড সম্পত্তি হিসাবে অর্গনিসড করা হইলেই এইরূপ সম্পত্তির মত।</p> <p>(৫) যাহা এই আইন প্রবর্তনের অব্যবহিত পূর্বসংস্করণে মনস বা নিয়ন্ত্রণ ছিল, বা</p> <p>(৬) যাহা "প্রদানপত্র" জনহিতকর সম্পত্তি: অর্থ দপ্তরের সম্পত্তি, মঠ, পুশক, সম্মেলনবালা বা ধর্মীয় প্রতিষ্ঠানের বা মাতৃব প্রতিষ্ঠানের সম্পত্তি বা অন্য দপ্তরের উদ্দেশ্যে ব্যক্তি উদ্দেশ্যে। দুই ট্রাস্ট সম্পত্তি এবং যাহা এই আইন প্রবর্তনের অব্যবহিত পূর্বসংস্করণে মনস বা নিয়ন্ত্রণ ছিল,</p> <p>স্বাধীন: ধারা ৯ এর দফা (ক) হইলে (১) কে উল্লিখিত কোন সম্পত্তি উক্ত প্রদানপত্র সম্পত্তি বা প্রদানপত্র জনহিতকর সম্পত্তি হিসাবে গণ্য হইবে না তবে উক্ত ধারার দফা (১) এর শর্তে উল্লিখিত ক্ষতিপূরণের অর্থ প্রদানপত্র সম্পত্তি বন্ডগণ্য হইবে।</p> <p>(১) - ¹⁵ "প্রদানপত্র" সম্পত্তির তত্ত্বাবধি" অর্থ ধারা ৯ এর অধীনে প্রদানিত ¹⁶ প্রদানপত্র সম্পত্তি তত্ত্বাবধি।</p> <p>(১) "বিধি" অর্থ এই আইনের অধীনে প্রণীত বিধি।</p> <p>¹⁷ [s+1]</p>

¹⁴ অর্থ (১) অর্গনিসড সম্পত্তি প্রদানপত্র (বিধি) সনদসং) আইন, ২০১০ (২০১০ সনের ৪৬ নং আইন) এর ২(খ) ধারায় প্রবিষ্টিত।

¹⁵ "প্রদানপত্র" শব্দটি "অর্গনিসড সম্পত্তি" শব্দটির পরিবর্তে অর্গনিসড সম্পত্তি প্রদানপত্র (বিধি) সনদসং) আইন, ২০১০ (২০১০ সনের ৪৬ নং আইন) এর ২(খ) ধারায় প্রবিষ্টিত।

¹⁶ "প্রদানপত্র" শব্দটি "অর্গনিসড সম্পত্তি" শব্দটির পরিবর্তে অর্গনিসড সম্পত্তি প্রদানপত্র (বিধি) সনদসং) আইন, ২০১০ (২০১০ সনের ৪৬ নং আইন) এর ২(খ) ধারায় প্রবিষ্টিত।

<p>¹¹¹ (ক) মালিক অর্থাৎ বৈধ অধিকার সম্পত্তি অধিকার সম্পত্তি বিচারে বহিষ্কারকৃত হইলে সেই মূল মালিক বা অধিকার উত্তরাধিকারী, বা উক্ত মূল মালিক বা উত্তরাধিকারী স্বার্থিকর্তা (Successor in interest), বা তাহাদের অনুপস্থিতিতে তাহাদের উত্তরাধিকার সূত্রে এবং সংশ্লিষ্ট আইন বিধি বা যন্ত্রা ইত্যাদি দ্বারা বা অন্য কোনভাবে সম্পত্তি দখলে হইলে (Co-sharer in possession by law or in any form) সেই উক্ত মূল মালিক বা উত্তরাধিকারী বা স্বার্থিকর্তা (Successor in interest) উত্তরাধিকারসূত্রে সংশ্লিষ্ট (Co-sharer in possession by law or in any form) স্বার্থকর্তার মালিকিক ও স্থায়ী বসতি দান হয়।</p> <p>(৩) অধিকার সম্পত্তি বা অর্ধস্বত্ব সম্পত্তি বা অর্ধস্বত্ব সম্পত্তি ক্ষেত্রে, পরোক্ষভাবে দখলে বা নিয়ন্ত্রণে অর্থাৎ সরাসরি দখলে বা সজ্ঞার ক্ষেত্রে অস্থায়ী ইজার বা ভাড়া বা অনুমতিসূত্রে সরাসরি পক্ষে দখলে বা নিয়ন্ত্রণে বা এই আইন প্রেরণের তারিখে বা তাৎপর্য উক্ত অস্থায়ী ইজার, ভাড়া বা অনুমতি সন্ধান পের হইলে, ইহা ন্যূনতম হইয়া যতুক বা না যতুক উক্ত সম্পত্তি:</p> <p>(গ) "স্থায়ী ইজারা" বলিতে নিম্নলিখিত ইজার অন্তর্ভুক্ত:</p> <p>(ক) ৯৯ (নিয়মকমই) বছর মেয়াদী ইজারা;</p> <p>(খ) অস্থায়ী ভাড়া মেয়াদে, ১১ (বা) বছর মেয়াদী বা তদুর্ধ্ব মেয়াদী ইজারা যথা Non-Agricultural Tenancy Act, 1949 (E. B. Act XXIII of 1949) এর section 8 এর অধীনে উক্ত মেয়াদে পর স্থায়ী ইজারায় রূপান্তরিত হয়, এবং;</p> <p>(ঘ) কৃষি ভাড়া মেয়াদে, ১০ (পাঁচ) বছর বা তদুর্ধ্ব মেয়াদী এবং ইজারা যথা 1 নং প্রকৃতি ইজারা নিয়মকম উক্ত মেয়াদে পরে স্থায়ী ইজারায় রূপান্তরিত হয়।</p> <p>¹¹² (৩) "অর্ধস্বত্ব" অর্থ এই ইজার মধ্য (40) বৈধ অধিকার সম্পত্তি;</p> <p>¹¹³ [***]</p> <p>¹¹⁴ (৩) "অর্ধস্বত্ব" অর্থ এই আইনে অধীন সরকারি প্রোজেক্টে প্রদানের দ্বারা প্রকাশিত "ক" ¹¹¹ [***] অর্ধস্বত্ব বর্ধিত সম্পত্তি বসতি।</p>
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¹¹¹ জা (১) অধিকার সম্পত্তি প্রাপ্তি (বিধি সংশোধন) আইন, ২০১০ (২০১০ সনের ৪৩ নং আইন) এর ২(খ) ধারার বিধি।
¹¹² জা (১) অধিকার সম্পত্তি প্রাপ্তি (বিধি সংশোধন) আইন, ২০১০ (২০১০ সনের ২৩ নং আইন) এর ২(খ) ধারার বিধি।
¹¹³ জা (১) ও ২(খ) অধিকার সম্পত্তি প্রাপ্তি (বিধি সংশোধন) আইন, ২০১০ (২০১০ সনের ৪৩ নং আইন) এর ২(খ) ধারার বিধি।
¹¹⁴ জা (১) অধিকার সম্পত্তি প্রাপ্তি (বিধি সংশোধন) আইন, ২০১০ (২০১০ সনের ৪৩ নং আইন) এর ২(খ) ধারার বিধি।
¹¹⁵ জা (১) অধিকার সম্পত্তি প্রাপ্তি (বিধি সংশোধন) আইন, ২০১০ (২০১০ সনের ৪৩ নং আইন) এর ২(খ) ধারার বিধি।

<p>সে-ক্রাসী ক্যাম্বিয়ার সীমিত প্রক্রম</p>	<p>¹⁴⁷ [***]</p> <p>৪) এই আইনের অধীন কোন কার্যক্রমে সে-ক্রাসী ক্যাম্বিয়ার নিম্নবর্ণিত বিধানাবলী বাতীত অন্য কোন বিধান প্রযোজ্য হইবে না, যথা:-</p> <p>(ক) এই আইনে বা বিধিতে কোন বিষয়ে সে-ক্রাসী ক্যাম্বিয়ার কোন বিধান যতটুকু প্রযোজ্য মর্মে বিধান করা হয় ততটুকু; এবং</p> <p>(খ) উক্ত ক্যাম্বিয়ার ১১ ধারা।</p>
<p>মালিক, গ্রহণকারী সম্পত্তি গ্রহণকারী এবং ইহার স্বত্বস্বত্ব</p>	<p>(১) এই আইনের বিধানাবলী অনুসারে প্রত্যর্পণযোগ্য সম্পত্তির তালিকার অন্তর্ভুক্ত সম্পত্তি উহার মালিকের নিচের নামে, যেরূপে, প্রত্যর্পণযোগ্য জমিরূপে সম্পত্তি ধরে ১৫ অনুসারে সেহেতম বা মোহর বা পরিচালনা কর্মসূচি নিবন্ধিত, প্রত্যর্পণযোগ্য জমিরূপে সম্পত্তির উদ্দেশ্যে প্রত্যর্পণ করা হইবে, এবং উক্ত রূপে প্রত্যর্পিত সম্পত্তির উপর সরকারের স্বত্ব, স্বর্গ, অধিকার ও সকল দায়-দায়িত্ব বিস্তৃত হইবে।</p> <p>অন্য পক্ষে যখন সে, প্রত্যর্পণযোগ্য সম্পত্তির সরকার বা সরকারের অনুমোদিত সংস্থার সরকারের অনুমোদিত কোন স্থাপন নির্মাণ করিয়া থাকিলে বা উহার কোন অস্থায়ী (immovable) সম্পত্তি থাকিলে সরকার বা ক্ষেত্রমত উক্ত সংস্থার তাহা সংক্রান্ত হইতে পারিবে।</p> <p>(২) কোন অর্পিত সম্পত্তি অধিগ্রহণ কর হইয়া থাকিলে উক্ত সম্পত্তির বিপক্ষে জমা ধার ক্ষতিপূরণের ঠিক উহার মালিককে এই আইনের বিধানাবলী অনুসারে প্রদান করা হইবে।</p> <p>(৩) এই আইনের অধীনে প্রত্যর্পণযোগ্য সম্পত্তি কৃষি ভূমি হইলে উহা প্রত্যর্পণের ক্ষেত্রে Land Reforms Ordinance, 1984 (X of 1984) এবং তৎসম্মত ক্রমিক বিধানমা প্রযোজ্য হইবে।</p>
<p>ক্রয়পত্র সম্পত্তি প্রত্যর্পণযোগ্য সম্পত্তির তালিকায় অন্তর্ভুক্ত নিম্ন</p>	<p>(১) ¹⁴⁸ [***] প্রত্যর্পণযোগ্য সম্পত্তির তালিকায় নিম্নবর্ণিত সম্পত্তি অন্তর্ভুক্ত করা যাইবে না, যথা:-</p> <p>(ক) কোন সম্পত্তি অর্পিত হইলে মর্মে এই আইন প্রবর্তনের পূর্বে যথাযথ আদালত চূড়ান্ত সিদ্ধান্ত প্রদান করিয়া থাকিলে সেই সম্পত্তি;</p> <p>(খ) এই আইন প্রবর্তনের পূর্বে যে কোন সময় তদ্ব্যবহারে কর্তৃক অর্পিত সম্পত্তির মালিক হইতে</p>

¹⁴⁷ [***] (১) অর্পিত সম্পত্তি প্রত্যর্পণযোগ্য (বিধি সংক্রান্ত) আইন, ২০১০ (২০১০ সনের ৪৬ নং আইন) এর ২৩ ধারায় বিস্তৃত।

¹⁴⁸ [***] প্রত্যর্পণযোগ্য সম্পত্তির তালিকা "সম্পত্তি অর্পিত সম্পত্তির তালিকা" শব্দটির পরিপ্রেক্ষিতে অর্পিত সম্পত্তি প্রত্যর্পণযোগ্য (বিধি সংক্রান্ত) আইন, ২০১০ (২০১০ সনের ৪৬ নং আইন) এর ৩ ধারায় বিস্তৃত।

¹⁴⁹ [***] প্রত্যর্পণযোগ্য সম্পত্তির তালিকা "সম্পত্তি অর্পিত সম্পত্তির তালিকা" শব্দটির পরিপ্রেক্ষিতে অর্পিত সম্পত্তি প্রত্যর্পণযোগ্য (বিধি সংক্রান্ত) আইন, ২০১০ (২০১০ সনের ৪৬ নং আইন) এর ৩ ধারায় বিস্তৃত।

	<p>অনুভূত করা হইয়াছে এইরূপ কোন সম্পত্তি:</p> <p>(গ) সরকার কর্তৃক কোন সর্ভস্বিকৃত সত্ত্বা বা অন্য কোন সংগঠন বা কোন ব্যক্তির নিকট স্থায়ীভাবে হস্তান্তরিত বা স্থায়ী ইচ্ছার প্রদর্শন অর্পিত সম্পত্তি;</p> <p>(ঘ) কোন সর্ভস্বিকৃত সত্ত্বার নিকট ন্যূন এমন অর্পিত সম্পত্তি যাহা বিপণ্য বা ব্যক্তিগত প্রতিষ্ঠান এবং উক্ত আওতাধীন সকল সম্পদ এবং এইরূপ সর্ভস্বিকৃত সত্ত্বা কর্তৃক উক্ত প্রতিষ্ঠান বা উহার আওতাধীন সম্পদ বা উহার কোন অংশবিশেষ হস্তান্তর করিয়া থাকিলে সেই হস্তান্তরিত সম্পত্তি;</p> <p>(ঙ) এমন অর্পিত সম্পত্তি যাহা কোন কোম্পানীর পোষক বা অন্য কোন এককের সিকিউরিটি;</p> <p>(চ) অন্যদ্বারা অর্পিত সত্ত্বা হইয়াছে এইরূপ কোন অর্পিত সম্পত্তি;</p> <p>তবে শর্ত থাকে যে, উক্ত অর্পিত সম্পত্তির বিপরীতে প্রাপ্য কর্তব্যপূরণের অর্থ জমা থাকিলে উক্ত সম্পত্তির অধিগ্রহণ পূর্ব মালিককে বা তদ্বার উত্তরাধিকারী বা স্বাধিকারীকে কর্তব্যপূরণের অর্থ এই আইনের বিধান অনুসারে প্রদান করা হইবে যদি উক্ত মালিক বা উত্তরাধিকারী বা স্বাধিকারী ¹⁴¹।</p> <p>¹⁴¹ শৃঙ্খলাসূচক নগরিক ও স্থায়ী বাসিন্দা হইবে।</p>
<p>141] প্রত্যক্ষভাবে সম্পত্তির দাবীতে</p> <p>নূনতমামলা দায়ের বা দাবী উত্থাপন সিদ্ধি</p>	<p>খ (১) এই আইন প্রবর্তনের পর কোন ব্যক্তি কোন সম্পত্তি ¹⁴² প্রত্যক্ষভাবে সম্পত্তির তালিকার অন্তর্ভুক্তিযোগ্য নহে যদি বা উক্ত তালিকার অন্তর্ভুক্ত কোন সম্পত্তি প্রত্যক্ষভাবে সম্পত্তি নহে যদি কোন আদালতে মামলা দায়ের করিতে বা এইরূপ সম্পত্তি অধিগ্রহণ করা তদ্বার দায়ের নিকট কোন দাবী উত্থাপন করিতে বা উহার ব্যাপারে নাম জারির জন্য কোন রকম কর্তৃত্ব নিকট কোন আবেদন করিতে পারিলে না।</p> <p>(২) এইরূপ মামলা দায়ের বা দাবী উত্থাপন বা আবেদন কর হইলে আদালত বা ক্ষেত্রত তদ্বার দায়ের উক্ত দাবী বা দায় স্ব কর্মকর্তা উক্ত আবেদন সরাসরি দায়ের করিবেন।</p>

¹⁴¹ "অন্য উত্তরাধিকার" শব্দটি অর্পিত সম্পত্তি প্রত্যক্ষ (সংস্কৃত), আইন, ২০১১ (২০১১ সনের ২০ নং আইন) এর ৩ ধরনের বিপরীত।

¹⁴² প্রত্যক্ষভাবে সম্পত্তি "অর্পিত" শব্দটির পরিভাষায় অর্পিত সম্পত্তি প্রত্যক্ষ (সংস্কৃত), আইন, ২০১১ (২০১১ সনের ২০ নং আইন) এর ৪(ক) ধরনের প্রতিশ্রুতি।

¹⁴³ প্রত্যক্ষভাবে সম্পত্তির তালিকা অন্তর্ভুক্তিযোগ্য নহে যদি বা উক্ত তালিকার অন্তর্ভুক্ত কোন সম্পত্তি প্রত্যক্ষভাবে সম্পত্তি "অর্পিত" শব্দটির অর্পিত সম্পত্তির তালিকার অন্তর্ভুক্তিযোগ্য নহে যদি বা উক্ত তালিকার অন্তর্ভুক্ত সম্পত্তি কোন সম্পত্তি অর্পিত "অর্পিত" শব্দটির পরিভাষায় অর্পিত সম্পত্তি প্রত্যক্ষ (সংস্কৃত), আইন, ২০১১ (২০১১ সনের ২০ নং আইন) এর ৪(ক) ধরনের প্রতিশ্রুতি।

১৫) প্রত্যাশিতোপা[সম্পত্তির বহালভাব নির্দিষ্ট।	১৫) ৮। এই আইনের অধীন অবমুক্ত বা প্রত্যাশিত সম্পত্তি হওয়ার পূর্বে কোন ব্যক্তি ১৫) প্রত্যাশিতোপা[সম্পত্তি বিক্রয়, দান বা অন্য কোনভাবে হস্তান্তর করিতে বা বন্ধক রাখিতে পারিবে না এবং উক্তরূপ বিক্রয়, দান, অন্যবিধ হস্তান্তর বা বন্ধক রাখিল ও ফলস্বত্বই হইবে।
১৬) প্রত্যাশিতোপা[সম্পত্তির অধিকাংশ প্রকাশ।	১৬) ৯। (১) অধিক সম্পত্তি প্রত্যাশিত (সংশোধিত) আইন, ২০১১ সালের হইবার ১৫) ৩০০ (তিনিশত) দিনের মধ্যে সরকার এই ধারার নিম্ন অধিদায়ী ক্যা ১৫) ৪৪৪) অনুসারে বর্ণিত ১৫) প্রত্যাশিতোপা সম্পত্তি[মৌজা ভিত্তিক ১৫) উৎসেধা বা ধান্য বা] জেলাওয়ারী অধিকাংশতত করিয়া সরকারি গেজেটে প্রকাশ্য ভাবে প্রকাশ করিবে। অথবা শর্ত থাকে যে, উক্ত ৩০০(তিনিশত) দিনের মধ্যে অধিকাংশ হস্তান্তর করিয়া সরকারি গেজেটে প্রকাশ্য প্রকাশ করা সম্ভব না হইলে, সরকার সুনির্দিষ্ট করণ নিষিদ্ধ করিয়া অতিরিক্ত ৯০ (নব্বই) দিনের মধ্যে অধিকাংশ হস্তান্তর করিয়া সরকারি গেজেটে প্রকাশ্য প্রকাশ করিবে। ১৬) (২) উক্ত আইন-ধারা (১) এর অধীন ১৫) প্রত্যাশিতোপা[সম্পত্তির অধিকাংশ প্রকাশের তারিখ অতিক্রম হওয়ার সত্ত্বেও এই আইন কার্যকর হইবার পূর্ব, সরকার, আদালত, সরকারি গেজেটে প্রকাশ্য ভাবে, অধিকতর ৩০০ (তিনিশত) দিনের মধ্যে অধিক সম্পত্তির অধিকাংশ প্রকাশ করিবে। (২) উক্ত অধিকাংশ মৌজা-ওয়ারী ক্যা ১৫) ৪৪৪) অনুসারে বর্ণিত অধিক সম্পত্তির পূর্ণাঙ্গ বিক্রয় (যেমন- উক্ত সম্পত্তির স্বত্বাধি, উক্ত সম্পত্তি জমি হইলে স্বত্বাধি দান (সাবেক ও দান) ও দান্য দান (সাবেক ও দান), পরিশোধ, ইত্যাদি) অনুসারে ব্যক্তিগত।

১৫) প্রত্যাশিতোপা-শব্দটি-শব্দটির পরিবর্তে অধিক সম্পত্তি প্রত্যাশিত (বিধীয় সংশোধিত) আইন, ২০১০ (১০-১০ সনের ৯৬ নং আইন) এর ৪ ধারাকে প্রত্যাশিত।
১৫) ধারা ৮ অধিক সম্পত্তি প্রত্যাশিত (সংশোধিত) আইন, ২০১০ (১০-১০ সনের ৯৬ নং আইন) এর ৫ ধারাকে প্রত্যাশিত।
১৫) প্রত্যাশিতোপা-শব্দটি-শব্দটির পরিবর্তে অধিক সম্পত্তি প্রত্যাশিত (বিধীয় সংশোধিত) আইন, ২০১০ (১০-১০ সনের ৯৬ নং আইন) এর ৪ ধারাকে প্রত্যাশিত।
১৫) প্রত্যাশিতোপা-শব্দটি-শব্দটির পরিবর্তে অধিক সম্পত্তি প্রত্যাশিত (বিধীয় সংশোধিত) আইন, ২০১০ (১০-১০ সনের ৯৬ নং আইন) এর ৬(ক) ধারাকে প্রত্যাশিত।
১৫) উৎসেধা (১) ও (২) অধিক সম্পত্তি প্রত্যাশিত (সংশোধিত) আইন, ২০১১ (১০-১১ সনের ২৩ নং আইন) এর ৪ (খ) ধারাকে প্রত্যাশিত।
১৫) ২০১০ (১০-১০ সনের ৯৬ নং আইন) এর ৪ ধারাকে প্রত্যাশিত।
১৫) ৯ নং শব্দ, কঁ ও ক্রি অধিক সম্পত্তি প্রত্যাশিত (সংশোধিত) আইন, ২০১০ (১০-১০ সনের ৯৬ নং আইন) এর ৬(খ) ধারাকে প্রত্যাশিত।
১৫) প্রত্যাশিতোপা-শব্দটির পরিবর্তে অধিক সম্পত্তি প্রত্যাশিত (বিধীয় সংশোধিত) আইন, ২০১০ (১০-১০ সনের ৯৬ নং আইন) এর ৬(খ) ধারাকে প্রত্যাশিত।
১৫) উৎসেধা ক ক্রি ক্যা ১৫) ৪৪৪) মৌজা ভিত্তিক-শব্দের পর অধিক সম্পত্তি প্রত্যাশিত (সংশোধিত) আইন, ২০১১ (১০-১১ সনের ২৩ নং আইন) এর ৬(খ) ধারাকে প্রত্যাশিত।
১৫) উৎসেধা ক ক্রি ক্যা ১৫) ৪৪৪) মৌজা ভিত্তিক-শব্দের পর অধিক সম্পত্তি প্রত্যাশিত (সংশোধিত) আইন, ২০১১ (১০-১১ সনের ২৩ নং আইন) এর ৬(খ) ধারাকে প্রত্যাশিত।
১৫) উৎসেধা ক ক্রি ক্যা ১৫) ৪৪৪) মৌজা ভিত্তিক-শব্দের পর অধিক সম্পত্তি প্রত্যাশিত (সংশোধিত) আইন, ২০১১ (১০-১১ সনের ২৩ নং আইন) এর ৬(খ) ধারাকে প্রত্যাশিত।
১৫) উৎসেধা ক ক্রি ক্যা ১৫) ৪৪৪) মৌজা ভিত্তিক-শব্দের পর অধিক সম্পত্তি প্রত্যাশিত (সংশোধিত) আইন, ২০১১ (১০-১১ সনের ২৩ নং আইন) এর ৬(খ) ধারাকে প্রত্যাশিত।
১৫) উৎসেধা ক ক্রি ক্যা ১৫) ৪৪৪) মৌজা ভিত্তিক-শব্দের পর অধিক সম্পত্তি প্রত্যাশিত (সংশোধিত) আইন, ২০১১ (১০-১১ সনের ২৩ নং আইন) এর ৬(খ) ধারাকে প্রত্যাশিত।

	<p>(৩) প্রত্যাশনামাত্রা আনয়নের সম্পত্তির ব্যাপারে উপ-ধার (২) অনুসারে প্রত্যেক্ষীয় উল্লিখিত তালিকায় আলাদাভাবে অন্তর্ভুক্ত করিতে হইবে।</p> <p>(৪) অন্যদ্বারা অধিভুক্ত অধিগত সম্পত্তির বিপরীতে প্রাপ্ত অধিগত সম্পত্তির অর্থ জমা থাকিলে উপ-ধার (২) অনুসারে উক্ত সম্পত্তির বিবরণ, অধিভুক্তির তারিখ এবং জমাকৃত অর্থের পরিমাণ উক্ত তালিকায় আলাদাভাবে প্রকাশ করিতে হইবে।</p> <p>(৫) উক্ত তালিকা প্রকাশের সপ্তম সংখ্যে সর্বত্র।</p> <p>(৬) অন্যদ্বারা প্রাপ্ত অর্থের প্রাপ্তি, টেন্ডারিং এবং অন্যান্য প্রকারে মাধ্যমে বিক্রয় প্রকার করিলে;</p> <p>(৭) প্রাপ্ত অর্থের প্রাপ্তি প্রকাশের কার্যক্রমে উক্ত তালিকার পর্যায়ে কপি সর্বত্র করিলে, যাহাতে অর্থাৎ যে কোন ব্যক্তি উৎসনির্বাচিত মুদ্রা সংগ্রহ করিতে পারেন।</p> <p>¹⁰¹ (৬) এই ধারার অধীনে 'ক' ¹⁰¹ 'ক' তফসিল করিতে এবং প্রাপ্ত অর্থের অধিগত সম্পত্তির তালিকায় অন্তর্ভুক্ত নাহে এমন কোন সম্পত্তি অধিগত সম্পত্তি বর্ণনা করা হইবে না এবং উক্ত অধিগত সম্পত্তি হিসাবে সর্বত্রের কোন বন্ধু, স্বামী, অধিকার বা দায়-দায়িত্ব থাকিলে না।</p>
<p>[¹⁰² প্রত্যাশনামাত্রা সম্পত্তি প্রত্যাশনামাত্রা বা অন্যান্য আবেদন, বেইলি, হার ও হারের অন্তর্ভুক্তি]</p>	<p>১০। (১) ¹⁰² ধার ৯ এর অধীনে প্রাপ্ত অর্থের ক তফসিল করিতে সম্পত্তির মালিক উক্ত সম্পত্তি তহবীর অন্তর্ভুক্ত প্রত্যাশনামাত্রা, উক্ত সম্পত্তির তালিকা প্রকাশের ¹⁰³ ৩০০ (তিনশত) দিনের মধ্যে, ট্রাইব্যুনালের নিকট আবেদন করিতে পারিবেন এবং আবেদনের সহিত তহবীর সাবীর সম্মত সর্বত্র প্রকাশের সফলতা সফল করিবেন।</p> <p>¹⁰⁴ (১) উপ-ধার (১) এর অধীনে আবেদন করার সময় আবেদন প্রকাশের ৬০ দিনের মধ্যে এই আইন কার্যকর হইবার পর ¹⁰⁵ ৩১ ডিসেম্বর ২০১০ খ্রিস্টাব্দ তারিখ পর্যন্ত ট্রাইব্যুনালে আবেদন করার করা হইবে।</p>

¹⁰¹ উপ-ধার (৬) অধিগত সম্পত্তি প্রাপ্ত অর্থের অধিগত সম্পত্তি। আইন, ২০১১ (২০১১ সনের ১০ নং আইন) এর ৫ (খ) ধারায় পরিষ্কার।
¹⁰² 'ক' বা 'খ' বা 'গ' বা 'ঘ' অধিগত সম্পত্তি প্রত্যাশনামাত্রা (বিবরণ সংশ্লিষ্ট আইন, ২০১০ (২০১০ সনের ৯৬ নং আইন) এর ৪) ধারায় পরিষ্কার।
¹⁰³ প্রত্যাশনামাত্রা 'শর্ত' অধিগত সম্পত্তির অধিগত সম্পত্তি প্রত্যাশনামাত্রা (বিবরণ সংশ্লিষ্ট আইন, ২০১০ (২০১০ সনের ৯৬ নং আইন) এর ৬(ক) ধারায় পরিষ্কার।
¹⁰⁴ ধার ৯ এর অধীনে প্রাপ্ত অর্থের ক তফসিল করিতে 'শর্ত' অধিগত সম্পত্তি 'শর্ত' অধিগত সম্পত্তি প্রত্যাশনামাত্রা (বিবরণ সংশ্লিষ্ট আইন, ২০১১ (২০১১ সনের ১০ নং আইন) এর ৫(খ) ধারায় পরিষ্কার।
¹⁰⁵ ৩০০ (তিনশত) দিনের মধ্যে আবেদন করা হইবে।
¹⁰⁶ উপ-ধার (১) অধিগত সম্পত্তি প্রত্যাশনামাত্রা (বিবরণ সংশ্লিষ্ট আইন, ২০১০ (২০১০ সনের ৯৬ নং আইন) এর ৬(ক) ধারায় পরিষ্কার।
¹⁰⁷ ৩১ ডিসেম্বর ২০১০ খ্রিস্টাব্দ তারিখ পর্যন্ত ট্রাইব্যুনালে আবেদন করার সর্বত্র। আইন, ২০১০ (২০১০ সনের ৯৬ নং আইন) এর ৬(খ) ধারায় পরিষ্কার।

	<p>(২) ধারা ৯৪) অস্থায়ী তালিকায় অন্তর্ভুক্ত কোন অধিগ্রহণকৃত অর্পিত সম্পত্তির বিপরীতে প্রদেয় ক্ষতিপূরণের দাবীসহ উপ-ধারা (১) অনুসারে ট্রাইবুনালে আবেদন করিলে এবং আবেদনের সমর্থনে সকল কাগজপত্র সমুদয় জমা করিলে; তবে এই আবেদনে তিনি জমা কৃত অর্থ বালক কোন সুদ দাবী করিতে পারিলে না বা এই সুদ সুদ পাওনার অধীনেই ও হইবে না।</p> <p>(৩) প্রত্যর্পণযোগ্য সম্পত্তির তালিকায় প্রত্যর্পণযোগ্য অর্পিত সম্পত্তি হিসাবে অন্তর্ভুক্ত কোন সম্পত্তি প্রত্যর্পণের জন্য কোন ব্যক্তি ট্রাইবুনালের নিকট আবেদন করিতে পারিলে না, বরং উহা প্রত্যর্পণের জন্য ১৫ ধার অনুযায়ী উক্ত ধারায় উল্লিখিত ব্যক্তি কেবল প্রশাসকের নিকট আবেদন করিতে পারিলে:</p> <p>তবে শর্ত থাকে যে, যদি কোন সম্পত্তি প্রত্যর্পণযোগ্য সম্পত্তি তালিকায় অন্তর্ভুক্ত থাকে এবং কোন ব্যক্তি দাবী করেন যে, ধারা ৬ অনুসারে উক্ত সম্পত্তি উক্ত তালিকায় অন্তর্ভুক্তযোগ্য নহে, তাহা হইলে তিনি উক্ত তালিকা হইতে উক্ত সম্পত্তি অব্যক্তির জন্য উপ-ধারা (৪) এর অধীনে ট্রাইবুনালের নিকট আবেদন করিতে পারিলে।</p> <p>(৪) প্রত্যর্পণযোগ্য সম্পত্তির তালিকায় ধারা ৬ তে উল্লিখিত কোন সম্পত্তি অন্তর্ভুক্ত হইয়া থাকিলে সংশ্লিষ্ট স্বার্থবান ব্যক্তি ট্রাইবুনালের নিকট উক্ত সম্পত্তি প্রত্যর্পণযোগ্য সম্পত্তির তালিকা হইতে অব্যক্তির জন্য উপ-ধারা (১) এ উল্লিখিত সম্বন্ধীভাৱে মতো আবেদন করিতে পারিলে এবং দাবীর সমর্থনে সকল কাগজপত্র আবেদনের সহিত সমুদয় জমা করিলে।</p> <p>(৫) প্রত্যর্পণযোগ্য সম্পত্তি প্রত্যর্পণ বা অব্যক্তির জন্য ট্রাইবুনালে উপস্থাপিত সকল আবেদন একটি যত্ন রেজিষ্টারে লিপিবদ্ধ করিতে হইবে এবং সে সম্পত্তি প্রত্যর্পণ বা অব্যক্তির জন্য আবেদন করা হইলে উহার বিপরীতে সংশ্লিষ্ট আবেদন বা আবেদনসমূহকে নথ্যভুক্ত করিয়া উহার বিবরণ লিপিবদ্ধ করিতে হইবে।</p> <p>(৬) এই ধারার অধীনে আবেদন গ্রহণের পর ট্রাইবুনাল</p> <p>(ক) অনধিক ৩০ (ত্রিশ) দিনের মধ্যে উক্ত আবেদন এই আইন অনুযায়ী প্রত্যর্পণযোগ্য কিনা এবং আবেদনের সমর্থনে আশ্রয় প্রাপ্ত পত্র পত্রিকা কাগজপত্র দাখিল করা হইয়াছে কিনা তদনুসারে সিদ্ধান্ত ও প্রয়োজনীয় নির্দেশ প্রদান করিলে;</p> <p>(খ) আবেদনটি গ্রহণযোগ্য হইলে সরকারের পক্ষ সংশ্লিষ্ট রেজার কেবল প্রশাসকের নোটিশ দিবে;</p> <p>(গ) উপস্থাপিত আবেদন বা আবেদনসমূহ (যদি থাকে) ও সরকারের কোন বক্তব্য থাকিলে তদনুসারে উক্ত পক্ষকে তদানীন্তন সুযোগ দিবে, এবং</p>
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<p>(খ) ট্রাইব্যুনালের বিবেচনার কোন বিষয় অনুশাসনের প্রয়োজন থাকিলে তৎসম্পর্কে অনুশাসনের উদ্দেশ্যে যে কোন বিচার বিভাগীয় বা কোন সরকারি কর্মকর্তা বা তারায় বিবেচনায় উপযুক্ত অন্য কোন ব্যক্তিকে এই অনুশাসনের নির্দেশ দিতে এবং সংশ্লিষ্ট অনুশাসন প্রতিবেদন বিবেচনায়ে রায় প্রদান করিতে পারিবে।</p> <p>¹¹⁰ (৭) এই আইনের অধীনে কোন আবেদন গ্রহিত ৩০০ (তিনশত) দিনের মধ্যে ট্রাইব্যুনাল উহার রায় প্রদান করিবে।</p> <p>তবে শর্ত থাকে যে, কোন অনির্দিষ্টকালীন উক্ত মেয়াদের মধ্যে কোন আবেদন নিশ্চিত করা সম্ভব না হইলে ট্রাইব্যুনাল কারণ লিপিবদ্ধ করিয়া ৬০(ষাট) দিনের মধ্যে আবেদন নিশ্চিত করিতে পারিবে ¹¹¹।</p> <p>আরও শর্ত থাকে যে, উল্লিখিত বর্ধিত সময়ের মধ্যে যদি সুক্ৰিয়ত কোন কারণে কোন আবেদন নিশ্চিত করা সম্ভব না হয়, তাহা হইলে ট্রাইব্যুনাল উহার কার্য লিপিবদ্ধ করিয়া আবেদনটি নিশ্চিত করা সর্বশেষ আরে ৩০(ত্রিশ) দিন সময় বর্ধিত করিতে পারিবে ¹¹²।</p> <p>¹¹³ (ক) এই ধারায় যাহা কিছুই থাকুক না কেন, এই আইন কার্যকর হইবার পর, কোন ট্রাইব্যুনাল উপ-ধারা (৭) এ উল্লিখিত সময় সীমার মধ্যে কোন আবেদন নিশ্চিত করিতে না পারিলে উহা সকলকে বিবেচনা করে অব্যক্তি করিবে এবং অন্যান্য ক্ষমতাবাহী সরকারি গেজেটে প্রকাশ্যে উক্ত ট্রাইব্যুনালের আহার শাখা, আঞ্চলিক এবং বিচার বিভাগীয় বিভাগের উক্ত আইন আবেদন নিশ্চিত করা প্রয়োজন অনুযায়ী সমস্বীকৃত কৃতি করিতে পারিবে।</p> <p>(৩) ট্রাইব্যুনালের রায় লিখিত হইবে এবং উহাতে নিম্নলিখিত বিষয়াদি থাকিবে:-</p> <p>(ক) আবেদনকারী বা আবেদনকারীণ (যদি থাকে) এর দাবী এবং সরকারের বক্তব্য, যদি থাকে, এর সর্বেশ্বর বর্ণনা;</p> <p>(খ) দাবীকৃত সম্পত্তি বা অধিগ্রহণকৃত সম্পত্তির ক্ষেত্রে উহার বিপরীতে প্রস্তাবিত অর্থ-পূরণের অর্থ প্রত্যর্পণযোগ্য সম্পত্তির আবিষ্কার অথবা উক্ত অর্থ কিংবা তৎসম্পর্কে সিদ্ধান্ত;</p>

¹¹⁰ ক্রম-সংখ্যা (৭) অধিক সম্পত্তি প্রত্যর্পণ বিধি (সংশোধন) আইন, ২০১১ (২০১১ সনের ৩৩ নং আইন) এর ৫(গ) ধারাবলে পরিমার্জিত।

¹¹¹ -এই তৎসম্পর্কে ট্রাইবি বিচার বিভাগীয় বিবেচনা করে এবং একটি অতিরিক্ত সরকারি কর্মকর্তার সঙ্গে কোন বিচার মতো - পঞ্চম ও অর্থ অধিক সম্পত্তি প্রত্যর্পণ (সংশোধন) আইন, ২০১১ (২০১১ সনের ৩৩ নং আইন) এর ৩০(খ) (৩) ধারাবলে বিধিত।

¹¹² -এই আইন সময় বর্ধিতকরণ সম্পর্কে সর্বমুখ্য গেজেট বিবরণের অধিক করিবে, যাহা একটি অতিরিক্ত সরকারি কর্মকর্তার সঙ্গে কোন বিচার মতো - পঞ্চম ও অর্থ অধিক সম্পত্তি প্রত্যর্পণ (সংশোধন) আইন, ২০১১ (২০১১ সনের ৩৩ নং আইন) এর ৩০(খ) (৩) ধারাবলে বিধিত।

¹¹³ ক্রম-সংখ্যা (৭) অধিক সম্পত্তি প্রত্যর্পণ (সংশোধন) আইন, ২০১১ (২০১১ সনের ৩৩ নং আইন) এর ৩০(গ) ধারাবলে পরিমার্জিত।

<p>(গ) আবেদন উপ-ধার (২) এ উল্লিখিত সমতলীয়ার মধ্যে ট্রাইবুনালে পেশ করা হইয়াছে কিনা;</p> <p>¹⁷⁴ (ঘ) কোন সম্পত্তি প্রত্যর্পণের বা ক্ষেত্রের উপরেক্ত কর্তৃপক্ষ প্রার্থিত আবেদন কর হইলে আবেদনকারী;</p> <p>(জ) অধিক দাবীকৃত সম্পত্তি বা ক্ষেত্রের অধিগ্রহণকৃত সম্পত্তির মালিক কিনা তদনুসারে সিদ্ধান্ত; এং;</p> <p>¹⁷⁵ (ঝ) ¹⁷⁶ (***); দাবীকৃত সম্পত্তির গেজেট প্রকাশিত তারিখের অন্তর্ভুক্ত মালিক Bangladesh Citizenship (Temporary Provisions) Order, 1972 (P.O. No. 149 of 1972) অনুসারে বাংলাদেশের নাগরিক ও স্থায়ী বাসিন্দা কিনা তদনুসারে সিদ্ধান্ত;।</p> <p>(৪) উপ-ধার (১) এর অধীনে কোন আবেদন থাকিলে সর্বশ্রেষ্ঠ সম্পত্তি প্রত্যর্পণযোগ্য তাহিলা হইতে অব্যুক্ত করা হইবে কিনা তদনুসারে সিদ্ধান্ত;</p> <p>(৫) উপরেক্ত সিদ্ধান্তসমূহের বাস্তবায়নে উপস্থিতির সাফল্যের সর্বকর্তা বিশেষজ্ঞ ও মূল্যায়নকারী সিদ্ধান্তের কাঙ্ক্ষা;</p> <p>(৬) আবেদনকৃত প্রত্যর্পণ, কর্তৃপক্ষ বা অব্যুক্তির ব্যাপারে সুনির্দিষ্ট সিদ্ধান্ত ও নির্দেশ সহজিত আদেশ।</p> <p>(৯) এই ধারার অধীনে ট্রাইবুনাল প্রত্যর্পণযোগ্য সম্পত্তি প্রত্যর্পণ বা অধিগ্রহণকৃত অর্পিত সম্পত্তির বিপক্ষে জমাকৃত কর্তৃত্বের অর্থ প্রদান বা উহাদের প্রত্যর্পণযোগ্য সম্পত্তির তাহিলা হইতে অব্যুক্ত আবেদন মঞ্জুর বা বাস্তবায়ন করিয়া রায় প্রদান করিলে, রায় প্রদানের ৭ (সাত) দিনের মধ্যে, উক্ত রায় বিচারিক একটি ডিক্রী প্রস্তুত করিলে;</p> <p>(১০) এই ধারার অধীনে ট্রাইবুনালসমূহ;</p> <p>(ক) রায় ঘোষণার অনধিক ¹⁷⁷ (৩০(ত্রিশ)) দিনের মধ্যে আবেদী পক্ষ উক্ত রায়ের ও ডিক্রীর অনুমতিপত্র</p>

¹⁷⁴ ধারা (ঘ) অর্পিত সম্পত্তি প্রত্যর্পণ (সময়সীমা) আইন, ২০১১ (২০১১) সনের ১৩ নং আইন) এর ৬ ধারাবলে প্রতিস্থাপিত।

¹⁷⁵ ক্রম-সংখ্যা (ঘ) অর্পিত সম্পত্তি প্রত্যর্পণ (সময়সীমা) আইন, ২০১০ (২০১০ সনের ১০ নং আইন) এর ১০(খ) ধারাবলে প্রতিস্থাপিত।

¹⁷⁶ "এক" শব্দটি অর্পিত সম্পত্তি প্রত্যর্পণ (কর্তব্য) আইন, ২০১০ (২০১০ সনের ৪৯ নং আইন) এর ৭(গ) ধারায় বিদ্যমান।

¹⁷⁷ "৩০(ত্রিশ)" অর্থ: অর্থ ৩ নং ৭ (গেজেট) সংখ্যা, অর্থী ও সশ্রম পরিষদের অর্পিত সম্পত্তি প্রত্যর্পণ (বিধিমালাসমূহ) আইন, ১০ ১২ (২০১২ সনের ১৯ নং আইন) এর ৪ ও ৫(খ) ধারাবলে প্রতিস্থাপিত।

	<p>অন্য আবেদন করিতে পারিলেন এবং অনুলিপি সরবরাহের ব্যাপারে ট্রাইব্যুনালের কোন নির্দেশ যদি থাকে) পালন সাপেক্ষে, আবেদনকারিকে ট্রাইব্যুনাল পরবর্তী¹⁷⁾ ৩০(ত্রিশ) দিনের মধ্যে উক্ত অনুলিপি সরবরাহ করিবে;</p> <p>(খ) অন্য যে কোন আবেদনের অনুলিপি অন্য যে কোন আবেদী পক্ষ যে কোন সময় আবেদন করিতে পারিবে এবং ট্রাইব্যুনাল, এইরূপ অনুলিপি ব্যাপারে ট্রাইব্যুনালের নির্দেশ যদি থাকে) পালন সাপেক্ষে, অন্যান্য¹⁸⁾ ৩০(ত্রিশ) দিনের মধ্যে ট্রাইব্যুনাল উক্ত অনুলিপি সরবরাহ করিবে।</p>
<p>ডিক্রী বাস্তবায়ন</p>	<p>১১।(১) উপ-ধারা (২) এর বিধান সাপেক্ষে, ট্রাইব্যুনাল উহার ডিক্রী বাস্তবায়নের উদ্দেশ্যে, ডিক্রী প্রকৃত হওয়ার ৪৫ (পঁয়তাল্লিশ) দিন পর, প্রায় ৩ (তিন) দিনের অনুলিপি কোথাও প্রকাশিত নিকট কোথাও প্রকাশক এই ধারা অনুযায়ী উক্ত ডিক্রী বাস্তবায়নের ব্যবস্থা গ্রহণ করিবেন।</p> <p>(২) ডিক্রীর বিরুদ্ধে প্যারেলফর্ম কোন আপীল জনাঙ্গীকৃত অন্য আপীল ট্রাইব্যুনাল¹⁹⁾ *** কর্তৃক পূর্বীত হইলে উক্ত ডিক্রীর বাস্তবায়ন স্থগিত থাকিবে।</p> <p>(৩) কোন সম্পত্তি প্রত্যর্পণের ডিক্রী থাকিলে এবং উহা সরকারের সরাসরি মধ্যস্থ থাকিলে কোলা প্রকাশক উহার দখল যদি পূর্বে ডিক্রী প্রাপককে এবং অনির্দিষ্টকৃত অর্পিত সম্পত্তির ক্ষেত্রে অর্পিত কর্তৃপক্ষের অর্ধ ডিক্রী প্রাপককে প্রদান করিবেন।</p> <p>(৪) ডিক্রীসূত সম্পত্তি অন্য কোন ব্যক্তি বা প্রতিষ্ঠানের মধ্যস্থ থাকিলে উক্ত ব্যক্তি বা প্রতিষ্ঠানের কোলা প্রকাশক।</p> <p>(৫) অমানিক ৩০ (ত্রিশ) দিনের নোটিশ দিয়া দখল পরিচালনার নির্দেশ দিলে এবং জনস্বার্থে উক্ত ব্যক্তি বা প্রতিষ্ঠান দখল পরিচালনা করিলে ডিক্রী প্রাপককে দখল বুঝাইয়া দিবেন; এবং</p> <p>(খ) নোটিশ অনুযায়ী উক্ত ব্যক্তি বা প্রতিষ্ঠান দখল পরিচালনা না করিলে পূর্ণিমা গোষ্ঠীর সহায়তায় প্রয়োজনীয় শক্তি প্রয়োগের মাধ্যমে এবং সর্বমুখ্যে কোন স্থাপনা অপসারণ করিয়া পরবর্তী ৩০ (ত্রিশ) দিনের মধ্যে দখলদারকে উভয়ক্রমে ডিক্রী প্রাপককে দখল বুঝাইয়া দিবেন।</p> <p>(৫) উপ-ধারা (৩) বা (৪) অনুযায়ী ডিক্রী প্রাপককে প্রত্যর্পণযোগ্য সম্পত্তির দখল বুঝাইয়া দেওয়া হইলে প্রত্যর্পণযোগ্য সম্পত্তির প্রত্যর্পণ সম্পন্ন হইবে।</p>

¹⁷⁾ "৩০(ত্রিশ)" সংখ্যা, জমী ও পক্ষ "১৪ (চতুর্দশ)" সংখ্যা, জমী ও পক্ষের পরিবর্তে অর্ধিক সম্পত্তি প্রত্যর্পণ (বিধি সংশোধন) আইন, ২০১২ (২০১২ সনের ৩৯ নং আইন) এর ৫ (পাঁচ) ধারার অধীনে পরিবর্তিত।

¹⁸⁾ "৩০(ত্রিশ)" সংখ্যা, জমী ও পক্ষ "১৪ (চতুর্দশ)" সংখ্যা, জমী ও পক্ষের পরিবর্তে অর্ধিক সম্পত্তি প্রত্যর্পণ (বিধি সংশোধন) আইন, ২০১২ (২০১২ সনের ৩৯ নং আইন) এর ৫ (পাঁচ) ধারার অধীনে পরিবর্তিত।

¹⁹⁾ যা নিম্নে আইন ট্রাইব্যুনাল: ন্যায়ালয় অর্ধিক সম্পত্তি প্রত্যর্পণ (বিধি সংশোধন) আইন, ২০১০ (২০১০ সনের ৪৯ নং আইন) এর ৯ ধারার অধীনে।

	<p>(৬) উপ-ধার (৬) বা (৪) অনুসারে প্রত্যর্পণযোগ্য সম্পত্তির মধ্যস্থতা বা আইন সেওয়ার পর প্রোগ্রাম প্রকাশক-কে অসম্পূর্ণ ট্রাইবুনাালের নিকট একটি প্রতিবেদন প্রেরণ করবেন, এবং</p> <p>(খ) সংশ্লিষ্ট প্রোগ্রাম অধিনে ডিজিটাল সম্পত্তি ব্যবস্থাপনা কেরত অব আইন্স পর্বতী ৩০ (মিশ) নিতের মধ্যে সংশোধনপূর্বক উভাতে ডিজিটী প্রোগ্রামের নাম অঙ্কুরিত্তির ব্যবস্থা করবেন, এবং উক্তপ্রোগ্রাম সংশোধিত কেরত অব আইন্স এর অধুর্গণিত তাহতে প্রকাশ করবেন।</p> <p>(গ) কোন প্রত্যর্পণযোগ্য সম্পত্তি বা উহার অংশবিশেষ অধিকৃত বা অধিকারিত্ত অবস্থায় থাকিলে প্রোগ্রাম প্রকাশক নিবন্ধিত সম্পর্কে প্রোগ্রামের তথ্য, প্রোগ্রামের কেরত মন্তব্য, একটি প্রতিবেদন ও এজন্য বিত্তে কোন সুপারিশ, যদি থাকে, একটি প্রতিবেদন ট্রাইবুনাালের নিকট প্রেরণ করবেন এবং এইজন্য প্রতিবেদন উপ-ধার (১) এর অধীনে ডিজিটী অধুর্গণিত প্রোগ্রামের ৩০ (মিশ) নিতের মধ্যে প্রেরণ করিতে হইবে।</p> <p>(৩) উপ-ধার (৩) এর অধীনে প্রতিবেদন প্রেরিত পর ট্রাইবুনাাল ডিজিটী সম্পত্তির মধ্যস্থতা বা আইন সেওয়ার জন্য উহার বিবেচনামত প্রোগ্রামের নিবন্ধ ও নিবন্ধিত্ত পরিত্ত এবং অনুসারে প্রোগ্রাম প্রকাশক পর্বতী ৩০ (মিশ) নিতের মধ্যে তদনুযায়ী ব্যবস্থা গ্রহণ করিয়া উপ-ধার (৪) ও (৬) অনুসারে কার্যক্রম গ্রহণ করবেন এবং এজন্য বিত্তে একটি প্রতিবেদন ট্রাইবুনাালে প্রেরণ করবেন।</p> <p>¹¹¹ []</p>
<p>অনুযুক্তির নিবন্ধিত্ত আইনপত্র প্রস্তুতি</p>	<p>১২। এই আইনের অধীনে কোন সম্পত্তি ¹¹² ¹¹³ প্রত্যর্পণযোগ্য সম্পত্তির তালিকা হইতে অনুযুক্তির নিবন্ধিত্ত প্রকাশ করা হইবে।</p> <p>(ক) উক্ত সম্পত্তি ধার ৬ ও উল্লিখিত্ত প্রকারের সম্পত্তি হওয়ার বিত্তে চূড়ান্ত হইবে; এবং</p> <p>(খ) যে ব্যক্তির নামে অনুযুক্তির নিবন্ধিত্ত প্রকাশ করা হয় তাহার স্বত্ব বা মধ্যস্থতা বা অন্য কোন অধিকার উক্ত নিবন্ধিত্ত ধার মেয়াদ বা কালের মধ্যে হইয়াছে বলিয়া গণ্য হইবে না;</p> <p>(গ) অন্য কোন আইনের অধীনে উক্ত সম্পত্তির ব্যাপারে আবেদনকারী বা অন্য কোন ব্যক্তির বৈধ</p>

¹¹² উক্ত-ধার (১) অধিনে সম্পত্তি প্রত্যর্পণযোগ্য আইন, ২০১০ (২০১০ সনের ১০ নং আইন) এর ১১(খ) ধারার ক্রম।

¹¹³ "অধিকৃত সম্পত্তির তালিকা" শব্দটির অর্থ "প্রত্যর্পণযোগ্য সম্পত্তির তালিকা" শব্দটির পরিচি অধিকৃত সম্পত্তি প্রত্যর্পণযোগ্য আইন, ২০১০ (২০১০ সনের ১০ নং আইন) এর ১১(খ) ধারার ক্রম।

¹¹⁴ প্রত্যর্পণযোগ্য সম্পত্তি অধিনে "অধিকৃত সম্পত্তি" শব্দটির পরিচি অধিকৃত সম্পত্তি প্রত্যর্পণযোগ্য আইন, ২০১০ (২০১০ সনের ১০ নং আইন) এর ১০ ধারার ক্রম।

	অধিকার থাকিলে তাহা ক্রয় হইবে না।
<p>¹⁰¹ [প্রত্যর্পণযোগ্য] সম্পত্তি সক্রম অধিকার</p> <p>abatement কর্তৃক বাধা নষ্ট ও উদ্ভিদাদি দাবী উপস্থাপন</p>	<p>১৩। (১) ¹⁰¹ [প্রত্যর্পণযোগ্য] সম্পত্তির তালিকা। সকলটি গোয়েটে প্রকাশের তারিখে যদি কোন অঙ্গাঙ্গরে এমন কোন মালিক অংশীদার থাকে যাহাতে উক্ত তালিকায় অন্তর্ভুক্ত কোন সম্পত্তিতে কিছু দাবী করিয়া বা ইহা অধিক সম্পত্তি অর্থে দাবী করিয়া কোন প্রতিকার করা যায় হইয়াছে, বা যদি অঙ্গাঙ্গরদের মিলিত এমন কোন কর্মের অনিশ্চিত ফলে যাহাতে উক্ত সম্পত্তিতে ¹⁰² [প্রত্যর্পণযোগ্য] সম্পত্তির দাবী হইতে অবশ্যিকতার আবেদন করা হইয়াছে, তাহা হইবে।</p> <p>(ক) ¹⁰³ [প্রত্যর্পণযোগ্য] সম্পত্তির তালিকা। সকলটি গোয়েটে প্রকাশের তারিখে উক্ত মালিকের উক্ত সম্পত্তি বহুতল ভিত্তিক বাসন মালিকানাটী আপন আপন abated হইয়াছে বলিয়া গণ্য হইবে।</p> <p>(খ) এইরূপ abatement এর জন্য সঞ্চিত আদায়ের কর্তৃক আনুষ্ঠানিক আবেদন প্রদানের বাধ্যতাবোধ থাকিবে না, এবং উক্ত তারিখের পর এইরূপ সম্পত্তির বিষয়ে উক্ত আদায়ের প্রদান কোন আবেদন (আনুষ্ঠানিক abatement আবেদন ব্যতীত) এর কার্যকরতা থাকিবে না।</p> <p>(গ) উক্ত তালিকা সকলটি গোয়েটে প্রকাশের তারিখে অঙ্গাঙ্গরদের উক্ত কর্তৃক কার্যক্রম স্থগিত করিবে এবং উক্ত তারিখের পর এইরূপ সম্পত্তির বিষয়ে অঙ্গাঙ্গরদের প্রদান (কার্যক্রম বন্ধকরণের আবেদন ব্যতীত) এর কার্যকরতা থাকিবে না।</p> <p>(২) উপ-ধার (১) এ উল্লিখিত সম্পত্তির মালিক উহা প্রত্যর্পণের জন্য বা উক্ত সম্পত্তির ক্ষেত্রে ধার ৬ প্রযোজ্য হইলে সঞ্চিত স্বার্থবান ব্যক্তি উহা ¹⁰⁴ [প্রত্যর্পণযোগ্য] সম্পত্তির তালিকা হইতে অবশ্যিকতার জন্য বা অন্যথায় অনির্ভর্যকৃত অধিক সম্পত্তির বিপরীতে প্রদান ক্ষতিগ্রস্ততার জন্য ¹⁰⁵ [***] উদ্ভিদাদিদের মিলিত, এবং কোন সম্পত্তি প্রত্যর্পণযোগ্য আনুষ্ঠানিক সম্পত্তি হইলে উক্ত ধারায় উল্লিখিত ব্যক্তি কোন প্রকাশকের নিবন্ধিত, আবেদন করিতে পারিবে।</p> <p>(৩) এইরূপ আবেদন উপস্থাপন ও নিষ্পত্তির ও সঞ্চিত দাবী বাধ্যবাধতার ক্ষেত্রে ধার ¹⁰⁶ [***] ১০, ১১ এবং ক্ষেত্রত ধার ১৫ এর বিধানসম্বন্ধী প্রযোজ্য হইবে।</p>
অস্থায়ী ইচ্ছার প্রদান	১৪। ¹⁰⁷ (১) ¹⁰⁸ [প্রত্যর্পণযোগ্য] সম্পত্তি প্রত্যর্পণ না হওয়া পর্যন্ত উক্ত সম্পত্তি প্রেরণ প্রকাশকের

¹⁰¹ -প্রত্যর্পণযোগ্য- শব্দটি "অধিক" শব্দের পরিবর্তে অধিক সম্পত্তি প্রত্যর্পণ (বিটাইন স.স.স.স.) আইন, ২০১০ (১০ ১০ সংসদ ৪৬ নং আইন) এর ১১(ক) ধারার অধিকৃত।

¹⁰² -প্রত্যর্পণযোগ্য সম্পত্তির তালিকা- শব্দটির পরিবর্তে অধিক সম্পত্তি প্রত্যর্পণ (বিটাইন স.স.স.স.) আইন, ২০১০ (১০ ১০ সংসদ ৪৬ নং আইন) এর ১১(খ) ধারার অধিকৃত।

¹⁰³ -প্রত্যর্পণযোগ্য সম্পত্তির তালিকা- শব্দটির পরিবর্তে অধিক সম্পত্তি প্রত্যর্পণ (বিটাইন স.স.স.স.) আইন, ২০১০ (১০ ১০ সংসদ ৪৬ নং আইন) এর ১১(গ) ধারার অধিকৃত।

¹⁰⁴ -প্রত্যর্পণযোগ্য সম্পত্তির তালিকা- শব্দটির পরিবর্তে অধিক সম্পত্তি প্রত্যর্পণ (বিটাইন স.স.স.স.) আইন, ২০১০ (১০ ১০ সংসদ ৪৬ নং আইন) এর ১১(ঘ) ধারার অধিকৃত।

¹⁰⁵ -প্রত্যর্পণযোগ্য সম্পত্তির তালিকা- শব্দটির পরিবর্তে অধিক সম্পত্তি প্রত্যর্পণ (বিটাইন স.স.স.স.) আইন, ২০১০ (১০ ১০ সংসদ ৪৬ নং আইন) এর ১১(ঙ) ধারার অধিকৃত।

¹⁰⁶ -প্রত্যর্পণযোগ্য সম্পত্তির তালিকা- শব্দটির পরিবর্তে অধিক সম্পত্তি প্রত্যর্পণ (বিটাইন স.স.স.স.) আইন, ২০১০ (১০ ১০ সংসদ ৪৬ নং আইন) এর ১১(চ) ধারার অধিকৃত।

¹⁰⁷ -অধিক- শব্দটি "অধিক" শব্দের পরিবর্তে অধিক সম্পত্তি প্রত্যর্পণ (বিটাইন স.স.স.স.) আইন, ২০১০ (১০ ১০ সংসদ ৪৬ নং আইন) এর ১১(জ) ধারার অধিকৃত।

¹⁰⁸ -অধিক- শব্দটি "অধিক" শব্দের পরিবর্তে অধিক সম্পত্তি প্রত্যর্পণ (বিটাইন স.স.স.স.) আইন, ২০১০ (১০ ১০ সংসদ ৪৬ নং আইন) এর ১১(ঝ) ধারার অধিকৃত।

	<p>নিম্নলিখিত ক্রিয়াকলাপ গণনা হইবে।</p> <p>(৪) উপ-ধার (১) এ উল্লিখিত সম্পত্তি বা উত্তর কোন অংশবিশেষ ধারা ৬ অনুসারে ¹⁹। প্রত্যর্পণযোগ্য সম্পত্তির তালিকা। অন্তর্ভুক্তিরোগ্য সংঘে নিবারণ করা অনুষ্ঠানের জন্য কোন ব্যক্তি ধারা ১০ এর উপ-ধার (১) বা (৪) এর অধীনে ট্রাস্টিন্দালার নিকট আবেদন করিলে জেলা প্রশাসক-</p> <p>(ক) উপ-ধার (২) এর অধীন কার্যক্রম স্থগিত করিলেন, এবং</p> <p>(খ) উক্ত আবেদনের ব্যাপারে এই আইনের অধীন প্রদত্ত চূড়ান্ত নিষেধাজ্ঞার পর তদনুযায়ী ব্যবস্থা গ্রহণ করিলেন।</p>
<p>ট্রাস্টিন্দাল স্থাপন ও উন্নয়ন পর্বে</p>	<p>১৬। ¹⁹ (১) এই আইনের অধীন আবেদননস্মৃতি নিষ্পত্তির উদ্দেশ্যে সরকার, সরকারি গোয়েটে প্রজ্ঞাপন দ্বারা, প্রত্যেক জেলায় একত্রিত অধিকার সম্পত্তি প্রত্যর্পণ ট্রাস্টিন্দাল এবং প্রয়োজন্যে, এক বা একাধিক অধিকার সম্পত্তি প্রত্যর্পণ অধিকৃত ট্রাস্টিন্দাল স্থাপন করিতে পারিবে।</p> <p>(২) কোন জেলায় অন্য একাধিক ট্রাস্টিন্দাল স্থাপিত হইবে-</p> <p>(ক) ট্রাস্টিন্দাল স্থাপনকারী প্রজ্ঞাপনে সরকার নির্দিষ্ট করিয়া দিবে যে, উদ্দেশ্যে উল্লিখিত ট্রাস্টিন্দাল স্থাপন আবেদন পেশ করা হইবে, এবং</p> <p>(খ) উক্ত ট্রাস্টিন্দাল তৎকর্তৃক ধানশীলর জন্য গৃহীত আবেদননস্মৃতির মতো যে কোন আবেদন নিষ্পত্তির জন্য অধিকৃত ট্রাস্টিন্দাল স্থাপন করিতে পারিবে।</p> <p>²⁰ s=11</p> <p>(৪) ¹⁹ ²¹ ²² মূল্য জেলা জমা বা নির্দিষ্ট সহকারী জমা) পর্যায়ের বিচার বিভাগীয় একজন কর্মকর্তা সম্মুখে ট্রাস্টিন্দাল গঠিত হইবে এবং সরকার ট্রাস্টিন্দাল বা অধিকৃত ট্রাস্টিন্দাল প্রত্যর্পণের ক্ষমতা এবং এককভাবে বা তাহার সাহায্যে দায়িত্বের অধিকৃত বিষয়ে উক্ত ট্রাস্টিন্দাল প্রত্যর্পণের ক্ষমতা নিয়োগ করিতে পারিবে।</p> <p>²³ (এক) সরকার সরকারি গেজেটে প্রজ্ঞাপন দ্বারা উপ-ধার (৪) এর অধীন ট্রাস্টিন্দাল পর্বে সম্পর্কিত প্রজ্ঞাপন স প্রদত্ত ট্রাস্টিন্দাল প্রত্যর্পণের আঞ্চলিক অধিকার (Territorial Jurisdiction) নির্ধারণ করিবে।</p>

¹⁹ প্রত্যর্পণযোগ্য সম্পত্তির অর্থিকা: "সম্পত্তি" অর্থ সম্পত্তির অর্থিকা: "সম্পত্তি" পরিভাষা অধিকৃত সম্পত্তি প্রত্যর্পণ (বিচার বিভাগ) আইন, ২০১০ (২০১০ সনের ৪৯ নং আইন) এর ২৩(খ) ধারায় উল্লিখিত।

²⁰ উপ-ধার (১) অধিকৃত সম্পত্তি প্রত্যর্পণ (বিচার বিভাগ) আইন, ২০১০ (২০১০ সনের ৪৯ নং আইন) এর ১৪(ক) ধারায় উল্লিখিত।

²¹ উপ-ধার (১) অধিকৃত সম্পত্তি প্রত্যর্পণ (বিচার বিভাগ) আইন, ২০১০ (২০১০ সনের ৪৯ নং আইন) এর ১৪(খ) ধারায় উল্লিখিত।

²² অধিকৃত প্রজ্ঞাপন বা তদুপরি নির্দিষ্ট কর্মকর্তার জমা "সম্পত্তি" জমা করা বা অধিকৃত জমা করা "সম্পত্তি" পরিভাষা অধিকৃত সম্পত্তি প্রত্যর্পণ (বিচার বিভাগ) আইন, ২০১০ (২০১০ সনের ৪৯ নং আইন) এর ১৫(ক) ধারায় উল্লিখিত।

²³ অধিকৃত প্রজ্ঞাপন বা "সম্পত্তি" অধিকৃত সম্পত্তি প্রত্যর্পণ (বিচার বিভাগ) আইন, ২০১০ (২০১০ সনের ৪৯ নং আইন) এর ১৪(গ) ধারায় উল্লিখিত।

²⁴ উপ-ধার (৪) অধিকৃত সম্পত্তি প্রত্যর্পণ (বিচার বিভাগ) আইন, ২০১০ (২০১০ সনের ২০ নং আইন) এর ১৫(খ) ধারায় উল্লিখিত।

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ট্রাইব্যুনালের এখতিয়ার	<p>১৭ ট্রাইব্যুনাল-</p> <p>(ক) [2011-11-11] ধারা ১০ এর অধীন পেশকৃত আবেদন এই আইন অনুসারে নিষ্পত্তি এবং এই আইনে এবং অন্যত্র ক্ষমতা প্রাপ্ত ব্যক্তিই অন্য কোন মামলা নিষ্পত্তি বা অন্য কোন ক্ষমতা প্রয়োগ করিতে না।</p> <p>(খ) কোন সম্পত্তি [2011-11-11] প্রত্যর্পণযোগ্য সম্পত্তির তালিকায় অন্তর্ভুক্ত না থাকিলে উক্ত সম্পত্তির বিষয়ে পেশকৃত আবেদন তদানীন্তন প্রশাসনিক কর্তৃক গ্রহণ করিতে না, বরং উহা সরাসরি মাকচ করিয়া নিবে,</p> <p>(গ) [2011-11-11] প্রত্যর্পণযোগ্য সম্পত্তির তালিকায় অন্তর্ভুক্ত কোন সম্পত্তির ব্যাপারে ধারা ১০ অনুসারে উক্ত ধারার উপ-ধারা (১) কে উল্লিখিত প্রস্তাব বা উক্ত প্রস্তাব নিষ্পত্তি গ্রহণের উদ্দেশ্যে উহার সহিত সরাসরি জড়িত প্রস্তাব নিষ্পত্তি গ্রহণ করিতে, অন্য কোন প্রস্তাব বা বিচারে নিষ্পত্তি গ্রহণ করিতে না;</p> <p>(ঘ) উক্ত তালিকায় অন্তর্ভুক্ত কোন সম্পত্তির ব্যাপারে এককিক বর্জিত আবেদন করিলে এই আইন আবেদন একযোগে তদানীন্তন কর্তৃক এবং প্রয়োজনবোধে একটি ক্রমের মাধ্যমে উচ্চাঙ্গিতে নিষ্পত্তি করিতে পারিলে।</p>
আপীল	<p>১৮-(১) উপ-ধারা (২) এ উল্লিখিত ট্রাইব্যুনালের সিদ্ধান্তসমূহের বিরুদ্ধে ও দুইমাসে আপীল ট্রাইব্যুনালে আপীল দায়ের করা যাইবে, ট্রাইব্যুনালের অন্য কোন সিদ্ধান্তের বিরুদ্ধে আপীল ট্রাইব্যুনালে বা অন্য কোন আদালতে বা কর্তৃপক্ষের নিকট উক্ত সিদ্ধান্তের বিরুদ্ধে, যথাযথ বা সঠিকভাবে সম্পর্কে কোন প্রশ্ন উত্থাপন করা যাইবে না, এবং তদা করা হইলে আপীল ট্রাইব্যুনাল বা উক্ত অন্য আদালত বা কর্তৃপক্ষ সরাসরি মাকচ করিয়া দিবে।</p> <p>(২) ট্রাইব্যুনালে নিম্নবর্ণিত সিদ্ধান্তের বিরুদ্ধে আপীল ট্রাইব্যুনালে আবেদনকারী বা প্রতিপক্ষ আপীল দায়ের করিতে পারিলেন:-</p>

[2011-11-11] উপ-ধারা (১) অধিন সম্পত্তি প্রত্যর্পণযোগ্য আইন, ২০১০ (২০১০ সনের ১০ নং আইন) এর ১৬(গ) ধারার বিপরীতে।
[2011-11-11] উপ-ধারা (২) অধিন সম্পত্তি প্রত্যর্পণযোগ্য আইন, ২০১০ (২০১০ সনের ১০ নং আইন) এর ১৬(ক) ধারার বিপরীতে।
[2011-11-11] অধিন সম্পত্তির তালিকা "শম্ভুজি" প্রত্যর্পণযোগ্য সম্পত্তির তালিকা "শম্ভুজি পরিচালিত অর্থনৈতিক প্রত্যর্পণযোগ্য আইন, ২০১০ (২০১০ সনের ২২ নং আইন) এর ২(খ) ধারার বিপরীতে।
[2011-11-11] প্রত্যর্পণযোগ্য আইন, ২০১০ (২০১০ সনের ১০ নং আইন) এর ১৬(১) ধারার বিপরীতে।
[2011-11-11] অধিন সম্পত্তির তালিকা "শম্ভুজি" প্রত্যর্পণযোগ্য সম্পত্তির তালিকা "শম্ভুজি পরিচালিত অর্থনৈতিক প্রত্যর্পণযোগ্য আইন, ২০১০ (২০১০ সনের ২২ নং আইন) এর ২(খ) ধারার বিপরীতে।
[2011-11-11] প্রত্যর্পণযোগ্য আইন, ২০১০ (২০১০ সনের ১০ নং আইন) এর ১৬(১) ধারার বিপরীতে।

<p>(কে) ²¹⁽ⁱ⁾ ***) ধারা ১০) এর উপ-ধারা (১), (২) বা (৪) এর অধীনে কোন আবেদন তদানীন্তন অন্য গ্রহণ না করিয়া সরাসরি নাকের সিদ্ধান্ত;</p> <p>(খ) একতরফা বা দ্বৈতরফা তদানীন্তন অফিসে ধারা ১০ এর উপ-ধারা (১) বা (২) এর অধীনে প্রত্যর্পণযোগ্য সম্পত্তি প্রত্যর্পণ বা ক্ষতিপূরণের সিদ্ধান্ত পাওয়ার আবেদন মঞ্জুর বা নামমঞ্জুর করিয়া প্রেরণ করা;</p> <p>(গ) একতরফা বা দ্বৈতরফা তদানীন্তন অফিসে ²¹⁽ⁱ⁾ ***) ধারা ১০(৩)) এর অধীনে উপস্থাপিত অনুরোধক্রমে আবেদন মঞ্জুর বা নামমঞ্জুর করিয়া প্রেরণ করা;</p> <p>তবে শর্ত থাকে যে, এই উপ-ধারার উল্লিখিত ট্রাইবুনালের সিদ্ধান্ত বা রায়ের পূর্বে প্রাপ্ত এমন অতর্কিত আবেদনের ব্যাপারে আবেদন গ্রহণ উৎসাহিত করা যাবে যাদের বিরুদ্ধে ট্রাইবুনাল উক্ত সিদ্ধান্ত বা রায় প্রদান করিয়াছে।</p> <p>(৩) ট্রাইবুনাল কোন আবেদন ধারা ২(৩) এর অধীনে খারিজ করিলে সেই আবেদনের বিরুদ্ধে আপীল করা যাবে না।</p> <p>(৪) উপ-ধারা (২) এ উল্লিখিত সিদ্ধান্ত বা রায় প্রদানের ৪০ (চল্লিশ) দিনের মধ্যে আপীল দায়ের্যে করিতে হইবে এবং এই সময়সীমা বৃদ্ধি করার ক্ষেত্রে Limitation Act, 1908 (IX of 1908) এর Section 5 প্রযোজ্য হইবে না।</p> <p>²¹⁽ⁱ⁾ (এ) আপীল ট্রাইবুনাল উক্ত পঞ্চকে তদানীন্তন সুযোগ প্রদানপূর্বক আপীল দায়ের্যে ৩০০ (তিনশত) দিনের মধ্যে উহার রায় প্রদান করিবে।</p> <p>তবে শর্ত থাকে যে, কোন অনির্দিষ্ট করণে উক্ত মেয়াদের মধ্যে কোন আপীল নিশাচি কর সত্ত্বেও তা হইলে আপীল ট্রাইবুনাল করণ নিশাচি করিয়া অতিরিক্ত ৬০(ষাট) দিনের মধ্যে আপীল নিশাচি করিতে পারিবে ²¹⁽ⁱ⁾ ***);</p> <p>অতিরিক্ত শর্ত থাকে যে, উল্লিখিত বর্ধিত সময়ের মধ্যেও যদি সুষ্ঠুসমত কোন করণে কোন আপীল</p>

²⁰ - ধারা ১০ এর উপ-ধারা (১) বা ধারা ১০(৩) শব্দটি সংশোধন ও ক্ষমতা "ধারা ১০" শব্দ ও সংখ্যার পরিবর্তে অর্ধিত সম্পত্তি প্রত্যর্পণ (বিজ্ঞান সংশোধন) আইন, ২০১২ (২০১২ সনের ৩৯ নং আইন) এর ৮(খ) অ) ধারার অধীনে সংশোধিত। আইন, ২০১০ (২০১০ সনের ৪৬ নং আইন) এর ১৬ ধারার বিধি।

²¹ - ধারা ১০ এর উপ-ধারা (১) বা "শব্দটি সংশোধন ও ক্ষমতা অর্ধিত সম্পত্তি প্রত্যর্পণ (বিজ্ঞান সংশোধন) আইন, ২০১০ (২০১০ সনের ৪৬ নং আইন) এর ১৬ ধারার বিধি।

²² - ধারা ১০ এর উপ-ধারা (১) বা ধারা ১০(৩) শব্দটি সংশোধন ও ক্ষমতা "ধারা ১০(৩)" এর পরিবর্তে অর্ধিত সম্পত্তি প্রত্যর্পণ (বিজ্ঞান সংশোধন) আইন, ২০১২ (২০১২ সনের ৩৯ নং আইন) এর ৮(খ) অ) ধারার অধীনে সংশোধিত। আইন, ২০১০ (২০১০ সনের ৪৬ নং আইন) এর ১৬ ধারার বিধি।

²³ - ধারা ১০ এর উপ-ধারা (১) বা "শব্দটি সংশোধন ও ক্ষমতা অর্ধিত সম্পত্তি প্রত্যর্পণ (বিজ্ঞান সংশোধন) আইন, ২০১০ (২০১০ সনের ৪৬ নং আইন) এর ১৬ ধারার বিধি।

²⁴ - ধারা ১০ এর উপ-ধারা (১) বা "শব্দটি সংশোধন ও ক্ষমতা অর্ধিত সম্পত্তি প্রত্যর্পণ (বিজ্ঞান সংশোধন) আইন, ২০১২ (২০১২ সনের ৩৯ নং আইন) এর ৮(খ) অ) ধারার অধীনে সংশোধিত। আইন, ২০১০ (২০১০ সনের ৪৬ নং আইন) এর ১৬ ধারার বিধি।

²⁵ - ধারা ১০ এর উপ-ধারা (১) বা "শব্দটি সংশোধন ও ক্ষমতা অর্ধিত সম্পত্তি প্রত্যর্পণ (বিজ্ঞান সংশোধন) আইন, ২০১২ (২০১২ সনের ৩৯ নং আইন) এর ৮(খ) অ) ধারার অধীনে সংশোধিত। আইন, ২০১০ (২০১০ সনের ৪৬ নং আইন) এর ১৬ ধারার বিধি।

²⁶ - ধারা ১০ এর উপ-ধারা (১) বা "শব্দটি সংশোধন ও ক্ষমতা অর্ধিত সম্পত্তি প্রত্যর্পণ (বিজ্ঞান সংশোধন) আইন, ২০১২ (২০১২ সনের ৩৯ নং আইন) এর ৮(খ) অ) ধারার অধীনে সংশোধিত। আইন, ২০১০ (২০১০ সনের ৪৬ নং আইন) এর ১৬ ধারার বিধি।

²⁷ - ধারা ১০ এর উপ-ধারা (১) বা "শব্দটি সংশোধন ও ক্ষমতা অর্ধিত সম্পত্তি প্রত্যর্পণ (বিজ্ঞান সংশোধন) আইন, ২০১২ (২০১২ সনের ৩৯ নং আইন) এর ৮(খ) অ) ধারার অধীনে সংশোধিত। আইন, ২০১০ (২০১০ সনের ৪৬ নং আইন) এর ১৬ ধারার বিধি।

	<p>নিৰ্ণয় কৰা সত্ত্বেও না হয়, তাহা হ'লে আপীল ট্ৰাইব্যুনাল উহাৰ কাৰণ নিৰ্ণয় কৰিব। আপোনটি নিৰ্ণয় কৰা সৰ্বশেষ আৰু ৩০(তিনিশ) দিন সময় বৰ্ধিত কৰিতে পাৰিব।²⁰¹ [***]]</p> <p>(১) কোন পক্ষক অন্যী অথবা আপীল ট্ৰাইব্যুনাল আপীল মঞ্জুৰ বা নামমঞ্জুৰ কৰিব। নিষাধ প্ৰদান কৰিব। উহাৰ ভিত্তিত ৭ (সাত) দিনেৰ মধ্যে একটা চিহ্নী আৱৰ্ত কৰিব এবং প্ৰয়োজনীয় বাহাৰ হেৰাৰ উদ্দেশ্যে অধিকাৰ উক্ত ব্যাৰ ও চিহ্নিতৰ অধুনি ট্ৰাইব্যুনাল ও ক্ৰমা প্ৰশাসকেৰ নিৰ্ণয় ক্ৰমা কৰিব।</p>
অৰ্পিত হওঁতাৰ প্ৰতি আপীল ট্ৰাইব্যুনাল হুলাও উহাৰ পৰি	<p>²⁰² ১৯ (১) এই আইনে অৰ্থীন আপীল আপোননসুহে নিৰ্ণয় কৰিব। সৰকাৰ, সৰকাৰ পোজেট অফাৰ্স ব্যাৰ, প্ৰত্যেক ক্ৰমাৰ ক্ৰমা একটা অৰ্পিত সৰ্গিত প্ৰত্যপিন আপীল ট্ৰাইব্যুনাল এবং প্ৰয়োজনহোলে, এক বা একক অৰ্পিত সৰ্গিত প্ৰত্যপিন অৰ্ধিত আপীল ট্ৰাইব্যুনাল হুলাও কৰিতে পাৰিব।</p> <p>(২) ক্ৰমা ক্ৰমা সময়ে অৰ্পিত সৰ্গিত প্ৰত্যপিন আপীল ট্ৰাইব্যুনাল পঠিত হইবে এবং উপ-পাৰ ১) এর উদ্দেশ্য পূৰ্ণকৰণ অৰ্ধিত ক্ৰমা ক্ৰমা সময়ে অৰ্পিত সৰ্গিত প্ৰত্যপিন অৰ্ধিত আপীল ট্ৰাইব্যুনাল পঠিত হইবে।</p> <p>(৩) অৰ্পিত সৰ্গিত প্ৰত্যপিন আপীল ট্ৰাইব্যুনাল ব্যাৰ ১৮ এর অৰ্থীন দায়েকৃত আপীল আপোননসুহেৰে মনো হৈ কোন আপীল আপোনন নিৰ্ণয় কৰিব। অৰ্পিত সৰ্গিত প্ৰত্যপিন অৰ্ধিত আপীল ট্ৰাইব্যুনালে হুলাও কৰিতে পাৰিব।]</p>
আপীল ট্ৰাইব্যুনালৰে অধিকৃত	<p>২০১ (১) এই আইনে অৰ্থীন দায়েকৃত আপীল উৰ্ণাৰ্ণ ক্ৰমাৰ প্ৰশ্নে (question of fact) এবং আইনগত প্ৰশ্নে (question of law) আপীল ট্ৰাইব্যুনাল উহাৰ নিষাধ প্ৰদানসহ আপীলকৃত নিষাধ সৰ্গিত বা আৰ্শনকৰণে বৰ্ধিত কৰিতে বা ক্ৰমাৰ অধুনি (confirm) কৰিতে বা উহা সন্বেদন কৰিতে পাৰিব।</p> <p>²⁰³ ছবে পাৰ্ড ব্যাৰে হৈ, ব্যাৰ ১০৬) এ উল্লিখিত নিষাধ এবং ট্ৰাইব্যুনালৰে ব্যাৰ বা নিষাধৰে বৈধতা ও অধিকৃত।²⁰⁴ [***] ব্যাৰত অন্য কোন নিষাধ আপীল ট্ৰাইব্যুনাল নিষাধ প্ৰদান কৰিবো না।]</p> <p>(২) আপীল নিৰ্ণয়ৰ সুবিধাৰ্থে আপীল ট্ৰাইব্যুনাল এমন অৰ্ধিত সাক্ষা প্ৰেৰণ কৰিতে পাৰিব যাহা আপীলৰ নিষাধ ক্ৰমাৰ সহিত সৰ্গিত সম্পৰ্কিত এবং যাহা ট্ৰাইব্যুনাল কৰ্তৃত নিষাধ প্ৰদানৰ পৰে উক্ত হইয়াক।</p>

²⁰¹ এবং, এইক সত্ত্বেও বৰ্ধিতকৰণ সৰ্গিত সুবিধা প্ৰতিবেদন অৰ্ধিত কৰিব, যহৰ একটা অধুনি সৰকাৰে নিৰ্ণয় কৰিব হইবে।
²⁰² একটাৰ ও অধিক অৰ্পিত সৰ্গিত প্ৰত্যপিন (অপেক্ষা) আইন, ২০২০ (২০১০) সৰ্গিত ১০ নং আইন। এর ১৮(৩) ব্যাৰেৰে নিৰ্ণয়।
²⁰³ ব্যাৰ ১৯ অৰ্ধিত সৰ্গিত প্ৰত্যপিন (বিধি) মনো ক্ৰমা আইন, ২০১০ (২০১০) সৰ্গিত ৪৩ নং আইন। এর ২৭ ব্যাৰেৰে প্ৰতিষ্ঠাপিত।
²⁰⁴ শৰ্কাৰী অৰ্ধিত সৰ্গিত প্ৰত্যপিন (অপেক্ষা) আইন, ২০১১ (২০১১) সৰ্গিত ২০ নং আইন। এর ৮ (৩) ব্যাৰেৰে প্ৰতিষ্ঠাপিত।
²⁰⁵ ব্যাৰ ১৮ এ উল্লিখিত সৰ্গিত অৰ্ধিত ব্যাৰ বা নিষাধৰ বৈধতা ও অধিকৃত। "স্বাৰ্শন, মনো ও অধিক অৰ্পিত সৰ্গিত প্ৰত্যপিন (অপেক্ষা) আইন, ২০১০ (২০১০) সৰ্গিত ২০ নং আইন। এর ১৮(৩) ব্যাৰেৰে নিৰ্ণয়।

	<p>(১) আপীল ট্রাইব্যুনাল কোন আপীলে উৎপত্তি প্রাপ্ত পুনঃস্বামী বা পুনঃস্বাম্যাক্রমে অন্য ট্রাইব্যুনাল ফেজড (resum) মানে না, বরং নথিভুক্ত কনাক্সপার এবং সাফের বিধিতে উহার সিদ্ধান্ত গ্রহণ করিতে;</p> <p>²¹⁴। তবে শর্ত থাকে যে, ট্রাইব্যুনাল²¹⁵। ²¹⁶। কোন আপেলন আন্ডার কন্য এবং না করিয়া সহকারি মনক করিয়া থাকিলে এবং আপীল ট্রাইব্যুনাল উক্ত সিদ্ধান্ত রহিত করিলে আপেলনটির উপর অন্যান্য অন্য আপীল ট্রাইব্যুনাল নির্দেশ দিতে পারিলে।]</p> <p>(২) একই সম্পত্তির ব্যাপারে একমিক আপীল ক্ষেত্রে হইলে আপীল ট্রাইব্যুনাল এছাড়াও ঐ সকল আপীল ক্রমান্বিত ও নিষ্পত্তি করিলে এবং প্রয়োজনবোধে একত্রিত রায় দ্বারা উহাদিগকে নিষ্পত্তি করিতে পারিলে।</p>
<p>২১৭। ট্রাইব্যুনাল ও আপীল ট্রাইব্যুনালের কার্য-ক্ষমতা</p>	<p>²¹⁷। ২২। (১) ²¹⁸। ট্রাইব্যুনাল ও আপীল ট্রাইব্যুনাল। এর সকল ক্রমান্বিত অধীকৃত হইবে এবং উহার রায় প্রকরণে যোগিত হইবে।</p> <p>(২) এই আইনের বিধানবলী সাপেক্ষে, ²¹⁹। ট্রাইব্যুনাল ও আপীল ট্রাইব্যুনাল যিনি দ্বারা নির্ধারিত ক্ষমতি অনুসরণ করিলে, এবং এইরূপ নির্দিষ্ট ক্ষমতি না হওয়া পর্যন্ত প্রাপ্তির নিয়ম ও ক্ষমতি অনুসরণে উহার কার্যক্রমে পরিত্রস্ত করিলে।</p> <p>(৩) আপীল ট্রাইব্যুনাল ²²⁰। ²²¹। উহার নিকট উপস্থাপিত তথ্যের বিষয় (Question of fact) ও আইনগত বিষয় (Question of law) কোনকিছর প্রমাণ করিতে পারিলে এবং উহার রায় চূড়ান্ত করিয়া গণ্য হইবে।</p>
<p>একতরফা ক্রমান্বিত ও একতরফা হারিজ সম্পর্কিত বিবেচনা</p>	<p>২২০। ²²²। (১) একতরফাভাবে কোন একক ক্রমান্বিত কোন আপেলন বা আপীল মঞ্জুর বা নামমাত্র করিলে ক্ষেত্রে ²²³। ট্রাইব্যুনাল বা আপীল ট্রাইব্যুনাল উৎপত্তি করিলে, সঠিকতা ও যথাযথতা সম্পর্কে বিবেচনা করিয়া সিদ্ধান্ত বা ফেরামে রায় গ্রহণ করিলে।]</p> <p>(২) ²²⁴। ট্রাইব্যুনাল বা আপীল ট্রাইব্যুনাল। কোন আপেলন বা আপীল একতরফাভাবে কোন একক</p>

²¹⁴ শর্তাবলী অধিক সম্পত্তি প্রাপ্তির (সংক্রান্ত) আইন, ২০১১ (২০১১ সনের ২৪ নং আইন) এর ৭ (খ) ধারায় প্রতিস্থাপিত।
²¹⁵ পূর্বে প্রণীত কর্তৃক শর্তাবলী (সংক্রান্ত) আইন, ২০১৪ (২০১৪ সনের ৪০ নং আইন) এর ১৬(খ) ধারায় বিলুপ্ত।
²¹⁶ ট্রাইব্যুনাল ও আপীল ট্রাইব্যুনালের কার্যক্রম সম্পর্কে আইন, ২০১৪ (২০১৪ সনের ৪০ নং আইন) এর ১৬(খ) ধারায় বিলুপ্ত।
²¹⁷ শর্তাবলী অধিক সম্পত্তি প্রাপ্তির (সংক্রান্ত) আইন, ২০১১ (২০১১ সনের ২৪ নং আইন) এর ১৬(খ) ধারায় বিলুপ্ত।
²¹⁸ পূর্বে প্রণীত কর্তৃক শর্তাবলী (সংক্রান্ত) আইন, ২০১৪ (২০১৪ সনের ৪০ নং আইন) এর ১৬(খ) ধারায় বিলুপ্ত।
²¹⁹ আইন ২২ নং কর্তৃক শর্তাবলী (সংক্রান্ত) আইন, ২০১৬ (২০১৬ সনের ৪০ নং আইন) এর ২৬ ধারায় প্রতিস্থাপিত।
²²⁰ ট্রাইব্যুনাল ও আপীল ট্রাইব্যুনালের কার্যক্রম সম্পর্কে আইন, ২০১৪ (২০১৪ সনের ৪০ নং আইন) এর ১৬(খ) ধারায় বিলুপ্ত।
²²¹ শর্তাবলী অধিক সম্পত্তি প্রাপ্তির (সংক্রান্ত) আইন, ২০১১ (২০১১ সনের ২৪ নং আইন) এর ১৬(খ) ধারায় বিলুপ্ত।
²²² ট্রাইব্যুনাল ও আপীল ট্রাইব্যুনালের কার্যক্রম সম্পর্কে আইন, ২০১৪ (২০১৪ সনের ৪০ নং আইন) এর ১৬(খ) ধারায় বিলুপ্ত।
²²³ আইন ২২ নং কর্তৃক শর্তাবলী (সংক্রান্ত) আইন, ২০১৬ (২০১৬ সনের ৪০ নং আইন) এর ২৬ ধারায় প্রতিস্থাপিত।
²²⁴ আইন ২২ নং কর্তৃক শর্তাবলী (সংক্রান্ত) আইন, ২০১৬ (২০১৬ সনের ৪০ নং আইন) এর ২৬ ধারায় প্রতিস্থাপিত।

	<p>কোনী অস্ত্র মস্তুৰ বা নামস্তুৰ কৰ হইলে একোৰে বেশী উক্ত আবেদন বা আপীল পূৰ্ণৰ্হসে বা এককলা আবেদন সহিতকমে পুনঃকোনীকৰ হইবে না।</p> <p>(৩) ^{২৩)} ধাৰা ১০ এর অধীন লেপকৃত কোন আবেদন) বা ধাৰা ১৮ এর অধীনে) দায়েকৃত কোন আপীল কানীত সময় আবেদনকারী বা আপীলকারী উপস্থিত না থাকিলে এবং অন্য কোন পক্ষ কানীতে আহুতী না হইলে আবেদন বা আপীল খারিজ হইবে এবং এইধ প ক্ষেত্রে অতুস্থানিক রায় প্রদানে প্রয়োজন হইবে না।</p> <p>(৪) উপ-ধাৰা (৩) এর অধীনে প্রস্তুত খারিজ আবেদন এক বায়েৰ বেশী সহিতকমে উক্ত আবেদন বা আপীল পূৰ্ণৰ্হসে কৰা হইবে না।</p>
<p>সাধাৰণ, সাধাৰণ উপস্থিতি ও দলিল উপস্থাপন নিশ্চিতকৰণ</p>	<p>২৪। (১) এই আইনেৰে অধীনে লেপকৃত আবেদন বা দাৰী বা আপীলেৰে সমৰ্থনে সঠিকী পক্ষ কৰ্তৃক উপস্থাপিত সাধাৰণ বক্তৰেৰে সারাংশ ^{২৩)} ট্ৰাইব্যুনালাৰ আপীল ট্ৰাইব্যুনালা) নিৰ্ণয় কৰিবে।</p> <p>(২) ^{২৩)} ট্ৰাইব্যুনালাৰ আপীল ট্ৰাইব্যুনালা) কৰ্তৃক কোন বিখ্যাত সিদ্ধান্ত প্রয়োগেৰে উত্থেশে কোন ব্যক্তিৰ সাক্ষ্য বা উপস্থিতি কিবা কোন দলিল অসুস্থতা বা উপস্থাপনেৰে প্রয়োজন হইলে, উক্ত উপস্থিতি, অনুস্থতা বা উপস্থাপন নিশ্চিত কৰিবে অন্য সে কানী কৰ্মাধিবে এৰ বিধস অনুসারে এতদপক্ষেৰে নিশ্চিত কোন সে কানী আদালত সে ক্ষমতা প্রয়োগ কৰিতে পাৰে ^{২৩)} ট্ৰাইব্যুনালাৰ আপীল ট্ৰাইব্যুনালা) সেই ক্ষমতা প্রয়োগ কৰিতে পাৰিব।</p> <p>(৩) কোন আবেদন বা আপীল নিশ্চিত অন্য সে কোন ব্যক্তিকে খাৰিজ হওৱেৰ বা প্রয়োজনীয় কোন দলিল বা কাগজপত্ৰ কোন ব্যক্তিৰ নিশ্চয় বা হেফাজতে থাকিলে উহ উপস্থাপনেৰে অন্য ^{২৩)} ট্ৰাইব্যুনালা বা আপীল ট্ৰাইব্যুনালা) উক্ত ব্যক্তিকে নিৰ্দেশ পাৰিবে এবং উক্ত নিৰ্দেশ পালনে উক্ত ব্যক্তি নাপে থাকিবে।</p>
<p>বিবাদেৰ</p>	<p>২৫। এই আইনেৰে অধীনে কোন আবেদন বা আপীল নিশ্চিতৰ ব্যাপাৰে এই আইন বা বিধিতে পৰিষ্</p>

^{২৩)} ট্ৰাইব্যুনালাৰ আপীল ট্ৰাইব্যুনালা) শব্দটি-কঠিৰী ট্ৰাইব্যুনালাৰ বা বিবেচ আৰু আইন ট্ৰাইব্যুনালা) শব্দটি ও কমে পৰিচৰে কঠিৰ সপৰি প্রকৰণ বিধিৰ নিয়ম। আই. ২০২০ (১০ ১০) সন ৪৩ নং আই। এই ২০২০ সনৰে সাধিষ্টি।

^{২৩)} কৰ্তব্যে, ধৰ ১৯৭৫ ধৰ ১৮ ৰ ধৰ ১৮ এর অধীনে শব্দটি আবেদন ও খাৰিজ আবেদন বা বহা শব্দটি পৰিচৰে কঠিৰ সপৰি প্রকৰণ (সংশোধন) আই. ২০২০ (১০ ১০) সন ২০ নং আই। এর ২০ (৭) ধৰেৰে সাধিষ্টি।

^{২৩)} ধৰ ১০ এর অধীনে লেপকৃত কোন আবেদন শব্দটি ও সারা-বহা এক এর উপ-ধাৰা ২) ৰ ধৰ ১০ এর অধীনে লেপকৃত কোন আবেদন, ধৰ ১৮, ধৰ ১৮ শব্দটি, খাৰিজ ও কঠিৰ পৰিচৰে কঠিৰ সপৰি প্রকৰণ বিধিৰ নিয়ম। আই. ২০২০ (১০ ১০) সন ৪৩ নং আই। এর ২০ (৭) ধৰেৰে সাধিষ্টি।

^{২৩)} ট্ৰাইব্যুনালাৰ আপীল ট্ৰাইব্যুনালা) শব্দটি-কঠিৰী ট্ৰাইব্যুনালাৰ বা বিবেচ আৰু আইন ট্ৰাইব্যুনালা) শব্দটি পৰিচৰে কঠিৰ সপৰি প্রকৰণ বিধিৰ নিয়ম। আই. ২০২০ (১০ ১০) সন ৪৩ নং আই। এর ২০ (৭) ধৰেৰে সাধিষ্টি।

^{২৩)} ট্ৰাইব্যুনালাৰ আপীল ট্ৰাইব্যুনালা) শব্দটি-কঠিৰী ট্ৰাইব্যুনালাৰ বা বিবেচ আৰু আইন ট্ৰাইব্যুনালা) শব্দটি পৰিচৰে কঠিৰ সপৰি প্রকৰণ বিধিৰ নিয়ম। আই. ২০২০ (১০ ১০) সন ৪৩ নং আই। এর ২০ (৭) ধৰেৰে সাধিষ্টি।

^{২৩)} ট্ৰাইব্যুনালাৰ আপীল ট্ৰাইব্যুনালা) শব্দটি-কঠিৰী ট্ৰাইব্যুনালাৰ বা বিবেচ আৰু আইন ট্ৰাইব্যুনালা) শব্দটি পৰিচৰে কঠিৰ সপৰি প্রকৰণ বিধিৰ নিয়ম। আই. ২০২০ (১০ ১০) সন ৪৩ নং আই। এর ২০ (৭) ধৰেৰে সাধিষ্টি।

^{২৩)} ট্ৰাইব্যুনালাৰ আপীল ট্ৰাইব্যুনালা) শব্দটি-কঠিৰী ট্ৰাইব্যুনালাৰ বা বিবেচ আৰু আইন ট্ৰাইব্যুনালা) শব্দটি পৰিচৰে কঠিৰ সপৰি প্রকৰণ বিধিৰ নিয়ম। আই. ২০২০ (১০ ১০) সন ৪৩ নং আই। এর ২০ (৭) ধৰেৰে সাধিষ্টি।

অর্থবিভাগের চেম্বার ২০১৭ ট্রাইব্যুনাল ও অপীল ট্রাইব্যুনালগেবিসে এখতিয়ার	বিদেশ দাখি করিয়া মতে করিলে ^{২১৭} ট্রাইব্যুনাল বা অপীল ট্রাইব্যুনাল বিস্ময়টি নিষিদ্ধ করিয়া সর্বশেষ পরিষততে উহার বিবেচনামত ন্যায় বিচারের জন্য সহায়ক হয় এইরূপ ফ্যাক্স পদ্ধতি অনুষ্ঠান ও শিফার প্রণয়ন করিতে পরিবে।
অনাসীকৃত সম্পত্তি সক্রিয় বিশ্বাস	২১৬। (১) এই আইনের অধীন আলোচনের জন্য নির্ধারিত সমঝদায়ক মতে আবেদন করা না হইলে বা নির্ধারিত সময়ের মধ্যে অপীল দাখলের করা না হইলে বা আধীন দারী প্রমাণিত না হইলে সংশ্লিষ্ট অর্পিত সম্পত্তি সরকারী সম্পত্তি হিসাবে গণ্য হইবে। (২) উপ-ধারা (১) এ বর্ণিত সরকারী সম্পত্তি সরকারের নিজস্ব বা অন্য কোনভাবে হস্তান্তর বা সরকারের বিবেচনামতে যে কোনভাবে ব্যবহার বা নিষ্কৃত করিতে পরিবে।
ক্রয়ের চেম্বার আর্থিক	২১৭। (১) ধারা ২৬ এর অধীনে 'ক' তফসিলে বর্ণিত সম্পত্তি বিক্রয় বা হারী ইজারা প্রণয়নের ক্ষেত্রে, উক্ত সম্পত্তি যে যেসি ২খতিয়ানভুক্ত সেই যেসি ২খতিয়ানের সিনি উত্তরাধিকার সূত্রে সহ-অংশীদার (co-sharer), যদি থাকে, তিনি আর্থিককার পাইবেন এবং এইরূপ সহ-অংশীদার না থাকিলে সিনি উত্তরাধিকারের পূর্বে ইজারাসূত্রে ক্রয়সম্পন্ন হইলে তিনি আর্থিককার পাইবেন। ২১৭। (২) (১) (৩) উপ-ধারা (১) ২১৭। (১) এর অধীনে ক্রয়কৃত সম্পত্তি ক্রয়ি আদি হইলে উহার ক্ষেত্রে Land Reforms Ordinance, 1984 (X of 1984) এবং তদধীন ক্রীতি নির্দিষ্ট প্রযোজ্য হইবে।
অর্পিত সম্পত্তি বাকল অর্থপূর্ণ বা অন্যদিক দাখিল	২১৮। এই আইন প্রণয়নের পূর্বে অর্পিত সম্পত্তি হিসাবে আধিকারভুক্ত কোন সম্পত্তি উক্তরূপে আধিকারভুক্ত হইবার কারণে, বা অর্পিত সম্পত্তি আইন বা এই আইনের অধীনে প্রদান বা অর্থকৃতিক বা নিষ্কৃতিক বা তদনুসারে অন্য কোন বান্ধু প্রণয়নের কারণে, কোন ব্যক্তি উক্ত সম্পত্তি বাকল কোন কর্তৃত্বপূর্ণ, বা উক্ত সম্পত্তি হইতে সরকার কর্তৃক প্রাপ্ত কোন আয় বা সুবিধা, বা সরকার কর্তৃক উক্ত সম্পত্তির নিষ্কৃতিক বা সরকার প্রাপ্ত ইজারা বা অনুমতিসূত্রে কোন ব্যক্তি কর্তৃক উহা হইতে প্রাপ্ত আয় বা সুবিধা বাকল কোন কর্তৃত্বপূর্ণ বা অনুরূপ কোন দাবী করিতে পরিবে না; এবং কোন আদালত বা কর্তৃপক্ষের নিকট এইরূপ দাবী করা হইলে উক্ত আদালত বা কর্তৃপক্ষ উক্ত দাবী সরাসরি নাগ্রহণ করিয়া থাকে।
'খ' তফসিল নিশ্চিত	২১৯। (১) অর্পিত সম্পত্তি প্রদান (বিভীয়া সংশোধন) আইন, ২০১০ কর্তৃক হইবার সূত্রে সূত্রে

^{২১৭} ট্রাইব্যুনাল বা অপীল ট্রাইব্যুনালগেবিসে 'শফদী, ক্রমিক, ট্রাইব্যুনাল, অপীল ট্রাইব্যুনাল ও বিদেশ অপীল ট্রাইব্যুনালগেবিসে' শফদী ও ক্রমিক
পরিষত অর্পিত সম্পত্তি প্রদান (বিভীয়া সংশোধন) আইন, ২০১০ (১০১০ সনের ৪৬ নং আইন) এর ২১ (ক) ধারার অধীনস্থিত।
^{২১৮} ট্রাইব্যুনাল বা অপীল ট্রাইব্যুনালগেবিসে 'শফদী, ক্রমিক, ট্রাইব্যুনাল, অপীল ট্রাইব্যুনাল ও বিদেশ অপীল ট্রাইব্যুনালগেবিসে' শফদী ও ক্রমিক
পরিষত অর্পিত সম্পত্তি প্রদান (বিভীয়া সংশোধন) আইন, ২০১০ (১০১০ সনের ৪৬ নং আইন) এর ২১(খ) ধারার অধীনস্থিত।
^{২১৯} ধারা ২৩ অর্পিত সম্পত্তি প্রদান (সংশোধন) আইন, ২০১১ (১০১১ সনের ২৩ নং আইন) এর ১২ ধারার অধীনস্থিত।
^{২২০} উপ-ধারা (১) অর্পিত সম্পত্তি প্রদান (বিভীয়া সংশোধন) আইন, ২০১০ (১০১০ সনের ৪৬ নং আইন) এর ২০ ধারার অধীনস্থিত।
^{২২১} ধারা ২৩ অর্পিত সম্পত্তি প্রদান (সংশোধন) আইন, ২০১১ (১০১১ সনের ২৩ নং আইন) এর ১২ ধারার অধীনস্থিত।
^{২২২} উপ-ধারা (২) অর্পিত সম্পত্তি প্রদান (বিভীয়া সংশোধন) আইন, ২০১০ (১০১০ সনের ৪৬ নং আইন) এর ২০(ক) ধারার অধীনস্থিত।
^{২২৩} এবং (২) 'খ' সূত্রে ও ক্রমিক অর্পিত সম্পত্তি প্রদান (বিভীয়া সংশোধন) আইন, ২০১০ (১০১০ সনের ৪৬ নং আইন) এর ২০(খ) ধারার
অধীনস্থিত।

<p>ইচ্ছাসি বিশেষ বিধান</p>	<p>অর্পিত সম্পত্তি সম্পর্কিত 'খ' তফসিল বাতিল হইবে এবং উহা একমতাবে বাতিল হইবে যেন, উক্ত তফসিলভুক্ত সম্পত্তি কখনোই অর্পিত সম্পত্তির তালিকাভুক্ত হয় নাই।</p> <p>(২) এই আইনের অধীন স্থাপিত ট্রাস্টবন্দন, আপিল ট্রাস্টবন্দন বা বিশেষ আপিল ট্রাস্টবন্দন কর্তৃক উপ-ধারা (১) এর অধীন বিলুপ্তকৃত 'খ' তফসিলভুক্ত সম্পত্তির বিষয়ে ইতোমধ্যে নিষ্পত্তিকৃত যে কোন মামলার রায় বা ফিলী বাতিল ও অকার্যকর করিয়া গণ্য হইবে এবং উক্ত ট্রাস্টবন্দন, আপিল ট্রাস্টবন্দন বা বিশেষ আপিল ট্রাস্টবন্দনে বিচারধীন উক্ত 'খ' তফসিলভুক্ত সম্পত্তি সম্পর্কিত সকল মামলা abate হইয়া যাইবে এবং এইরূপ abatement এর রাস্য সর্বত্রই আদালত কর্তৃক আনুষ্ঠানিক আদেশ প্রদানের প্রয়োজন হইবে না।</p> <p>(৩) উপ-ধারা (১) এর অধীন বাতিলকৃত 'খ' তফসিল সম্পর্কিত যেন আবেদন বা মর্শিয়ন কোম্পানি, নিগমীয় কমিটি বা কেন্দ্রীয় কমিটিতে যে কোন পরিচয়ে বাতুলক না কেন উহা স্বয়ংক্রিয়ভাবে বাতিল হইয়া যাইবে।</p> <p>(৪) উপ-ধারা (১) এর অধীন 'খ' তফসিল বাতিল হওয়া সত্ত্বেও উক্ত তফসিলভুক্ত সম্পর্কিত সন্ধান বা কোন বাতিলের কোন স্বত্ব বা স্বার্থ সম্পর্কে প্রদত্ত আইনের অধীন প্রতিকার লাভে কোন আইনগত বাধা থাকিবে না।</p> <p>(৫) ধারা ২৩৫-তে বিহীন হওয়া সত্ত্বেও উক্ত ধারার অধীন গঠিত কোন বিশেষ আপিল ট্রাস্টবন্দনে অ-তফসিলভুক্ত সম্পত্তি সম্পর্কিত কোন মামলা বিচারধীন থাকিলে উহা একমতাবে জমায়ে থাকিবে যেন, উক্ত ট্রাস্টবন্দন বিলুপ্ত হয় নাই এবং উক্ত মামলার প্রাপ্ত ফিলী ধারা ২ (৫) এর উদ্দেশ্য পূরণকল্পে প্রাপ্ত ফিলী হিসাবে গণ্য হইবে।</p>
<p>সন্ধান বিধানের ক্ষুদ্র কার্যকর তালিকা</p>	<p>২৯। অর্পিত সম্পত্তি আইন বা এই আইন বা বিধির অধীনে সন্ধান বিধানের ক্ষুদ্র কোন কারণে ফলে কোন ব্যক্তি অভিযোগ হইলে বা তাহার অভিযোগ হইবার সম্ভাবনা থাকিলে, তৎক্ষণাৎ সন্ধান বা ট্রাস্টবন্দন বা আপিল ট্রাস্টবন্দন বা এইরূপ ট্রাস্টবন্দনের কোন বিজ্ঞপক বা সন্ধানের কোন কর্মকর্তা কর্মসূত্রের বিজ্ঞপক যেন গেরামী বা সৌজদারী বা অন্য কোন আইনগত কর্মণের মাধ্যমে করা যাইবে না।</p>
<p>অপহরণ ও দণ্ড</p>	<p>৩২। কোন ব্যক্তি-</p> <p>(ক) ^(১) ট্রাস্টবন্দন বা আপিল ট্রাস্টবন্দনসম্বন্ধে ইচ্ছাকৃতভাবে মিথ্যা আবেদন বা আপিল করিলে, বা মিথিত বা প্রতারণামূলক মিথ্যা সাক্ষ্য দিলে বা মিথ্যের সূত্রক পরিণত গোপন করতঃ অন্য ব্যক্তির পরিচয়ে আবেদন বা বক্তব্য প্রেরণ বা সাক্ষ্য প্রদান বা কোন দাবী উপস্থাপন করিলে,</p>

^{১৯} ধারা ২৩৫-তে অর্পিত সম্পত্তি প্রাপ্তি (বিভীষ্য সংশোধন) আইন, ২০১৫ (২০১৫ সনের ৯৬ নং আইন) এর ২৪ ধরনের পরিবর্তিত।
^{২০} ট্রাস্টবন্দন বা আপিল ট্রাস্টবন্দনসম্বন্ধে 'শব্দসি' কোম্পানি, নিগমীয় কমিটি, কেন্দ্রীয় কমিটি, ট্রাস্টবন্দন, আপিল ট্রাস্টবন্দন বা বিশেষ আপিল ট্রাস্টবন্দনসম্বন্ধে 'শব্দসি' ও 'অন্যতালিকা পরিচয়' অর্পিত সম্পত্তি প্রাপ্তি (বিভীষ্য সংশোধন) আইন, ২০১৫ (২০ ১৫ সনের ৯৬ নং আইন) এর ২৩(ক) ধরনের পরিবর্তিত।

	<p>(খ) ইচ্ছাকৃতভাবে ²¹⁽¹⁾⁽ⁱⁱ⁾ ট্রাইব্যুনাল বা আপীল ট্রাইব্যুনালে এগ) কোন জাল বা মিথ্যে দলিল উপস্থাপন করিলে; বা</p> <p>(গ) ²¹ ট্রাইব্যুনাল বা আপীল ট্রাইব্যুনালে কোন নির্দেশ বা ডিক্রী সাহায্যের উদ্দেশ্যে জেদা প্রশাসক প্রেরণ নির্দেশ লঙ্ঘন করিলে;</p> <p>প্রিন্সি অর্নিক ৬ (সাত) বৎসরের কারাদণ্ড বা অর্নিক ১,০০,০০০ (এক লাখ টাকা অর্নিক ৬ বা উক্ত দণ্ডে নড়নীয় হইবে।</p>
অধিকারক	<p>৩৮(১) এতদুপা Enemy Property (Continuance of Emergency Provisions) (Repeal) Act, 1974 (XLV of 1974) পরিচয় করা হইল।</p> <p>(২) উক্ত অধিকারক সত্ত্বেও, কোন প্রত্যর্পণযোগ্য জমি সরকারের দখলে বা নিয়ন্ত্রণে থাকিলে কোন ব্যক্তি বা প্রতিষ্ঠানের দিকট উক্ত সম্পত্তি বাক কোন পণ্য বা অপরিচালিত থাকিলে উহা সরকারী পণ্য (Public demand) হিসাবে আদায়যোগ্য হইবে এবং আদায়কৃত অর্থ বা সম্পদ ²¹ প্রজাতন্ত্রের সরকারি হিসাবে জমা হইবে।</p>

²¹—জাল করি, মিথ্যায় করি, কেতীত করি, ট্রাইব্যুনাল, আপীল ট্রাইব্যুনাল বা বিচার আপীল ট্রাইব্যুনালে এগ) শব্দগুলি ও অর্থগুলি—জাল করি, কেতীত করি, ট্রাইব্যুনাল বা আপীল ট্রাইব্যুনালে শব্দগুলি ও অর্থগুলি পরিচয় করি প্রত্যর্পণ (সংশোধন) আইন, ২০১৪। ২০১৩ সনের ২০ নং আইন। এর ২৩ ধারায় পরিবর্তিত।

²²—ট্রাইব্যুনাল বা আপীল ট্রাইব্যুনালে শব্দগুলি—জাল করি, মিথ্যায় করি, ট্রাইব্যুনাল, আপীল ট্রাইব্যুনাল বা বিচার আপীল ট্রাইব্যুনালে শব্দগুলি ও অর্থগুলি পরিচয় করি প্রত্যর্পণ (সংশোধন) আইন, ২০১৪। ২০১৩ সনের ৪৬ নং আইন। এর ২৩(খ) ধারায় পরিবর্তিত।

²³—ট্রাইব্যুনাল বা আপীল ট্রাইব্যুনালে শব্দগুলি—জাল করি, মিথ্যায় করি, ট্রাইব্যুনাল, আপীল ট্রাইব্যুনাল বা বিচার আপীল ট্রাইব্যুনালে শব্দগুলি ও অর্থগুলি পরিচয় করি প্রত্যর্পণ (সংশোধন) আইন, ২০১৪। ২০ ১৩ সনের ৪৬ নং আইন। এর ২৩(খ) ধারায় পরিবর্তিত।

²⁴—প্রজাতন্ত্র সরকারি হিসাবে শব্দগুলি—সরকারি অর্থসচিব শব্দগুলি পরিচয় করি প্রত্যর্পণ (সংশোধন) আইন, ২০১১। ২০ ১১ সনের ২০ নং আইন। এর ২০ ধারায় পরিবর্তিত।

THE SAIRAT MAHALS (MANAGEMENT) ORDINANCE, 1959
(EAST PAKISTAN ORDINANCE NO VI OF 1959)

²⁶ WHEREAS shares in some hats, bazars, fisheries and ferries, have vested in the Government as a result of acquisition of interests under provisions of the "1 * * " State Acquisition and Tenancy Act, 1950, or otherwise;

AND WHEREAS joint ownership of such hats, bazars, fisheries and ferries by the Government along with others has often led and is likely to lead to unnecessary litigation, double realisation of tolls, breach of the peace and harassment to the public in other ways;

AND WHEREAS with a view to removing such difficulties, it is necessary to make provisions for the management and control by the Government of the shares of such hats, bazars, fisheries and ferries held by others;

NOW, THEREFORE, in pursuance of the Presidential Proclamation of the 7th day of October, 1958 and in exercise of all powers enabling him in that behalf, the Governor is pleased to make and promulgate the following Ordinance, namely:-

Section	Short Title	Description
	Assumption of possessions management and control by the Government	<p>2. (1) Where any share of any hat, bazar, fishery or ferry has vested in the Government as a result of acquisition under the "1 * * " State Acquisition and Tenancy Act, 1950, or otherwise, the Government may, by notification in the official Gazette, assume the right of possession, management and control of the remaining share or shares of such hat, bazar, fishery or ferry.</p> <p>(2) Immediately upon the publication of a notification under sub-section (1), the right of possession, management and control of such share or shares in the hat, bazar, fishery or ferry shall pass on to the Government.</p> <p>(3) Where the right of possession, management and control of any share in any hat, bazar, fishery or ferry has passed on to the Government under sub-section (2), the owner of such share shall, from the date of such passing on till the date of vesting of such share in the Government as a result of acquisition under the provisions of the "1 * * " State Acquisition and Tenancy Act, 1950, or otherwise, receive from the Government in respect of such share as compensation for use and occupation for each year or part of a year an amount which will bear such proportion to the net income realised by the Government for the entire property for that year or part of a year as such share bears to the whole property.</p> <p>(4) In calculating the net income referred to in sub-section (3) for any such property for</p>

²⁶ Throughout this Ordinance, the word "Government" was substituted for the words "Provincial Government" by section 3 and the Second Schedule of the [Amendment Act, 1972 \(Act No. VIII of 1972\)](#).

²⁷ The words "East Pakistan" were removed by Article 6 of the [Constitution \(Amendment\) Act, 1972 \(President's Order No. 48 of 1972\)](#).

²⁸ The words "East Pakistan" were removed by Article 6 of the [Constitution \(Amendment\) Act, 1972 \(President's Order No. 48 of 1972\)](#).

²⁹ The words "East Pakistan" were removed by Article 6 of the [Constitution \(Amendment\) Act, 1972 \(President's Order No. 48 of 1972\)](#).

	<p>any year or part of a year, there shall be deducted from the gross proceeds received by the Government from such property on account of such year or part of a year,-</p> <p>(a) any rent payable on account of such year or part of a year for such property to any superior landlord whose interests have not been acquired;</p> <p>(b) all expenses incurred for khas management of the property where the Government manages the property in khas;</p> <p>(c) in case the property is let out by the Government, the cost of advertisement and holding the sale, any refund or abatement that may have to be made to the lessee under the terms of the lease and other expenses, if any, incurred by the Government in connection with the management of such property.</p>
Bar to the jurisdiction of Courts	3. No Court shall entertain any suit or proceeding to restrain the Government from assuming the right of possession, management and control of any share in any hat, bazar, fishery or ferry in pursuance of any notification issued under sub-section (1) of section 2.
Relinquishment of possession, management, etc	4. The Government may, at any time, by notification in the official Gazette, relinquish possession, management and control of a share or shares of which possession, management and control have been assumed under section 2 and upon publication of such notification, the right of possession, management and control shall pass back to the previous owners.

বাসুদেব ও মাটি ব্যবস্থাপনা আইন, ২০১০
(২০১০ সনের ৯২ নং আইন)

বাসুদেব ইজারা প্রদান ও আনুষ্ঠানিক অঙ্গনা বিধানে বিধান প্রণয়নকালে প্রণীত আইন
যেহেতু বাসুদেব ইজারা প্রদান সংক্রান্ত জালিয়াত ঘটনা, বাসুদেব হইতে পরিকল্পিতভাবে বাসু ও মাটি উত্তোলন ও বিপণন, উহা নিয়ন্ত্রণ, একত্রীকরণ সংক্রান্ত অপরাধসমূহ দমন এবং বাসুদেব ব্যবস্থাপনার নিমিত্ত এক কর্তৃপক্ষ নির্ধারণের দাবী বিদ্যমান এবং প্রয়োজনীয় পোস্ত্রে এতদ্বারা নিয়ন্ত্রণ আইন করা হইল:

ধারা/শিরোনাম	কর্ম
সংজ্ঞা	২। বিষয় বা প্রসঙ্গের পরিপন্থী কোন কিছু না থাকিলে, এই আইনে- (১) 'ইজারাদেহীতা' অর্থ এই আইনের অধীন প্রোগ্রামের হইতে বাসুদেব ইজারা গ্রহণকারী কোন ব্যক্তি বা প্রতিষ্ঠান; (২) 'ইজারাদেহীতা' অর্থ এই আইনের অধীন ইজারাদেহীতা কর্তৃক বাসু বা মাটি উত্তোলনের নিয়ন্ত্রণ

	<p>সরকারকে প্রেরণ করি:</p> <p>(১) "কর্তৃপক্ষ" অর্থ ধার ৬ এ বর্ণিত বাস্তুমহলে ইচ্ছার প্রকাশকারী কর্তৃপক্ষ;</p> <p>(৪) "খনিজ বাস্তু" অর্থ জ্বালানী ও খনিজ সম্পদ বিভাগ কর্তৃক নির্ধারিত পরিমাণ ভারী খনিজ পদার্থ (heavy mineral) (যেমন Zircon, Rutile, Ilmenite, Monazite, ইত্যাদি) সমৃদ্ধ বাস্তু;</p> <p>(৫) "দৌরাত্মক কার্যবিধি" অর্থ Code of Criminal Procedure, 1898 (Act V of 1898);</p> <p>(৬) "বাস্তু" অর্থ খনিজ বাস্তু ও নির্দিষ্ট বাস্তু সীমার অন্যান্য সকল প্রকার বাস্তু;</p> <p>(৭) "বাস্তুমহলা" অর্থ পরিবেশ অনুপস্থিত প্রাথমিক অধিকারযোগ্য বা উত্তোলনযোগ্য বাস্তু বা মাটি সর্ভক্ষিত রহিত্যে এইরূপ কোন উদ্ভুক্তস্থান, যা বাস্তুসমূহ হ্রাস বা নষ্টের তলদেশে যথা এই আইনের অধীন প্রোগ্রাম প্রকাশক কর্তৃক বাস্তুমহলা হিসাবে ঘোষিত;</p> <p>(৮) "বিধি" অর্থ এই আইনের অধীন প্রণীত বিধি;</p> <p>(৯) "বিভাগীয় কমিশনার" অর্থ বিভাগীয় কমিশনার বা তৎকর্তৃক ক্ষমতা প্রাপ্ত অন্য কোন অতিরিক্ত বিভাগীয় কমিশনার;</p> <p>(১০) "মাটি" অর্থ নীলময় ক্রে, সাদা বা ক্রে এবং চায়না ক্রে (Fire clay or White clay) যারীত অন্যান্য মাটি বা বাস্তু মিশ্রিত মাটি;</p> <p>(১১) "প্রাপ্ত অধিকার" অর্থ State Acquisition and Tenancy Act, 1950 (E. B. Act XXVIII of 1951) এর section 2(24) এ সংজ্ঞায়িত Revenue officer;</p> <p>(১২) "নির্দিষ্ট বাস্তু" অর্থ জ্বালানী ও খনিজ সম্পদ বিভাগ কর্তৃক নির্ধারিত পরিমাণ নির্দিষ্ট-অধী-অধীকৃত সমৃদ্ধ বাস্তু।</p>
<p>উদ্দেশ্য কেন্দ্র বাস্তু বা মাটি উত্তোলন নির্দিষ্ট</p>	<p>৪। নির্দেশের উদ্দেশ্যে কোন উদ্ভুক্ত স্থান, যা বাস্তুসমূহ হ্রাস বা নষ্টের তলদেশে এইরূপ নির্ধারিত কেন্দ্র বা মাটি উত্তোলন কর যাইবে না-</p> <p>(ক) পরিবেশ সংরক্ষণ আইন, ১৯৮৫ (১৯৮৫ সনের ১নং আইন) এর অধীন প্রতিবেশণত সংকটাপন্ন এলাকা হিসাবে ঘোষিত হইলে;</p>

	<p>(খ) সেতু, কানাল, ডাম, ব্যারাজ, খাঁ, সড়ক, মহাসড়ক, বন, কোলাইন ও অন্যান্য গুরুত্বপূর্ণ সরকারি ও কোম্পানি স্থাপনা হইবে, অথবা আবর্তিক এলাকা হইতে সর্বমুখী ১ (এক) কিলোমিটার বা সর্বমুখী কর্তৃপক্ষ নির্ধারিত সীমানার মধ্যে হইবে।</p> <p>তবে শর্ত থাকে যে, সরকার, অন্যভাবে প্রয়োজনীয় বন্দিয়া বিবেচিত হইলে, সরকারি গোয়েটে প্রকাশিত আদেশ দ্বারা, সুনির্দিষ্ট কারণ উল্লেখপূর্বক, এই ধারার উল্লিখিত কোন বিষয়ে উক্ত শর্ত শিথিল করিতে পারিবে;</p> <p>(গ) বাসু বা মাটি উত্তোলন বা বিপণনের উদ্দেশ্যে ড্রেজিংয়ের ফলে কোন নদীর তীর ভাঙনের শিকার হইতে পারে এইরূপ ক্ষেত্রে;</p> <p>(ঘ) ড্রেজিংয়ের ফলে কোন স্থানিক স্থাপিত কোন গ্যাস-লাইন, বিদ্যুৎ-লাইন, পানীয়-সেচন-লাইন বা অন্য কোন গুরুত্বপূর্ণ লাইন বা তদনুরূপী স্থাপনা ক্ষতিগ্রস্ত হইবার আশংকা থাকিলে;</p> <p>(ঙ) বাংলাদেশ পানি উন্নয়ন বোর্ড এর আওতাধীন উক্ত বোর্ড কর্তৃক চিহ্নিত সেতু, পানি নিষ্কাশন, বন্যা নিয়ন্ত্রণ বা নদী জালক-সেচন নির্মিত অবকাঠামো সংলগ্ন এলাকা হইলে;</p> <p>(চ) চা বাগান, পাহাড় বা ঢিলা বালি হইতে পারে, এইরূপ স্থান হইলে;</p> <p>(ছ) নদীর কূ-প্রাকৃতিক পরিবেশ, মৎস্য, জলজ জীব বা উদ্ভিদ হীন হইলে বা হইবার আশংকা থাকিলে;</p> <p>(জ) এই আইনের উদ্দেশ্য পূরণকল্পে, সরকার কর্তৃক, সময় সময়ে, সরকারি গোয়েটে প্রকাশ্যে ঘাট নির্ধারিত এলাকা হইবে।</p>
<p>কূ-পার্শ্ব বা নদীর তলদেশ হইতে বাসু বা মাটি উত্তোলন সক্রমে বিদেশে বিবন</p>	<p>১। (১) পাশ্ব বা ড্রেজিং বা অন্য কোন মাধ্যমে কূ-পার্শ্ব বাসু বা মাটি উত্তোলন কর হইবে না।</p> <p>(২) নদীর তলদেশ হইতে বাসু বা মাটি উত্তোলনের ক্ষেত্রে ক্ষেত্র জল সঞ্চার সাপেক্ষে, সুইং করিডা নদীর তলদেশ স্তর (River Bed Uniform Level) কমা করা আর এইরূপ ড্রেজার ব্যবহার করতা নির্দিষ্ট ক্ষেত্র নির্ধারিত ক্ষেত্র ড্রেজিং কার্যক্রম পরিচালনা করিতে হইবে।</p> <p>(৩) উপ-ধার (২) এর অধীন ড্রেজিং কার্যক্রমে বাধাভেদ বা প্রতিক্রিয়া সীমিত ড্রেজার ব্যবহার করা হইবে না।</p>
<p>একক কর্তৃপক্ষ</p>	<p>৬। (১) দেশের যে কোন চার এলাকা অথবা যে কোন স্থলভাগ হইতে বাসু বা মাটি সরকার কর্তৃক ইচ্ছার প্রকাশের ক্ষেত্রে এবং সরকারি যে কোন কর্তৃপক্ষ কর্তৃক নির্দিষ্ট নদী, নদী বন্দর, সুল্ল বন্দর, খাল-বিল প্রকৃতির স্থান হইতে উত্তোলিত বাসু বা মাটির বিপণনের প্রয়োজন হইলে উক্ত বিপণনের জন্য একক</p>

	<p>কর্তৃপক্ষ হইবে ভূমি মন্ত্রণালয়।</p> <p>(২) উপ-ধার (১) এর অধীন কার্যক্রম গ্রহণের ক্ষেত্রে ভূমি মন্ত্রণালয় প্রয়োজনে সর্বশ্রেষ্ঠ সত্বে বা কর্তৃপক্ষের সহিত সমন্বয় করিবে।</p>
অর্থায়নিক বাস্তব বা মাটি উন্নয়ন	<p>১) অর্থায়নিক উৎসে যেসকল কার্যক্রম বা উন্নয়ন প্রকল্প বাস্তবায়নের প্রয়োজনে বাস্তব বা মাটি উন্নয়নের ক্ষেত্রে এই আইনের বিধানবলী প্রযোজ্য হইবে না।</p> <p>তবে শর্ত থাকে যে, উক্ত কার্যক্রম বা উন্নয়ন প্রকল্প বাস্তবায়নের জন্য বাস্তব বা মাটি উন্নয়ন ও ব্যবহার করিবার ক্ষেত্রে কর্তৃপক্ষের পূর্বসন্মতন প্রয়োজন হইবে।</p>
বাস্তু বা মাটি রক্ষা নিয়ন্ত্রণ বিধান	<p>১) (১) সরকার কর্তৃক সমস্ত সময়, প্রযুক্তি রক্ষা নিয়ন্ত্রণ আদেশের বিধান অনুসরণ ও কর্তৃপক্ষের পূর্বসন্মতন প্রাপ্তকালে বাংলাদেশ হইতে বাস্তব বা মাটি উন্নয়ন রক্ষা নিয়ন্ত্রণ করা যাইবে।</p> <p>(২) বাংলাদেশ হইতে বাস্তব বা মাটি রক্ষা নিয়ন্ত্রণ বিধান বিধি দ্বারা নির্ধারিত হইবে।</p>
বাস্তুমহাল সঞ্চয়ন ও বিপণন	<p>১) (১) বাস্তুমহাল চিহ্নিত ও সৈমণ্যকরণের ক্ষেত্রে, উপ-ধার (২) এর বিধান সাপেক্ষে, জেলা প্রশাসককে নিম্নলিখিত পদ্ধতি অনুসরণ করিতে হইবে-</p> <p>(ক) সর্বশ্রেষ্ঠ এলাকার রাজস্ব অফিসার কর্তৃক পরিসর নির্ণয় করা হইয়া ট্রেসমাপ ও তফসিলসহ স্থলবেস্পর্ক প্রতিবেদন প্রেরণ করিবে;</p> <p>(খ) নৌ-বন্দর সীমার বাহিরে নির্ধারিত নৌ-পথে যেখানে বাস্তব বা মাটি আছে সেই সকল স্থানে বাংলাদেশ অস্তিত্বীর্ণ নৌ-পরিবহন কর্তৃপক্ষ (বিআই এন্ট্রিউজি) এর মাধ্যমে হাইড্রোগ্রাফিক জরিপ করাইয়া স্থলবেস্পর্ক প্রতিবেদন প্রেরণ করিবে;</p> <p>(গ) নদ্যা (ক) ও (খ) এর অধীন পৃথক প্রতিবেদনের আলোকে বিত্তীয় কর্মসম্পাদনের নিমিত্ত এতদসকলের প্রস্তাব প্রেরণ করিবে।</p> <p>(২) উপ-ধার (১) এর দফা (গ) এর অধীন প্রস্তাব প্রেরণের পূর্বে জেলা প্রশাসক পরিবেশ, পাহাড় ক্ষয়, ভূমি ক্ষয় অথবা স্রী বা খালের পানির প্রবাহের প্রতিপক্ষ পরিকল্পনা, সরকারি স্থাপনার খোঁজ খিঁজ, কালকটি, রাস্তাঘাট, ফেল্ডাট, হাসিভাঙ্গা, চা-বাগান, নদীয়া বাঁধ, ইত্যাদি এবং আনসিক এলাকার কোনো ক্ষতি হইবে কিনা সেই বিষয়ে সর্বশ্রেষ্ঠ কর্তৃপক্ষের সহমত প্রেরণ করিবে।</p> <p>(৩) কোন বাস্তবস্থলে উন্নয়নযোগ্য বাস্তব বা মাটি না থাকিলে, বা বাস্তব বা মাটি উন্নয়ন করিবার মত</p>

	<p>পরিবেশ ও প্রতিবেশ বিকট বা সরকারি বা বেসরকারি ও অকুপার্ড স্থাপনা অধিগ্রহণ বা অধিকার বিস্তারিত হইবার আশঙ্কা থাকিলে, রোগা প্রশাসক, বিতরণীয় কমিশনারের নিকট উক্ত বাস্তুমহল বিপুল সংখ্যা করিবার প্রস্তাব প্রেরণ করিতে পারিবে।</p> <p>(৪) এই ধারার অধীন বাস্তুমহল চিহ্নিত ও যোগ্যকরিত হইলে বিপুল সংখ্যা সম্পর্কিত রোগা প্রশাসক কর্তৃক প্রেরিত প্রস্তাব বিতরণীয় কমিশনার পত্রিমা-নির্দেশনাক্রমে বা, ক্ষেত্রমত, সংশ্লিষ্টমতে পরিদর্শনপূর্বক, অনুমোদন করিতে পারিবে, বা সুশীল নির্দেশনাসহ পুনঃপ্রস্তাব প্রেরণের নিমিত্ত সেরত প্রেরণ করিবে।</p> <p>(৫) উপ-ধার (৪) এর অধীন বিতরণীয় কমিশনারের অনুমোদন লাভ করিলে রোগা প্রশাসক নির্ধারিত পদ্ধতিতে বাস্তুমহল যোগ্য বা, ক্ষেত্রমত, বিপুলক্রমে উহা সর্বসাধারণের অধিকার জন প্রকাশ করিবে।</p> <p>(৬) এই ধারার অধীন কোন বাস্তুমহল যোগ্য বা বিপুল করা হইলে রোগা প্রশাসক কর্তৃকপক্ষে উহা অর্ধিত করিবে।</p> <p>(৭) এই ধারার অধীন বাস্তুমহল সংশোধন বা বিপুলিত আদেশের বিরুদ্ধে সফল বর্জ্য সকারে নিম্নে আর্জি উপস্থাপনপূর্বক দাব্য করিতে পারিবে এবং এই ক্ষেত্রে সকারের নিম্নেই হুজুর বসিয়া গণ্য হইবে।</p> <p>(৮) এই আইন বলক হইবার পূর্বে রোগা প্রশাসক কর্তৃক যোগিত বাস্তুমহল এইরূপে মহল থাকিলে সেনে উহা এই আইনের অধীন চিহ্নিত, যোগিত ও প্রকাশিত হইয়াছে।</p>
<p>বাস্তুমহল ইজারা প্রদান, ইত্যাদি</p>	<p>১০। (১) সকল বাস্তুমহল, বিপ ছাড়া নির্ধারিত পদ্ধতিতে, উমুক্ত মরপত্রে মাগনে ইজার প্রদান করিতে হইবে।</p> <p>(২) এই আইনের অধীন ইজার প্রদান সক্রমে সকল বিধগে রোগা প্রশাসককে সহায়তা করিবার জন্য প্রতিটি রোগা বাস্তুমহল বরস্থাপনা কমিটি নামে একটি কমিটি থাকিবে।</p> <p>(৩) উপ-ধার (২) এর অধীন গঠিত রোগা বাস্তুমহল ব্যবস্থাপনা কমিটির গঠন ও কার্যপদ্ধতি বিধি দ্বারা নির্ধারিত হইবে।</p> <p>(৪) উপ-ধার (২) এর অধীন উমুক্ত মরপত্রে রোগা প্রশাসকের নিকট এই আইনের অধীন তালিকাভুক্ত কোন ব্যক্তি বা প্রতিষ্ঠান ব্যতীত অন্য কেহ অংশগ্রহণ করিতে পারিবে না।</p>

		<p>(৫) উপ-ধার (৪) এর অধীন প্রালিঙ্গিতকরণ শর্তসি, স্কোল ও পদ্ধতি বিধি দ্বারা নির্ধারিত হইবে।</p> <p>(৬) কোন বাস্তুমহাল ইজারার প্রকল্প অনুমোদিত হইবার পর, প্রোগ্রাম প্রকাশক ইজার প্রদত্ত বাস্তুমহালে সুনির্দিষ্ট বর্ণনামত ইজারার শর্তসমূহ সুনির্দিষ্টভাবে উল্লেখপূর্বক বিধি দ্বারা নির্ধারিত পদ্ধতি ও সফসে, ইজারা চুক্তি সম্পাদন করিবেন।</p> <p>(৭) ইজার মুদ্রার সম্পূর্ণ অর্থ আদায়ের পর সংশ্লিষ্ট ইজারারহইতে তে বাস্তুমহালের দখল হস্তান্তর করিতে হইবে।</p>
ইজারা বাস্তুমহাল হইতে বাস্তু বা মাটি উত্তোলন, ইজারি ও সাজসজ্জার নিষিদ্ধ		<p>১১। কোন বাস্তুমহাল ইজার প্রদান করা না হইয়া বাসিন্দা, উক্ত বাস্তুমহাল হইতে এই আইনের অধীন ইজারা প্রদান বাস্তবায়ন পদ্ধতিতে বাস্তু বা মাটি উত্তোলন, পরিষ্কার, বিপদনা ও সরবরাহ করা হইবে না এবং এই মর্মে কোন সাক্ষ্য ও আদায় করা হইবে না।</p>
জাতীয় বাস্তুমহাল ব্যবস্থাপনা করিষ্টি		<p>১২। (১) এই আইনের উদ্দেশ্য পূরণকল্পে এবং কর্তৃপক্ষকে সহায়তা ও পরামর্শ প্রদানের প্রয়োজনে জাতীয় বাস্তুমহাল ব্যবস্থাপনা কমিষ্টি থাকিবে।</p> <p>(২) জাতীয় বাস্তুমহাল ব্যবস্থাপনা কমিষ্টি পদস ও উহার কর্তৃপক্ষি বিধি দ্বারা নির্ধারিত হইবে।</p>
বাস্তুমহাল ইজারার স্কোল		<p>১৩। বাস্তুমহাল ইজারার প্রদানের স্কোল হইবে প্রতি বার্ষিক সাল ১ বৈশাখ হইতে ৩০ জৈ পর্বত।</p>
ইজারা বাসিন্দা ও আশিল		<p>১৪। (১) ইজারার হইতে ইজারাদান। অথবা স্কোল স্কোলের নির্দিষ্ট খাতে জমা প্রদান না করিলে, অথবা ইজার চুক্তি-পত্রের শর্তসমূহ ভঙ্গ করিলে, প্রোগ্রাম প্রকাশক বিধি দ্বারা নির্ধারিত পদ্ধতিতে সংশ্লিষ্ট ইজার চুক্তি বাতিল করিতে পারিবেন।</p> <p>(২) উপ-ধার (১) এর অধীন কোন ইজার চুক্তি বাতিল হইলে সংশ্লিষ্ট ইজারার হইতে জামিনত সরবরাহের অন্ততলে বাস্তুমহাল হইবে।</p> <p>(৩) উপ-ধার (১) এর অধীন প্রকল্প প্রোগ্রাম প্রকাশকের সিদ্ধান্তের বিরুদ্ধে ইজারার হইতে বা সংশ্লিষ্ট সংস্কৃষ্টি বন্ধ উক্ত সিদ্ধান্ত প্রকাশের ৭(সাত) কর্মদিবসের মধ্যে সংশ্লিষ্ট সিদ্ধান্তীয় কমিশনারের নিকট আপিল দায়ের করিতে পরিষ্কেন।</p> <p>(৪) সিদ্ধান্তীয় কমিশনার উপ-ধার (৩) এর অধীন আপিল গ্রাহির সর্বোচ্চ ২(দুই) মাসে, কর্মদিবসের মধ্যে, প্রয়োজনীয় তদনী মতক্রমে, বিধি দ্বারা নির্ধারিত পদ্ধতিতে আপিল নিষ্পত্তি করিবেন।</p> <p>(৫) উপ-ধার (৪) এর অধীন নিষ্পত্তি তে সিদ্ধান্তীয় কমিশনারের সিদ্ধান্তই চূষ্টি বলিয়া গণ্য হইবে।</p>

অপরাধ, বিচার বা মামলা	<p>1৫ (১) এই আইনের ধারা ৪ এ বর্ণিত কর্তৃপক্ষ কোনে বাস্তু বা মাটি উত্তোলন নিষিদ্ধ সনাক্তকৃত বিধানসমূহ অনু কোন বিধান কোনে ব্যক্তি বা প্রতিষ্ঠান অমান্য করিলে বা এই আইন বা অন্য কোন বিধান লঙ্ঘন করিলে অথবা বাস্তু বা মাটি উত্তোলনের জন্য বিশেষভাবে ক্ষতগ্রস্ত কর্তৃপক্ষের অনুমতি ব্যতিরেকে বাস্তু বা মাটি উত্তোলন করিলে সেই ব্যক্তি বা প্রতিষ্ঠানের নির্বাহী ব্যক্তিবর্গ (এরিকিউটিভ পি) বা তাদের সহায়ককারী কোন ব্যক্তি বা প্রতিষ্ঠানের কর্মকর্তাগণ অর্থাৎ ২(দুই) কনের কারাদণ্ড বা সর্বনিম্ন ৫০০পাশা হাজার টাকা হইতে ১০ (দশ) লক্ষ টাকা পর্যন্ত অর্থদণ্ড বা উভয় দণ্ডে দণ্ডিত হইবে।</p> <p>(২) এই আইনের অধীন অপরাধ নির্বাহী ম্যাজিস্ট্রেট কর্তৃক হাদামান আদালত বা বিচারিক ম্যাজিস্ট্রেট আদালতে নিয়ন্ত্রিত হইবে।</p> <p>(৩) Code of Criminal Procedure, 1898 এ নির্ধারিত নির্বাহী ম্যাজিস্ট্রেট কর্তৃক অর্ধশ্রম আরোপ সম্পর্কিত সীমাবদ্ধতা এই আইনের অধীন নির্ধারিত অর্ধশ্রম আরোপে নির্বাহী ম্যাজিস্ট্রেটের ক্ষমতা সীমিত করিতে না।</p> <p>(৪) এই আইনের অধীন অপরাধ জামিনযোগ্য (Bailable), অমান্যযোগ্য (Cognizable) ও অপেয়যোগ্য (Compoundable) হইবে।</p> <p>(৫) নির্বাহী ম্যাজিস্ট্রেট কর্তৃক হাদামান বা আদেশ দ্বারা কোন পক্ষ সংক্রান্ত হইলে তিনি উক্ত হাদামান প্রদানের ৩০(ত্রিশ) দিনের মধ্যে আঞ্চলিক অফিসের জেলা ম্যাজিস্ট্রেটের নিকট আপিল দাখিল করিতে পারিলে এবং জেলা ম্যাজিস্ট্রেট প্রাপ্ত হাদামানের বিক্রয় ৬০(ষাট) দিনের মধ্যে স্থানীয় অফিসের পরামর্শ জ্ঞেয় আদালতে আপিল দাখিল করিতে পারিলে।</p>
অপরাধ দৃষ্টিকরণ	<p>1৬। এই আইনের কোন বিধান কার্যকর করার ক্ষেত্রে কোনে অপরাধে লে বা দিলে সরকার, সরকারি গেজেটে প্রজ্ঞাপন দ্বারা, এই আইনের বিধানসমূহের সর্বত্র সমতুল্য হওয়া সাপেক্ষে, উক্তরূপ অপরাধের অপসারণ করিতে পারিবে।</p>

THE ACQUISITION AND REQUISITION OF IMMOVABLE PROPERTY ORDINANCE, 1982
(ORDINANCE NO. II OF 1982).

An Ordinance to consolidate and amend the law relating to acquisition and requisition of immovable property.

WHEREAS it is expedient to consolidate and amend the law relating to acquisition and requisition of immovable property and to provide for matters connected therewith and ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamation of the twenty-fourth day of March, 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:-

Section/Short Title	Descriptions
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Definitions	<p>2. In this Ordinance, unless there is anything repugnant in the subject or context:</p> <p>(a) "Arbitrator" means an Arbitrator appointed under section 27;</p> <p>²¹(b) "Deputy Commissioner" includes an Additional Deputy Commissioner and any other officer authorised by the Deputy Commissioner to exercise any power conferred, or perform any duty imposed, on the Deputy Commissioner by or under this Ordinance;</p> <p>(c) "owner" includes the occupier;</p> <p>(d) "person interested", in relation to any property, includes all persons claiming, or entitled to claim, an interest in the compensation payable on account of the acquisition or requisition of that property under this Ordinance;</p> <p>(e) "prescribed" means prescribed by rules made under this Ordinance;</p> <p>(f) "property" means immovable property and includes any right in or over such property; and</p> <p>(g) "requiring person" means any person for whom any property is, or is proposed to be, acquired under this Ordinance.</p>
Publication of preliminary notice of acquisition of property	<p>3. Whenever it appears to the Deputy Commissioner that any property in any locality is needed or is likely to be needed for any public purpose or in the public interest, he shall cause a notice to be published at convenient places on or near the property in the prescribed form and manner stating that the property is proposed to be acquired.</p> <p>Provided that no property used by the public for the purpose of religious worship, graveyard and cremation ground shall be acquired.</p>
Objections against acquisition	<p>4. (1) Any person interested in any property which has been notified under section 3 as being needed or likely to be needed for a public purpose or in the public interest may, within fifteen days after the publication of the notice, object to the acquisition of the property.</p> <p>(2) Every objection under sub-section (1) shall be made to the Deputy Commissioner in writing, and the Deputy Commissioner shall give the objector an opportunity of being heard either in person or by an agent and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, prepare a report ²² within</p>

²¹ Clause (b) was substituted by section 2 of the Acquisition and Requisition of Immovable Property (Amendment) Ordinance, 1966 (Ordinance No. XL of 1966).

²² The words, "broken and gaps" within thirty days following the expiry of the period specified under sub-section (1) were inserted by section 2 of the Acquisition and Requisition of Immovable Property (Amendment) Ordinance, 1966 (Ordinance No. XL of 1966).

	<p>thirty days following the expiry of the period specified under sub-section (1) containing his opinion on the objections.</p> <p>²¹[(3) The Deputy Commissioner shall then-</p> <p>(a) if the property exceeds ²¹[fifty] standard bighas of land, submit the record of the proceedings held by him, together with his report, for the decision of the Government; and</p> <p>(b) if the property does not exceed ²¹[fifty] standard bighas of land, submit the record of the proceedings held by him, together with his report, for the decision of the Divisional Commissioner ²¹].</p> <p>Provided that if no objection is raised within the period specified in sub-section (1), the Deputy Commissioner shall, instead of submitting the records of the proceedings to the Divisional Commissioner, make a decision ²¹] within ten days of the expiry of the aforesaid period, or within such further period but not exceeding thirty days, as the Divisional Commissioner permits on the request of the Deputy Commissioner in writing about the acquisition of the property and such decision of the Deputy Commissioner shall be final.]</p>
Final decision regarding acquisition	<p>5. (1) The ²¹[Government or, as the case may be, the Divisional Commissioner], after considering the report submitted by the Deputy Commissioner under section 4(3), shall make a decision about the acquisition of the property and such decision of the ²¹[Government or, as the case may be, the Divisional Commissioner] shall be final ²¹].</p> <p>Provided that-</p> <p>(a) where the decision is to be made by the Divisional Commissioner, it shall be made within fifteen days from the date of submission of the report, or within such further time but not exceeding one month, as he may think fit for reasons to be recorded by him in</p>

²⁰ Sub-section (1) was substituted by section 2 of the Acquisition and Requisition of Immovable Property (Amendment) Ordinance, 1983 (Ordinance No. XXVI of 1983).

²¹ The word "fifty" was substituted for the word "ten" by section 2 of the Acquisition and Requisition of Immovable Property (Amendment) Act, 1994 (Act No. XXVI of 1994).

²² The word "fifty" was substituted for the word "ten" by section 2 of the Acquisition and Requisition of Immovable Property (Amendment) Act, 1994 (Act No. XXVI of 1994).

²³ The column (1) was substituted for the full-stop (.) and the proviso were added thereto by section 2 of the Acquisition and Requisition of Immovable Property (Amendment) Ordinance, 1983 (Ordinance No. XXVI of 1983).

²⁴ The words and comma " within ten days of the expiry of the aforesaid period, or within such further period but not exceeding thirty days, as the Divisional Commissioner permits on the request of the Deputy Commissioner in writing" were inserted by section 2 of the Acquisition and Requisition of Immovable Property (Amendment) Act, 1994 (Act No. XXVI of 1994).

²⁵ The words and comma " Government or, as the case may be, the Divisional Commissioner" were substituted for the word "Government" by section 3 of the Acquisition and Requisition of Immovable Property (Amendment) Ordinance, 1983 (Ordinance No. XXVI of 1983).

²⁶ The words and comma " Government or, as the case may be, the Divisional Commissioner" were substituted for the word "Government" by section 3 of the Acquisition and Requisition of Immovable Property (Amendment) Ordinance, 1983 (Ordinance No. XXVI of 1983).

²⁷ The column (1) was substituted for the full-stop (.) and the proviso was added thereto by section 3 of the Acquisition and Requisition of Immovable Property (Amendment) Act, 1994 (Act No. XXVI of 1994).

	<p>this behalf :</p> <p>(b) where decision is to be made by the Government, it shall be made within a period not exceeding ninety days from the date of submission of the report.]</p> <p>²⁶ (2) When the Government, the Divisional Commissioner or the Deputy Commissioner, as the case may be, makes a decision for acquisition of the property under sub-section (1) or the proviso to section 4(3)(b), as the case may be, such decision shall be conclusive evidence that the property is needed for a public purpose or in the public interest.]</p>
<p>Notice to persons interested</p>	<p>6. (1) When the ²⁷ Government, the Divisional Commissioner or the Deputy Commissioner, as the case may be, has made a decision for acquisition of any property under section 5 or the proviso to section 4(3)(b), as the case may be, the Deputy Commissioner shall cause public notice to be given in the prescribed manner at convenient places on or near such property stating that the Government ²⁸, the Divisional Commissioner or the Deputy Commissioner, as the case may be, has decided to acquire the property and intends to take possession thereof and that claims to compensation for all interests in such property may be made to him.</p> <p>(2) Such notice shall state the particulars of the property to be acquired and taken possession of, and shall require all persons interested in the property to appear personally or by agent before the Deputy Commissioner at a time, not being earlier than fifteen days after the date of publication of the notice, and place mentioned therein and to state the nature of their respective interests in the property and the amount and particulars of their claims to compensation for such interests.</p> <p>(3) The Deputy Commissioner shall also serve notice to the same effect in the prescribed form on the occupier, if any, of such property and on all persons known or believed to be interested therein.</p> <p>(4) The Deputy Commissioner may also, by notice, require any such person to make or deliver to him at a time, not being earlier than fifteen days after the date of service of the notice, and place mentioned therein a statement containing, so far as may be practicable, the name of every other person possessing any interest in the property or any part thereof as co-sharer, mortgagee or otherwise, and of the nature of such interest and profits, if</p>

²⁶ Sub-section (2) was substituted by section 3 of the Acquisition and Regulation of Immovable Property (Second Amendment) Ordinance, 1983 (Ordinance No. XXX of 1983).

²⁷ The words, *union or* and *figure* "Government, the Divisional Commissioner or the Deputy Commissioner, as the case may be, has made a decision for acquisition of any property under section 5 or the proviso to section 4(3)(b), as the case may be" were substituted by the words, *union and figure* "or, as the case may be, the Divisional Commissioner has made a decision for acquisition of any property under section 5" by section 4 of the Acquisition and Regulation of Immovable Property (Second Amendment) Ordinance, 1983 (Ordinance No. XXX of 1983).

²⁸ The *union and word* "the Divisional Commissioner or the Deputy Commissioner of the Deputy Commissioner, as the case may be," were inserted by section 4 of the Acquisition and Regulation of Immovable Property (Second Amendment) Ordinance, 1983 (Ordinance No. XXX of 1983).

	any, received or receivable on account thereof.
	(5) Every person required to make or deliver a statement under this section shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Penal Code (XLV of 1860).
Award of compensation by Deputy Commissioner	<p>7. (1) On the date so fixed, or on any other date to which the enquiry has been adjourned, the Deputy Commissioner shall proceed to enquire into the statement, if any, which any person has made pursuant to a notice given under section 6 and into the value of the property at the date of the publication of the notice under section 3, and into the respective interests of the persons claiming the compensation and shall make an award of</p> <p>(a) the compensation which, in his opinion, shall be allowed for the property; and</p> <p>(b) the apportionment of the said compensation among all the persons known or believed to be interested in the property, of whom, or of whose claims, he has information.</p> <p>(2) The award made by the Deputy Commissioner shall, except as hereinafter provided, be final.</p> <p>²⁶⁴ (3) The Deputy Commissioner shall, within seven days from the date of making award of compensation,-</p> <p>(a) give notice of his award to the person interested;</p> <p>(b) send the estimate of the award of compensation to the requiring person.</p> <p>(4) The requiring person shall deposit the estimated amount of the award of compensation with the Deputy Commissioner in the prescribed manner within sixty days from the date of receipt of the estimate.]</p>
Matters to be considered in determining compensation	<p>8. (1) In determining the amount of compensation to be awarded for any property to be acquired under this Part, the Deputy Commissioner shall take into consideration-</p> <p>(a) the market value of the property at the date of publication of the notice under section 3;</p> <p>Provided that in determining such market value, the Deputy Commissioner shall take into account the average value, to be calculated in the prescribed manner, of the properties of</p>

²⁶⁴ Sub-sections (3) and (4) were substituted for former sub-section (3) by section 4 of the Acquisition and Requisition of Immovable Property (Amendment) Act, 1994 (Act No. 25 of 1994).

	<p>similar description and with similar advantages in the vicinity during the twelve months preceding the date of publication of the notice under section 3;</p> <p>(b) the damage that may be sustained by the person interested, by reason of the taking of any standing crops or trees which may be on the property at the time of taking possession thereof by the Deputy Commissioner;</p> <p>(c) the damage that may be sustained by the person interested, at the time of taking possession of the property by the Deputy Commissioner, by reason of severing such property from his other property;</p> <p>(d) the damage that may be sustained by the person interested, at the time of taking possession of the property by the Deputy Commissioner, by reason of the acquisition injuriously affecting his other properties, movable or immovable, in any other manner, or his earnings;</p> <p>(e) if in consequence of the acquisition of the property, the person interested is likely to be compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change; and</p> <p>(f) the damage that may be resulting from diminution of the profits of the property between the date of service of notice under section 6 and the date of taking possession of the property by the Deputy Commissioner.</p> <p>(2) In addition to the market value of the property as provided in sub-section (1), the Deputy Commissioner shall, in every case award a sum of ²⁰ [fifty per centum] on such market value in consideration of the compulsory nature of the acquisition.</p>
<p>Matters not to be considered in determining compensation</p>	<p>9. In determining the amount of compensation to be awarded for any property to be acquired under this Part, the Deputy Commissioner shall not take into consideration-</p> <p>(a) the degree of urgency which has led to the acquisition;</p> <p>(b) any disinclination of the person interested to part with the property to be acquired;</p> <p>(c) any damage that may be sustained by him which, if caused by a private person, would</p>

²⁰ The words "fifty per centum" were substituted for the words "twenty per centum" by section 2 of the Acquisition and Regulation of Immovable Property (Amendment) Act, 1993 (Act No. XXV of 1993).

	<p>not render such person liable to a suit;</p> <p>(d) any damage which is likely to be caused to the property to be acquired, after the date of service of notice under section 6, by or in consequence of the use to which it will be put;</p> <p>(e) any increase to the value of the property to be acquired likely to accrue from the use to which it will be put when acquired; or</p> <p>(f) any alteration or improvement in, or disposal of, the property to be acquired, made or effected without the sanction of the Deputy Commissioner after the date of publication of the notice under section 3.</p>
Payment of compensation	<p>10. (1) On making an award under section 7, the Deputy Commissioner shall, before taking possession of the property, tender payment of the compensation awarded by him to the persons entitled thereto according to the award, and "I" shall, unless prevented by some-one or more of the contingencies mentioned in sub-section (2), pay it to them within sixty days from the date of deposit by the requiring person of the estimated amount of compensation under section 7(3).</p> <p>(2) If the persons entitled to compensation do not consent to receive it, or if there be no person competent to receive the compensation, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Deputy Commissioner shall keep the amount of the compensation in a deposit account in the Public Account of the Republic which shall be deemed payment for the purpose of taking over possession of the property without any prejudice to the claim of the parties to be determined by the Arbitrator.</p> <p>Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount.</p> <p>Provided further that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 28:</p> <p>Provided further that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Part, to pay the same to the person lawfully entitled thereto.</p>
Payment of compensation	<p>21. 10A. Notwithstanding anything contained in this Ordinance, when the property acquired under this Part contains standing crops cultivated by burgadar, such portion of</p>

²⁰⁶ The words, "within a, brackets and figure " shall, unless prevented by some-one or more of the contingencies mentioned in sub-section (2), pay it to them within sixty days from the date of deposit by the requiring person of the estimated amount of compensation under section 7(3) were substituted for the words, brackets and figure " shall pay it to them within sixty days from the date of deposit by the requiring person of the estimated amount of compensation under section 7(3) by section 2 of the Acquisition and Registration of Immovable Property (Amendment) Act, 1994 (Act No. XX of 1994).

²⁰⁷ Section 10A was inserted by section 6 of the Acquisition and Registration of Immovable Property (Amendment) Act, 1994 (Act No. XX of 1994).

to bargadar	<p>the compensation as may be determined by the Deputy Commissioner for the crops shall be paid to the bargadar in cash.</p> <p>Explanation:- In this section "bargadar" means a person who under the system generally known as adhi, barga or bhag cultivates the land of another person on condition of delivering a share of produce of such land to that person.]</p>
Acquisition and possession	<p>11. (1) When the compensation mentioned in the award has been paid or is deemed to have been paid in pursuance of section 10, the property shall stand acquired and vest absolutely in the Government free from all encumbrances, and the Deputy Commissioner shall thereupon take possession of the property.</p> <p>(2) Immediately after the acquisition of the property under sub-section (1), a declaration by the Deputy Commissioner in the prescribed form to that effect shall be published in the official Gazette.</p>
Abatement or revocation of acquisition proceedings	<p>12. ²⁰(1) Notwithstanding anything contained in this Ordinance, where in any case the estimated amount of the award of compensation has not been deposited by the requiring person for acquisition of any property under section 5 within the period specified in section 7(4), all proceedings in respect of such acquisition shall, on the expiry of that period, stand abated and a declaration by the Deputy Commissioner to that effect shall be published in the official Gazette.</p> <p>(2) The Deputy Commissioner may, with the prior approval of the Government, by notification in the official Gazette, revoke all proceedings in respect of acquisition of any property at anytime before the payment of compensation.]</p> <p>(3) When any proceedings stand abated or are revoked, the Deputy Commissioner shall make an award determining the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder and the costs reasonably incurred by him in the prosecution of the proceedings under this Part relating to the said property and shall pay the compensation accordingly.</p>
Acquisition of part of a house or buildings	<p>13. The provisions of this Part shall not be applied for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desires that the whole of such house, manufactory or building should be so acquired:</p> <p>Provided that the owner may, at any time, before the Deputy Commissioner has made his award under section 7, by notice in writing withdraw or modify his expressed desire that the whole of such house, manufactory or building should be so acquired:</p>

²⁰ Sub-sections (1) and (2) were substituted by section 7 of the Acquisition and Requisition of Immovable Property (Amendment) Act, 1994 (Act No. 25 of 1994).

	<p>Provided further that, if any question arises as to whether any property proposed to be taken under this Part does or does not form part of a house, manufactory or building within the meaning of this section, the decision of the Deputy Commissioner shall be final.</p>
Acquisition of property at the cost of a person other than the Government	<p>14. Where the provisions of this Part are applied for acquiring any property at the cost of any fund controlled or managed by a person other than the Government, the charges of an incidental to such acquisition shall be defrayed from or by such fund or person.</p>
Transfer of acquired land to the requiring person other than the Government	<p>15. (1) When any property is proposed to be acquired for any person other than the Government, such person shall enter into an agreement with the Government in such form as may be prescribed before a notice under section 3 is published.</p> <p>(2) When the property in respect of which an agreement has been entered into with a person under sub-section (1) is acquired under section 11, the Government shall, on the performance by such person of his part of the agreement, transfer the property to the person by executing a deed in such form as may be prescribed and in accordance with the law for the time being in force.</p>
Recovery of compensation in certain cases	<p>16. When any compensation paid is in excess of the amount payable or when any compensation is paid to a person other than the rightful owner, the amount of such excess or wrong payment shall be recoverable as a public demand.</p>
Use of acquired property	<p>17. (1) No property acquired under this Part shall, without the prior approval of the Government, be used for any purpose other than the purpose for which it is acquired.</p> <p>(2) If any requiring person uses any acquired property in contravention of the provision of sub-section (1), or does not use it for the purpose for which it is acquired, he shall be liable to surrender the property to the Deputy Commissioner on being directed by him to do so.</p>
Requisition of property	<p>18. (1) When any property is required temporarily for a public purpose or in the public interest, the Deputy Commissioner may, with the prior approval of the Government, by order in writing, requisition it:</p> <p>Provided that no such approval shall be necessary in the case of emergency requirement of any property:</p> <p>Provided further that, save in the case of emergency requirement for the purpose of maintenance of transport or communication system, no property which is bona fide used</p>

	<p>by the owner thereof as the residence of himself or his family or which is used either for religious worship by the public or as an educational institution or orphanage or as a hospital, public library, graveyard or cremation ground shall be requisitioned.</p> <p>(2) Where an order made under sub-section (1) has been served, the Deputy Commissioner may take possession of the requisitioned property.</p> <p>(a) in the case of emergency requirement for the purpose of maintenance of transport or communication system, at any time after the date of service of the order;</p> <p>(b) in any other case, after the expiry of thirty days from the date of service of the order, and may use the property for the purpose for which it has been requisitioned.</p> <p>(3) Except with the prior approval of the Government, no property shall be kept under requisition for a period exceeding two years from the date of taking over possession of such property.</p>
Revision	<p>19. The Government may, of its own motion or on application filed by an aggrieved person, revise an order made under section 18 (1):</p> <p>Provided that no such application shall be entertained unless it is filed within thirty days from the date of service of the order.</p>
Award of compensation by Deputy Commissioner	<p>20. (1) Where any property is requisitioned under this Part, there shall be paid compensation the amount of which shall be determined in the manner and in accordance with the principles set out in this section.</p> <p>(2) The Deputy Commissioner shall, after giving the persons interested an opportunity of being heard in respect of their respective interests in the property and the amount and particulars of their claims to compensation for such interests and having regard to the provisions of sub-section (5), make an award of –</p> <p>(a) the compensation in the manner as may be prescribed; and</p> <p>(b) the apportionment of the said compensation among all the persons known or believed to be interested in the property, of whom, or of whose claims, he has information.</p> <p>(3) The award made by the Deputy Commissioner shall, except as hereinafter provided, be final.</p>

<p>Payment of compensation</p>	<p>(4) The Deputy Commissioner shall give immediate notice of his award to the persons interested.</p> <p>(5) The amount of compensation payable for the requisition of any property shall consist of -</p> <p>(a) a recurring payment, in respect of the period of requisition, of a sum equal to the rent which would have been payable for the use and occupation of the property, if it had been taken on lease for that period; and</p> <p>(b) such sum, if any, as may be found necessary to compensate the persons interested for all or any of the following matters, namely:-</p> <p>(i) expenses on account of vacating the requisitioned property;</p> <p>(ii) expenses on account of re-occupying the property upon release from requisitioned; and</p> <p>(iii) damages, other than normal wear and tear, caused to the property during the period of requisition, including the expenses that may have to be incurred for restoring the property to the condition in which it was at the time of requisition.</p> <p>(6) Where any property is kept under requisition for more than two years, the Deputy Commissioner shall revise his award regarding the amount payable as compensation under sub-section (5)(a).</p> <p>21. (1) On making an award under section 20, the Deputy Commissioner shall tender payment of the compensation awarded by him to the persons entitled thereto according to the award, and shall pay it to them unless prevented by someone or more of the contingencies mentioned in sub-section (2).</p> <p>(2) If the persons entitled to compensation do not consent to receive or if there be no person competent to receive the compensation, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Deputy Commissioner shall keep the amount of the compensation in a deposit account in the Public Account of the Republic which shall be deemed payment of the compensation for the requisitioned property without any prejudice to the claim of the parties to be determined by the Arbitrator.</p> <p>Provided that any person admitted to be interested may receive such payment under</p>
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	<p>protest as to the sufficiency of the amount:</p> <p>Provided further that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 28:</p> <p>Provided further that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Part, to pay the same to the person lawfully entitled thereto.</p>
Recovery of money from allottees of requisitioned property	22. Where any requisitioned property is allotted to, and placed in possession of, any person, the Deputy Commissioner may recover from such person such amount of money and in such manner as may be prescribed.
Repair of requisitioned property	23. (1) During the period of requisition, the Deputy Commissioner shall be responsible for the proper maintenance of a requisitioned property. (2) If the Deputy Commissioner is satisfied that repairs are necessary to prevent deterioration of the property, he may, after giving the owner an opportunity of making the repairs himself, cause the repairs to be made at a cost not exceeding one-sixth of the compensation payable to the owner and such cost shall be recovered out of such compensation.
Release from requisition	24. (1) Where any requisitioned property is to be released from requisition, the Deputy Commissioner may restore it to the person from whom the property was requisitioned or to his successor-in-interest or to such other person as may appear to the Deputy Commissioner to be entitled to such restoration. (2) The delivery of possession of the requisitioned property to the person referred to in sub-section (1) shall be a full discharge of the Deputy Commissioner from all liability in respect of such delivery, but shall not prejudice any right in respect of the property which any other person may be entitled by the process of law to enforce against the person to whom possession of the property is so delivered. Provided that when the person to whom the requisitioned property is to be restored on release from requisition willfully neglects or refuses to take delivery of the requisitioned property on being directed in writing to take possession of such requisitioned property by the Deputy Commissioner, such requisitioned property shall be deemed to have been restored to such person within the meaning of this sub-section with effect from the date and time specified in the aforesaid direction.

	<p>(3) Where the person to whom possession of any requisitioned property is to be delivered cannot be found and has no agent or other person empowered to accept delivery on his behalf, the Deputy Commissioner shall cause a notice declaring that the property is released from requisition to be affixed on some conspicuous part of the property and shall also publish the notice in the official Gazette.</p> <p>(4) When a notice referred to in sub-section (3) is published in the official Gazette, the property specified in such notice shall cease to be subject to requisition from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof; and the Deputy Commissioner shall not be liable for any compensation or other claim in respect of the property for any period after the said date.</p>
Eviction of allottees	25. Notwithstanding anything contained in any other law for the time being in force, if any property under requisition, which has been allotted to any person or is in unauthorised occupation of any person, is required by the Deputy Commissioner for any other use or purpose during the period of requisition or for restoring the property under section 24 on its release from requisition or if the allottee of such property has defaulted in payment of any sum due from him in respect of such property, the Deputy Commissioner, may, at any time, by order in writing, direct such person or allottee to vacate the property by such date as may be specified in such order, and if such person or allottee does not vacate the property by the date so specified, the Deputy Commissioner may evict such person or allottee from such property and may use or cause to be used such force for the purpose as may be necessary.
Part not to apply to Cantonment	26. Nothing in this Part shall apply to any property within the limits of a Cantonment.
Appointment of Arbitrator	27. For the purposes of this ²⁶ [Ordinance], the Government shall, by notification in the official Gazette, appoint a Judicial Officer, not below the rank of Subordinate Judge, to be Arbitrator for such area as may be specified therein.
Application to Arbitrator	28. (1) Any person interested who has not accepted any award made by the Deputy Commissioner under this Ordinance may, within forty-five days from the date of service of notice of the award, make an application to the Arbitrator for revision of the award. (2) The application shall state the grounds on which objection to the award is taken. ²⁷ [(3) The requiring person shall be made a necessary party in the application made under sub-section (1), along with the Deputy Commissioner.]
Notice for	29. The Arbitrator shall, on receipt of an application under section 28, cause a notice specifying the date on which he will proceed to hear the application, and directing their

²⁶ The word "Ordinance" was substituted for the word "Act" by section 6 of the [Acquisition and Regulation of Immovable Property \(Amendment\) Ordinance, 1983](#) (Ordinance No. XV of 1983).
²⁷ Sub-section (3) was added by section 8 of the [Acquisition and Regulation of Immovable Property \(Amendment\) Act, 1984](#) (Act No. XX of 1984).

hearing-	appearance before him on that day, to be served on the following persons, namely:- (a) the applicant; (b) all persons interested in the objection; (c) the Deputy Commissioner, and (d) the requiring person.
Scope of proceedings	30. The scope of the enquiry in every proceeding before the Arbitrator shall be restricted to a consideration of the interests of the persons affected by the objection.
Arbitrator to be guided by sections 8, 9 and 20	31. In determining the amount of compensation to be awarded for any property acquired or requisitioned under this Act, the Arbitrator shall be guided by the provisions of sections 8 and 9 or 20, as the case may be ²³ ; Provided that the compensation determined by the Arbitrator in respect of each owner shall not exceed the amount specified in the award of the Deputy Commissioner by more than ten per centum.]
Form of award of Arbitrator	32. (1) Every award under this Part shall be in writing signed by the Arbitrator, and shall specify the amounts awarded under different clauses of section 8(1) or section 20(5), as the case may be, together with the grounds of awarding each of the said amounts. (2) Where the amount of compensation determined by an Arbitrator is higher than the amount specified in the award of the Deputy Commissioner, an additional compensation at the rate of ten per cent per annum on such additional amount shall, subject to the decision of an Appellate Arbitration Tribunal, if any, be payable till that amount is paid or offered for payment. (3) Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgment within the meaning of section 2(2) and section 2(9) respectively of the <u>Code of Civil Procedure</u> , 1908 (V of 1908).
Costs	33. Every such award shall also state the amount of costs incurred in the proceedings under this Part and by what persons and in what proportions they are to be paid.
Appeal against the award of Arbitrator	34. (1) An appeal shall lie to the Arbitration Appellate Tribunal constituted under sub-section (2), against an award of the Arbitrator. (2) The Government shall, by notification in the official Gazette, constitute one or more

²³ The column (c) was substituted for the full stop (.) and the proviso was added thereto by section 9 of the Acquisition and Requisition of Immovable Property (Amendment) Act, 1984 (Act No. XXVI of 1984).

	<p>Arbitration Appellate Tribunals for such areas as may be specified therein.</p> <p>(3) An Arbitration Appellate Tribunal shall consist of a member who shall be appointed by the Government from among persons who are or have been District Judges.</p> <p>(4) A decision of the Arbitration Appellate Tribunal shall be final.</p> <p>(5) Where the amount of compensation determined by an Arbitration Appellate Tribunal is higher than the amount specified in the award of the Arbitrator, an additional compensation at the rate of ten per cent per annum on such additional amount shall be payable till that amount is paid or offered for payment²⁷³ :</p> <p>Provided that the compensation determined by the Arbitration Appellate Tribunal in respect of each land owner shall not exceed the amount specified in the award of the Arbitrator by more than ten per centum.]</p>
Payment of additional compensation	<p>34A. When additional compensation is required to be paid in pursuance of an award under this Part, such compensation shall be paid to the persons entitled thereto immediately after the said additional amount is deposited by the requiring person with the Deputy Commissioner:</p> <p>Provided that the requiring person shall deposit the additional amount with the Deputy Commissioner within one month from the date of receipt of notice in this behalf from the Deputy Commissioner:</p> <p>Provided further that the Deputy Commissioner shall send the notice to deposit the amount of additional compensation within one month from the date of the award of the Arbitrator or, as the case may be, decision of the Arbitration Appellate Tribunal.]</p>
Deputy Commissioner and Arbitrator to have certain powers of Civil Court	<p>36. The Deputy Commissioner and the Arbitrator, while holding any enquiry or proceedings under this Act, shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (V of 1908) for the purpose of –</p> <p>(a) summoning and enforcing the attendance of any person, and examining him on oath;</p> <p>(b) compelling the production of any document or record;</p> <p>(c) reception of evidence on affidavit;</p>

²⁷³ The colon (:) was substituted for the full stop (.) and the proviso was added thereto by section 10 of the Acquisition and Regulation of Immovable Property (Amendment) Act, 1994 (Act No. XX of 1994).

²⁷⁴ Section 34A was inserted by section 11 of the Acquisition and Regulation of Immovable Property (Amendment) Act, 1994 (Act No. XX of 1994).

	<p>(d) issuing commission for examination of witnesses;</p> <p>(e) requisitioning any public record from any Court or office.</p>
Power to enter and inspect	<p>37. (1) With a view to acquiring or requisitioning any property or determining the compensation payable in respect thereof or securing compliance with an order made under this Ordinance, the Deputy Commissioner or any officer, generally or specially authorised by the Deputy Commissioner in this behalf, and any of the assistants and workmen may:</p> <p>(a) enter upon and survey and take levels of any property;</p> <p>(b) inspect any property or anything therein;</p> <p>(c) measure and set out the boundaries and prepare a plan of any property and the intended line of the work, if any, proposed to be made thereon;</p> <p>(d) mark such levels, boundaries and line by placing marks and cutting trenches, and, where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, cut down and clear away any part of any standing crop, tree or jungle:</p> <p>Provided that no person shall enter upon any property without the consent of the occupier thereof unless at least twenty-four hours' previous notice in writing of his intention to do so has been given.</p> <p>(2) The Deputy Commissioner or the officer authorised by him under sub-section (1) shall, at the time of entry upon any property, pay or tender payment for all necessary damage to be done in such property, and, in case of dispute as to the sufficiency of the amount so paid or tendered, the decision of the Deputy Commissioner shall be final.</p>
Power to obtain information	<p>38. With a view to acquiring or requisitioning any property or determining the compensation payable in respect thereof, the Deputy Commissioner may, by order in writing, require any person to furnish to such officer or authority, as may be specified in the order, such information in his possession as may be specified relating to any property which is acquired or requisitioned, or intended to be acquired or requisitioned, under this Ordinance.</p>
Service of notices and orders	<p>39. (1) Save as otherwise expressly provided in this Ordinance and subject to rules made thereunder, every notice or order issued or made under this Ordinance shall be served by delivering or tendering it to the person named therein or the person on whom it is required to be served under this Ordinance.</p> <p>(2) When such person cannot be found or the notice or order cannot be so delivered or</p>

	<p>tendered, the service of the notice or order may be made by delivering or tendering it to any officer or such person or to any adult male member of the family of such person residing with him or, if no such officer or member can be found, by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which that person ordinarily resides or carries on business or personally works for gain, and also by affixing a copy thereof in some conspicuous place in the office of the authority or officer issuing or making it and, where possible, in some conspicuous part of the property to which it relates:</p> <p>Provided that, if such authority or officer so directs, the notice or order may be sent by registered post in a letter addressed to the person named therein, or on whom it is required to be served, at his last known residence, address or place of business or work.</p>
Penalty	40. Any person who contravenes or attempts to contravene or abets or attempts to abet a contravention of any order made under this Ordinance or who willfully obstructs any person in doing any of the acts authorised or permitted under this Ordinance or any rule made thereunder shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Taka, or with both.
Enforcement of surrender	41. If the Deputy Commissioner is opposed or impeded in taking possession of any property under this Ordinance, he shall enforce the surrender of the property to himself, and may use or cause to be used such force for the purpose as may be necessary.
Exemption from stamp duty and fees	42. No award made under this Ordinance shall be chargeable with stamp duty, and no person claiming any interest under any such award shall be liable to pay any fee for a copy of the same.
Indemnity	43. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Ordinance or any order or rule made thereunder.
Bar to jurisdiction of Court	44. Save as otherwise expressly provided in this Ordinance, no Court shall entertain any suit or application against any order passed or any action taken under this Ordinance, and no injunction shall be granted by any Court in respect of any action taken or to be taken in pursuance of any power conferred by or under this Ordinance.
Delegation of powers	45. The Government may, by order notified in the official Gazette, direct that any power conferred or any duty imposed on it by this Ordinance shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised or discharged also by such officer or authority as may be so specified.
Power to make rules	46. (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

	<p>(a) the procedure to be followed in taking possession of any property acquired or requisitioned under this Ordinance;</p> <p>(b) the procedure to be followed by the Arbitrators and the Arbitration Appellate Tribunal;</p> <p>(c) the manner of enforcement of surrender of any property under section 41;</p> <p>(d) any other matter which has to be or may be prescribed.</p>
Special savings relating to Act XIII of 1948	47. Notwithstanding the ceasing of the Emergency Requisition of Property Act, 1948 (E.B. Act XIII of 1948), on the expiry of the period of its operation, all proceedings and matters, including all notices, notifications and orders, relating to requisition or acquisition of any property or compensation or award in respect of any property requisitioned or acquired and all applications and appeals pending before any authority, arbitrator or Court under that Act shall be continued, enforced, heard or disposed of as if that Act had not ceased to have effect and were continuing in operation.
Repeals and savings	<p>48. (1) The Land Acquisition Act, 1894 (I of 1894), is hereby repealed.</p> <p>(2) Notwithstanding such repeal, all proceedings and matters, including all notices, notifications and orders, relating to requisition or acquisition of any property or compensation or award in respect of any property requisitioned or acquired and all applications and appeals pending before any authority, arbitrator or Court under the said Act shall be continued, enforced, heard or disposed of as if this Ordinance had not been made and promulgated.</p> <p>(3) Subject to the provisions of sub-section (2), the provisions of the <u>General Clauses Act, 1897</u> (IX of 1897), shall apply to the repeal and re-enactment of the said Act by this Ordinance.</p>

**THE CANTONMENTS (REQUISITIONING OF IMMOVABLE PROPERTY)
ORDINANCE, 1948**
(ORDINANCE NO. IV OF 1948).

WHEREAS an emergency has arisen which makes it necessary to requisition immovable property within the limits of Cantonments for purposes other than of the Cantonment Boards²⁶;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935²⁷ (1935) the Governor-General is pleased to make and promulgate the following Ordinance:

Section/ Short	Descriptions
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²⁶ Throughout the Act, the words "Bangladesh" and "Government" were substituted for the words "Pakistan" and "Central Government" respectively by section 3 and the Second Schedule of the [Bangladesh \(Legal Provisions\) Act, 1973](#) (No. 19 of 1973).

²⁷ The words, brackets, commas, figures and other symbols in the Pakistan Provisional Constitution Order, 1947, and of all other orders making provision for the transfer of powers and functions and the Second Schedule of the [Bangladesh \(Legal Provisions\) Act, 1973](#) (No. 19 of 1973).

Title Requisition of immovable property	<p>2. (1) If in the opinion of the Government it is necessary or expedient so to do, the Government may by order in writing requisition any immovable property (excluding the places of religious worship) and may make such further orders as appear to it to be necessary or expedient in connection with requisitioning.</p> <p>(2) Where the Government has requisitioned any immovable property under the preceding sub-section it may use or deal with the property in such manner as it thinks fit.</p>
Release of requisitioned property and delivery of its possession, etc	<p>3. (1) Where any property requisitioned under section 2 is to be released from requisition, the Government may after making such inquiry, if any, as it considers necessary, specify by order in writing, the person to whom possession of the property shall be given.</p> <p>(2) The delivery of possession of the property to the person specified in an order made under sub-section (1) shall be a full discharge of the Government from all liability in respect of such delivery but shall not prejudice any rights in respect of the property which any other person may be entitled by due process of law to enforce against the person to whom possession of the property is so delivered.</p> <p>(3) Where the person to whom possession of any property is to be given cannot be found and has no agent or other person empowered to accept delivery on his behalf, the Government shall cause a notice declaring that the property is released from requisitioning to be published in the official Gazette and to be affixed on some conspicuous part of the property.</p> <p>(4) When a notice referred to under sub-section (3) is published in the official Gazette, the property specified in the notice shall cease to be subject to requisitioning on and from the date of such publication and shall be deemed to have been delivered to the person entitled to the possession thereof, and the Government shall not be liable for any compensation or other claim in respect of the property for any period after the date of the said notification.</p>
Compensation for requisitioned property	<p>4. Where any immovable property is requisitioned under this Ordinance, there shall be paid compensation the amount of which shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say:-</p> <p>(a) Where the amount of compensation can be fixed by agreement it shall be paid in accordance with such agreement.</p> <p>(b) Where no such agreement can be reached the Government shall under the rules to be framed by it, under the clause fix a reasonable amount of compensation. The rules so framed specifying the principles on which and the manner in which compensation is to be determined shall be notified in the official Gazette.</p>

	(c) The compensation fixed the Government under clause (b) above shall be final and no suit or appeal shall lie against Government before any court of law in that behalf.
Acquisition of information relating to immovable property	5. (1) The Government may, with a view to carrying out the purposes of this Ordinance, by order require any person to furnish to such authority as may be specified in the order such information in his possession relating to any immovable property as may be so specified. (2) If any person fails to furnish the information required by order under sub-section (1) or furnishes any information which is false and which he either knows or has reason to believe to be false or does not believe to be true shall be punishable with imprisonment with a term which may extend to six months or with fine up to five hundred [₹/ taka] or with both.
Powers to secure compliance with an order	6. The Government may take or cause to be taken such steps and use or caused to be used such force as may in the opinion of that Government be reasonably necessary for securing compliance with any order made by it under this Ordinance.
Delegation of powers by Government	7. The Government may by order notified in the official Gazette, direct that any power conferred or any duty imposed on it by this Ordinance shall in such circumstances and under such conditions, if any, as may be specified in the direction be exercised or discharged by such officer as may be so specified.

²⁸ The word "take" was substituted for the word "require" by section 3 and the Second Schedule of the [Amendment Law Revision And Distribution Act, 1973](#) (Act No. VIII of 1973).

THE BANGLADESH BRIDGE AUTHORITY ORDINANCE, 1985
(ORDINANCE NO. XXXIV OF 1985).

An Ordinance to provide for the establishment of the ²⁷⁷[Bangladesh Bridge Authority].

WHEREAS it is expedient to provide for the establishment of the ²⁷⁸[Bangladesh Bridge Authority] and for matters connected therewith

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

Section/Short Title	Descriptions
Definitions	<p>2. In this Ordinance, unless there is anything repugnant in the subject or context :-</p> <p>(a) "Authority" means the ²⁷⁹[Bangladesh Bridge Authority] established under this Ordinance;</p> <p>²⁸⁰ (aa) "bridge" means a bridge having a length of one thousand five hundred metres or more on any river or water body established or being established by the Authority, and includes-</p> <p>(i) a multipurpose bridge,</p> <p>(ii) approach roads of any such bridge,</p> <p>(iii) slope, berm, borrow-pits and side drains of the approach roads of any such bridge,</p> <p>(iv) all lands and embankments attached to any such bridge vested in the Authority for the purpose of the bridge,</p> <p>(v) all ghats, landing places, jetties, spurs and protective bunds in the river or water body within the area of any such bridge.</p>

²⁷⁷ The words "Bangladesh Bridge Authority" were substituted for the words "Bangladesh Bridge Authority" by section 1 of the Bangladesh Bridge Authority (Amendment) Act, 1986 (Act No. 13 of 1986) and deleted from 1985 (the number 2007).

²⁷⁸ The words "Bangladesh Bridge Authority" were substituted for the words "Bangladesh Bridge Authority" by section 1 of the Bangladesh Bridge Authority (Amendment) Act, 1986 (Act No. 13 of 1986) and deleted from 1985 (the number 2007).

²⁷⁹ The words "Bangladesh Bridge Authority" were substituted for the words "Bangladesh Bridge Authority" by section 1 of the Bangladesh Bridge Authority (Amendment) Act, 1986 (Act No. 13 of 1986) and deleted from 1985 (the number 2007).

²⁸⁰ The words "bridge" were substituted for the words "bridge" by section 1 of the Bangladesh Bridge Authority (Amendment) Act, 1986 (Act No. 13 of 1986) and deleted from 1985 (the number 2007).

<p>(vi) river or water bed below the area of any such bridge;</p> <p>(b) "Chairman" means the Chairman of the Authority;</p> <p>(c) "Executive Director" means the Executive Director appointed under this Ordinance;</p> <p>(d) "Government Agency" means any Ministry, Division, Department or Organisation of the Government and includes a Corporation or other body or authority established by a law for the time being in force or set up by the Government;</p> <p>²⁸(d) "maintenance", in relation to a bridge or toll-road, includes maintenance of such facilities and establishments as may be necessary for the purpose of keeping the bridge or, as the case may be, the toll-road fit for use and for preserving and protecting it, and, in relation to a bridge, it also includes maintenance of river training works;</p> <p>²⁹(e) "multipurpose bridge" means a bridge established for more than one purpose;</p> <p>(f) "Member" means a member of the Authority;</p> <p>³⁰(g) "operation", ³⁰[in relation to a bridge or toll-road, includes] control of traffic and inspection of vehicles on such ³⁰[bridge or toll-road] or within the restricted area, and activities connected therewith;</p> <p>(h) "prescribed" means prescribed by rules or regulations made under this Ordinance;</p> <p>³⁶(hh) "regulation" means a regulation made by the Authority under this Ordinance;</p> <p>i) "restricted area" means such area or areas in the vicinity of ³⁷[a bridge or toll-road, as the case may be,] as the Authority may specify for the purposes of this Ordinance;</p>

²⁸ Clause 1(d) was substituted by section 2 of the Income Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXII of 1998).

²⁹ Clause (c) was substituted by section 2 of the Income Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXII of 1998).

³⁰ Clause (g) (i) (ii) (d) (e) was substituted for clause (g) (i) (ii) (d) (e) of the Income Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXII of 1998).

³¹ The words and phrases "a bridge or toll-road" were substituted for the words "a bridge" in relation to the multipurpose bridge, under the control of the appropriate authority, by section 2 of the Income Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXII of 1998).

³² The words "bridge or toll-road" were substituted for the words "road or toll-bridge" by section 2 of the Income Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXII of 1998).

³³ Clause 1(h) was inserted by section 2 of the Income Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXII of 1998).

	<p>²⁶(j) "river training works" means guide bunds, ground, embankments, protected banks, filled areas and other works forming the protection system of a bridge, both upstream and downstream, and, in relation to any bridge on any river, includes the protection works thereof;]</p> <p>(k) "rule" means a rule made by the Government under this Ordinance;</p> <p>(l) "toll-road" means a road, ²⁶[by-pass] flyover, expressway, causeway or ring road constructed or being constructed by the Authority for the use of which toll shall be charged and collected from the users, and includes-</p> <p>(i) the slope, berm, borrow-pits and side drains of any such road,</p> <p>(ii) all lands and embankments attached to any such road vested in the Authority for the purpose of the road,</p> <p>(iii) access or link roads, if any, of any such road,</p> <p>(iv) all bridges and culverts built on or across any such road,</p> <p>(v) all fences, posts, structures and facilities on any such road or on any land attached to any such road and all road side trees on such land.]</p>
Ordinance to override other laws, etc	3. The provisions of this Ordinance and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.
Establishment of the Authority	<p>4. (1) There shall be an Authority to be called the ²⁶[Bangladesh Bridge Authority] for carrying out the purpose of this Ordinance.</p> <p>(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.</p>

²⁶ The words and the expression "bridge or viaduct, or the same may be," were substituted for the words "the engineering works" by section 1 of the Income Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXII of 1998).

²⁷ Chapter 1 was substituted by section 1 of Income Multipurpose Bridge Authority (Amendment) Act, 2001 (Act No. LXXI of 2001) with effect from 18th December, 2001.

²⁸ The word and expression "by-pass" were substituted for the word "by-pass" by section 1 of Income Multipurpose Bridge Authority (Amendment) Act, 2001 (Act No. LXXI of 2001) with effect from 18th December, 2001.

²⁹ The words "Bangladesh Bridge Authority" were substituted for the words "Income Multipurpose Bridge Authority" by section 1 of Income Multipurpose Bridge Authority (Amendment) Act, 2001 (Act No. LXXI of 2001) with effect from 18th December, 2001.

Composition of the Authority	<p>²⁶6. The Authority shall consist of the following members, namely:-</p> <p>(a) Minister-in-charge of the Ministry or Division dealing with the Authority, who shall also be the Chairman of the Authority, ex-officio;</p> <p>(b) Secretary-in-charge of the Ministry or Division dealing with the Authority, who shall also be the Vice-Chairman of the Authority, ex-officio;</p> <p>(c) Chief of General Staff, Bangladesh Army, ex-officio;</p> <p>(d) Secretary-in-charge of the Ministry or Division dealing with roads and railways, ex-officio;</p> <p>(e) Secretary-in-charge of the Ministry or Division dealing with police, ex-officio;</p> <p>(f) Secretary-in-charge of the Ministry or Division dealing with electricity and gas, ex-officio;</p> <p>(g) Secretary-in-charge of the Ministry or Division dealing with land, ex-officio;</p> <p>(h) Secretary-in-charge of the Ministry or Division dealing with water resources, ex-officio;</p> <p>(i) Secretary-in-charge of the Ministry or Division dealing with economic relations, ex-officio;</p> <p>(j) Secretary-in-charge of the Ministry or Division dealing with finance, ex-officio;</p> <p>(k) Secretary-in-charge of the Ministry or Division dealing with law, ex-officio;</p> <p>(l) Member, Planning Commission, dealing with physical infrastructure, ex-officio;</p> <p>(m) Executive Director, who shall also be the Secretary to the Authority, ex-officio.]</p>
Functions of the Authority	<p>7. Subject to general direction, supervision and control of the Government, the functions of the Authority shall be to-</p>

²⁶ Section 6 was substituted by section 3 of the Jammu & Kashmir Bridge Authority (Amendment) Act, 1993 (Act No. 32B of 1993).

	<p>²⁶²(a) undertake a feasibility studies for the establishment of bridges or for the construction of toll-roads;</p> <p>(b) prepare comprehensive plans for the establishment of bridges or for the construction of toll-roads for the consideration and approval of the Government;</p> <p>(c) take all necessary actions for the implementation of the plans approved by the Government under clause (b);</p> <p>(d) undertake steps to secure required fund both from external and internal sources for the implementation of such ²⁶³plans;</p> <p>²⁶⁴(e) enter into agreements with various agencies or organisations, internal or external, for securing funds for the implementation of such plans;</p> <p>²⁶⁵(f) carry on administration, management, operation and maintenance of bridges and toll-roads established or constructed by it;</p> <p>²⁶⁷(g) take necessary steps to control, regulate or prohibit on, above or under any bridge or toll-road or in any part</p> <p>thereof, or in any restricted area of a bridge or toll-road, or in any part thereof, movement of any vehicles, men, animals or goods or carrying on any kind of activity or work, including construction, installation, repairing, or excavation work, which is prejudicial or likely to be prejudicial to the administration, management, operation, maintenance, preservation, safety and land use plan of such bridge or toll-road;</p> <p>(gg) provide for the control, regulation and safety of traffic and vehicles on any bridge or toll-road and for the prevention and removal of obstructions, encroachments and nuisances on or near any bridge or toll-road;</p> <p>(h) do all necessary acts and things connected with the above functions and such other functions as may be advised by the Government for the purposes of this Ordinance.)</p>
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²⁶² Clause (a) (i) (a) (i) was substituted by section 5 of the Jammu Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. 522 of 1998).

²⁶³ The word "plans" was substituted for the word "plan" by section 7 of the Jammu Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. 522 of 1998).

²⁶⁴ Clause (e) was substituted by section 10 of the Jammu Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. 522 of 1998).

²⁶⁵ Clause (f) (i) and (ii) were substituted of the Jammu Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. 522 of 1998).

²⁶⁶ Clause (f) was substituted by section 11 of the Jammu Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. 522 of 1998).

²⁶⁷ Clause (g) (a) (i) (a) (i) was substituted by section 12 of the Jammu Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. 522 of 1998).

Meetings of the Authority	<p>8. (1) The meetings of the Authority shall be held at such ²⁸⁸[times] and places and in such manner as may be prescribed:</p> <p>Provided that, until so prescribed, such meetings shall be held at such times and places as may be determined by the Chairman.</p> <p>(2) To constitute a quorum at a meeting of the Authority, not less than one-third of the total number of members shall be present:</p> <p>Provided that for calculating the requisite one-third of the number of members, fraction of one-third shall be ignored and fraction of two-thirds shall be rounded off into a whole number.</p> <p>[(3) All meetings of the Authority shall be presided over by the Chairman and, in his absence, by the Co-Chairman; and in the absence of both the Chairman and the Co-Chairman, by the Vice-Chairman.]</p> <p>(4) All matters at a meeting of the Authority shall be decided by the votes of the majority of the members present and voting.</p> <p>(5) At a meeting of the Authority, each member shall have one vote and, in the event of equality of votes, the person presiding shall have a second or casting vote.</p> <p>(6) No act or proceeding of the Authority shall be invalid or be called in question merely on the ground of any vacancy in, or any defect in the constitution of, the Authority.</p>
Acquisition of land	<p>9. (1) Any land required by the Authority for carrying out the purpose of this Ordinance shall be deemed to be needed for a public purpose and such land may be requisitioned or acquired according to the requirements of the Authority.</p> <p>(2) Whenever the Authority decides to lease or sell land acquired by it from any person, it shall offer to that person, or his heirs, executors or administrator, as the case may be, a prior right to take on lease or to purchase such land, at a rate to be fixed by the Authority.</p> <p>(3) If, in any case, two or more persons claim to exercise a right offered under subsection (2), to take on lease or to purchase any land, the right shall be exercisable by the persons who agree to pay the highest sum for the land, not being less than the rate fixed</p>

²⁸⁸ The word "times" was substituted for the word "days" by section 4 of Ordinance No. 18 of 2001 (in force from 18th October, 2001).

	by the Authority under that sub-section to the exclusion of the others.
General powers of the Authority	<p>10. (1) Subject to the other provisions of this Ordinance and the rules made thereunder²⁵⁹] the Authority may take such measures and exercise such powers as may be necessary for carrying out the purposes of this Ordinance.</p> <p>(2) Without prejudice to the generality of the foregoing powers, the Authority may-</p> <p>(a) cause studies, surveys, experiments and technical researches to be made or contribute towards the cost of any such studies, experiments or technical researches made by any other person at the request of the Authority;</p> <p>(b) train personnel for the purposes of the²⁶⁰]any bridge or toll-road];</p> <p>(c) undertake any work or incur any expenditure within the budget or special allotment of fund for the purposes of the²⁶¹]any bridge or toll-road];</p> <p>(d) place wires, poles, wall brackets, pipes, apparatus and appliances and erect pillars and construct bridge for transmission of electricity, gas, telephonic or telegraphic communications or movement of railways or road transport necessary for the²⁶²] establishment, construction, operation or maintenance of any bridge or toll-road];</p> <p>(e) seek and obtain advice and assistance for any purpose relating to the²⁶³]any bridge or toll-road] from any local authority or Government agency and such local authority or Government agency shall give advice and assistance sought by the Authority to the best of its ability, knowledge and judgement and the expenditure, if any, involved in such advice or assistance shall be borne by the Authority²⁶⁴];</p> <p>(f) allow, under written agreement or other suitable arrangement, any Government agency or other organisation or person to install, operate and maintain such establishment and facilities on²⁶⁵]any bridge or toll-road or in any part of the restricted area thereof] as the Authority may consider necessary for public purpose;</p>

²⁵⁹ The word "(1)" was inserted after the word "thereunder" by section 9 of the Jammu Multipurpose Bridge Authority (Amendment) Act, 2009 (Act No. 15 of 2009) with effect from 18. December, 2009.

²⁶⁰ The words "any bridge or toll-road" were substituted for the words "multipurpose bridge" by section 6 of the Jammu Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. 122 of 1998).

²⁶¹ The words "any bridge or toll-road" were substituted for the words "multipurpose bridge" by section 6 of the Jammu Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. 122 of 1998).

²⁶² The words and phrases "establishment, construction, operation or maintenance of any bridge or toll-road" were substituted for the words and phrases "establishment, operation and maintenance of any multipurpose bridge" by section 6 of the Jammu Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. 122 of 1998).

²⁶³ The words "any bridge or toll-road or in any part of the restricted area thereof" were substituted for the word "the multipurpose bridge or toll-road or any part thereof" by section 6 of the Jammu Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. 122 of 1998).

²⁶⁴ The word "shall" was substituted for the word "may" and the word "and" was substituted for the word "or" by section 6 of the Jammu Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. 122 of 1998).

²⁶⁵ The words "any bridge or toll-road or in any part of the restricted area thereof" were substituted for the words "the multipurpose bridge or any part of the restricted area" by section 6 of the Jammu Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. 122 of 1998).

	<p>(g) charge and collect fees and tolls for the use of ³⁰⁷any bridge or toll-road or any part of the restricted area thereof] by any Government agency or other organisation or person or any specified class of them;</p> <p>(h) prohibit, for the purpose of maintenance of ³⁰⁷any bridge or toll-road or for such other purposes as the Authority may consider necessary, the use of the bridge or toll-road] or any part thereof by all or any class of user for a specified period.</p> <p>Provided that where the Authority so prohibits, it shall notify all concerned in such manner as it may consider appropriate in the prevailing circumstances.]</p>
Clearing and breaking of certain land prohibited	<p>11. ³⁰⁸(1) No person shall, except with the previous permission of the Authority, clear or break any land or erect or remove any structure within or from ³⁰⁹any restricted area] or such part thereof as the Authority may specify.]</p> <p>(2) The Authority shall pay compensation to such persons as may be affected by the prohibition under sub-section (1) in such manner and at such rate as may be prescribed.</p>
Power to entry	<p>12. (1) The Executive Director or any ³⁰⁹officer of the Authority or other person] authorised by him in this behalf may, with or without assistants or workmen, enter into or upon any</p> <p>land or order to make any inspection, survey, experiment or enquiry or to erect pillars, make boring and excavation or to do any other act which may be necessary for the purpose of the Ordinance:</p> <p>Provided that no such entry shall be made without giving the owner or the occupier of the land at least three days previous notice of the intention to make such entry.</p> <p>(2) The Authority shall pay compensation for the damage, if any, caused to the land on account of any action under sub-section (1) at such rate and in such manner as may be prescribed.</p>
Closure of bridges or toll-roads	<p>20B. If the Authority is of opinion that any bridge or toll-road, or any specified part thereof, can not be used without danger to the users or the public, or is no longer in a fit state for the carriage of any specified class of traffic, it may, by notice in writing</p>

³⁰⁷ The words "any bridge or toll-road" were substituted for the words "any bridge or toll-road" by section 4 of the Jammu Multipurpose Bridge Authority (Amendment) Act, 1991 (Act No. 222 of 1991).

³⁰⁸ The words and expression "any bridge or toll-road" as extended to for such other purposes as the Authority may consider necessary, the use of the bridge or toll-road" were substituted for the words and expression "any bridge or toll-road" for such other purposes as the Authority may consider necessary, the use of the bridge" by section 4 of the Jammu Multipurpose Bridge Authority (Amendment) Act, 1991 (Act No. 222 of 1991).

³⁰⁹ Sub-section (1) was substituted by section 7 of the Jammu Multipurpose Bridge Authority (Amendment) Act, 1991 (Act No. 222 of 1991).

³¹⁰ The words "any restricted area" were substituted for the words "any restricted area" by section 7 of the Jammu Multipurpose Bridge Authority (Amendment) Act, 1991 (Act No. 222 of 1991).

³¹¹ The words "officer of the Authority or other person" were substituted for the words "officer" by section 8 of the Jammu Multipurpose Bridge Authority (Amendment) Act, 1991 (Act No. 222 of 1991).

	displayed prominently in or near such bridge or toll-road, order that the bridge or toll-road, or any specified part thereof, shall be closed to the users or the public or to all traffic or to any specified class of traffic
Prevention of encroachments, etc	20C. The Authority may take such measures, including causing use of force, as may be necessary for the prevention of any encroachments or obstructions, movable or immovable, or any nuisance on, over, under or near any bridge or toll-road or in any part thereof, or for removal of the same therefrom.

ঢাকা এপিভেটের এন্ড্রসেস ওয়ে প্রকল্প (ভূমি অধিগ্রহণ) আইন, ২০১১
(২০১১ সনের ১১ নং আইন)

২০C. ঢাকা এপিভেটের এন্ড্রসেস ওয়ে প্রকল্প ব্যবহারের লক্ষ্যে ভূমি অধিগ্রহণের জন্য প্রয়োজনীয় বিধান প্রদানকল্পে প্রণীত আইন যেহেতু ঢাকা এপিভেটের এন্ড্রসেস ওয়ে প্রকল্প ব্যবহারের লক্ষ্যে ভূমি অধিগ্রহণের জন্য প্রয়োজনীয় বিধান প্রদান করা সম্বলিত ও প্রয়োজনীয়;

সেহেতু এতদ্বারা নিম্নরূপ আইন করা হইল -

ধারা/শিরোনাম	বর্ণনা
সংজ্ঞা	২। বিধি বা এরূপের পরিপন্থি কোন কিছু না থাকিলে, এই আইনে - (১) "অধিশনার" অর্থ সর্বোচ্চ বিভাগীয় অধিশনার; (২) "অধিপক্ষ" অর্থ Bangladesh Bridge Authority Ordinance, 1985 (Ordinance No. XXXIV of 1985) এর section 4 এর অধীন প্রতিষ্ঠিত Bangladesh Bridge Authority; (৩) "অন্য বর্ষ বিদেশী উদ্দেশ্য" অর্থ ঢাকা এপিভেটের এন্ড্রসেস ওয়ে প্রকল্প ব্যবহারের বাবা প্রদান, দিগ্ন সৃষ্টি বা নিশ্চিত করার লক্ষ্যে, কোন কাজ বা ব্যবস্থা গ্রহণকাল পর্যন্ত অন্য কোনো বা অন্য কোনভাবে আর্থিক সুবিধা লাভের উদ্দেশ্যে; (৪) "নেসুটি পরিদায়ক" অর্থ Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance No. II of 1982) এর section 2(b) এ সংজ্ঞায়িত Deputy Commissioner; (৫) "প্রকল্প" অর্থ Bangladesh Bridge Authority Ordinance, 1985 (Ordinance No. XXXIV of 1985) এর অধীন ঢাকা এপিভেটের এন্ড্রসেস ওয়ে নির্মিত ও পরিচালনার উদ্দেশ্যে পৃথক পৃথক এপিভেটের এন্ড্রসেস ওয়ে প্রকল্প; (৬) "স্বত্ব" অর্থ যে কোন প্রতিষ্ঠান, কোম্পানী বা দেশী বা বিদেশী সংস্থাও অন্তর্ভুক্ত হইবে; (৭) "ভূমি অধিগ্রহণ অধ্যাদেশ" অর্থ Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance No. II of 1982)।

আইনের প্রবেশ	৩. ভূমি অধিগ্রহণ অধ্যাদেশ, তদন্বয়ী ক্রমিক বিধি বা আশ্রয়িতা কবলং অন্য কোন আইন বা বিধিতে বিপরীত যাহা কিছুই থাকুক না কেন, প্রকল্প বাস্তবায়নের লক্ষ্যে ভূমি অধিগ্রহণের ক্ষেত্রে এই আইনের বিধান প্রাধান্য পাইবে।
প্রকল্পের জন্য ভূমি অধিগ্রহণ	৪. এই আইনের অন্যান্য বিধান সাপেক্ষে, প্রকল্প বাস্তবায়নের লক্ষ্যে ভূমি অধিগ্রহণের প্রয়োজন হইলে উহা জনস্বার্থে প্রয়োজন করিয়া গণ্য হইবে এবং কর্তৃপক্ষের চাহিদা অনুযায়ী উক্ত ভূমি, ভূমি অধিগ্রহণ অধিদপ্তরে বিধান অনুযায়ী অধিগ্রহণ করা যাইবে।
কিনেশ বিধান	<p>৫. (১) প্রকল্প বাস্তবায়নের লক্ষ্যে ভূমি অধিগ্রহণের লোশি প্রদানের পর অধিগ্রহণাধীন ভূমির উপর অন্তর্গত বিদ্যমান উদ্দেশ্যে কোন দর-বাড়ি বা স্থাপনা বা ভূমির শ্রেণী পরিবর্তন কর হইলে উক্তরূপ পরিবর্তনের জন্য কোন ব্যক্তি ক্ষতিপূরণ পত্রের অধীনস্থ হইবে না।</p> <p>(২) ভূমি অধিগ্রহণ অধ্যাদেশ ধারা ৮ এর অধীন ক্ষতিপূরণ নির্ধারণকালে ত্রেপুটি কমিশনার যদি এই মর্মে সন্তুষ্ট হন যে, প্রকল্প বাস্তবায়নের লক্ষ্যে অধিগ্রহণাধীন কোন ভূমির উপর নির্দিষ্ট বা নির্মাণাধীন কোন দর-বাড়ি বা অন্য কোন প্রকার স্থাপনা জনস্বার্থ বিয়োমী উদ্দেশ্যে নির্মাণ করা হইয়াছে বা নির্মাণাধীন আছে বা একই উদ্দেশ্যে কোন দর-বাড়ি বা স্থাপনা বা ভূমির শ্রেণী পরিবর্তন করা হইয়াছে, তাহা হইলে তিনি উক্তরূপ দর-বাড়ি বা স্থাপনা বা পরিবর্তনকে উক্ত ধারা ৮ এর অধীন ক্ষতিপূরণ প্রদানের জন্য বিবেচনা করিবেন না এবং এইরূপ ক্ষতিপূরণের দাবি যদি থাকে, প্রত্যাহার করিবেন।</p> <p>(৩) উপ-ধারা (২) এর অধীন দাবী প্রত্যাহারের কারণে সংশ্লিষ্ট কোন ব্যক্তি, প্রত্যাহার আদেশ জারি হইবার সাত দিনের মধ্যে ক্ষতিপূরণের দাবিতে কমিশনারের নিকট উক্ত প্রত্যাহারের বিলম্বে আপীল দায়ের করিতে পরিবেন।</p> <p>(৪) কমিশনার, উপ-ধারা (৩) এর অধীন আপীল আদেশের প্রতি কর্মনিবন্ধের মধ্যে আপীলের বিলম্বে পরিচালিত তালিকা করিবেন এবং অত্র ধারার অধীনস্থিত কোন নির্দেশনামূলক আদেশ পূর্বে অর্থিক পত্র কর্মনিবন্ধের মধ্যে আপীলের বিষয়ে যথাযথ আদেশ প্রদান করিবেন।</p> <p>(৫) এই আইনের অধীন অধিগ্রহণকৃত ভূমির ক্ষতিপূরণ প্রত্যাহারী সম্বন্ধে নিম্নে উল্লিখিত অর্থ প্রাপ্তির ৬০ (ষাট) দিনের মধ্যে অধিগ্রহণকৃত ভূমির ক্ষতিপূরণ সর্বাঙ্গী ইউনিয়ন পরিষদ বা ওয়ার্ড কমিশনার বা কাউন্সিলের কার্যালয়ে ত্রেপুটি কমিশনার কর্তৃক পূর্বেস্বিকৃত সমন্বয়িত অনুযায়ী প্রকাশ্যে পরিদর্শন করিতে হইবে।</p> <p>(৬) ভূমি অধিগ্রহণ অধ্যাদেশের ধারা ৩ এর অধীন লোশি জারির সময় সর্বাঙ্গী ত্রেপুটি কমিশনার কর্তৃক অধিগ্রহণাধীন ভূমির যে ভিত্তি ও চিত্র প্রদান ও সংজ্ঞা করা হইয়াছে, উক্ত ভিত্তি ও চিত্র এই আইনের উদ্দেশ্য পূরণকল্পে এই আইনের অধীন পৃথিক ও সংশ্লিষ্ট ইউনিয়ন পরিষদ বা ওয়ার্ড কমিশনার বা কাউন্সিলের কার্যালয়ে ত্রেপুটি কমিশনার কর্তৃক পূর্বেস্বিকৃত সমন্বয়িত অনুযায়ী প্রকাশ্যে পরিদর্শন করিতে হইবে।</p> <p>(৭) উপ-ধারা (৪) এর অধীন প্রাপ্ত কমিশনারের আদেশ সর্বাঙ্গী বিষয়ে চূড়ান্ত হইবে।</p>

	<p>(১) উপ-ধারা (৪) এর অধীন প্রাপ্ত আবেদন যদি আশীল নামস্বত্বের হয়, তাহা হইলে উক্তরূপ নামস্বত্ব আবেদন করার ২৪ (চল্লিশ) ঘণ্টার মধ্যে আশীলকর্তার সন্নিবেশিত স্বাক্ষরিত বা স্বাক্ষরিত নিকটস্থ ও দায়িত্বে সহীয়া নিবেদন, অন্যান্য ত্রেণী কর্মসূচির উক্ত দর-বাড়ি বা স্থাপনা প্রকাশ্যে নিলাম বিক্রয় করিয়া বিক্রয়স্বত্ব অর্জন করিয়া কোম্পানিতে জমা করিলে।</p> <p>(২) উপ-ধারা (২) এর অধীন ত্রেণী কর্মসূচির কর্তৃক স্বত্বস্বত্বের দায়িত্বে প্রাপ্ত আবেদন বিক্রয় যদি দায়িত্বের উপ-ধারা (৩) এর অধীন নির্ধারিত সময়ে মধ্যে আশীল দায়িত্ব না করেন, তাহা হইলে উক্ত সময়ে পরবর্তী ২৪ (চল্লিশ) ঘণ্টার মধ্যে তিনি সন্নিবেশিত স্বাক্ষরিত বা স্থাপনা সহীয়া নিবেদন, অন্যান্য ত্রেণী কর্মসূচির উপ-ধারা (৩) এর উল্লিখিত বস্তু গ্রহণ করিলে।</p> <p>(৩) প্রকাশ্য বাস্তবায়নের মধ্যে অনিবেদন কোন ক্ষতি মতি অসং উপস্থাপনা করিয়া বা অন্য কোন উপস্থাপনা উক্ত ক্ষতি প্রতী পরিবেশিত করা হইলে, উক্তরূপ পরিবেশিত অন্য ক্ষতি কোন ক্ষতি হইলে, সরকার সর্বশ্রেষ্ঠ ভূমির মালিকের নিকট হইতে উক্ত ক্ষতি হ্রাস খণ্ডে পরিচালিত ক্ষতিগ্রস্ত নির্মাণ প্রকল্পের ক্ষতিগ্রস্ত আয়্য করিতে পারিলে।</p> <p>(৪) এই আইনের অধীন প্রাপ্ত কোন আবেদন বা পুঁজির কোন কার্যক্রমের বিক্রয় কোন আদায়ত কোন মাফা বা সরকার গ্রহণ করিলে না এবং এই ধারার অধীন বা এই ধারা হইতে প্রাপ্ত ক্ষমতাবলে পুঁজিত বা পুঁজিত কোন কার্যক্রম সম্পর্কে কোন আদায়ত কোন প্রকার নিষেধাজ্ঞা জারি করিতে পারিলে না।</p>
নির্ধারিত ক্ষমতা	৬। এই আইনের উদ্দেশ্য পূরণকল্পে সরকার, সরকারি গোয়েটে প্রজাপন ছাড়া, নিম্ন অধীন করিতে পারিলে।
সেবার সঙ্কট বিশেষ বিধান	<p>৭। (১) ঢাকা এপিডেমিক এন্ড প্রভু সঙ্কট প্রকল্প (ভূমি অধিগ্রহণ) অধ্যাদেশ, ২০১১ (২০১১ সনের ১ নং অধ্যাদেশ) অধঃস্থ উক্ত অধ্যাদেশে পরিচালিত, এর অধীন কৃত কার্যক্রম বা পুঁজিত বস্তু এই আইনের অধীন কৃত বা পুঁজিত হইয়াছে পরিচালিত না হইবে।</p> <p>(২) প্রকল্পের আওতাধীন পরিচালিত অধঃস্থ ৯৩ এর দফা (২) এর বিধান অনুসারে উক্ত অধ্যাদেশের কার্যক্রমের কোন পত্রের সত্ত্বেও অধঃস্থ প্রাপ্ত পুঁজিত ধারাবাহিকতার বা বিবেচিত, ধারাবাহিকতার কোন কার্যক্রম কৃত বা বস্তু পুঁজিত হইয়া থাকিলে উহা এই আইনের অধীন কৃত বা পুঁজিত হইয়াছে বস্তুগ্রহণ গণ্য হইবে।</p>

পদ্মা বহুমুখী সেতু প্রকল্প (ভূমি অধিগ্রহণ) আইন, ২০০৯

পদ্মা বহুমুখী সেতু প্রকল্প বাস্তবায়নের মধ্যে ভূমি অধিগ্রহণের উদ্দেশ্যে এতদ আইন
 ২০০৯ সনের ৩১ নং আইন
 যেহেতু পদ্মা বহুমুখী সেতু প্রকল্প বাস্তবায়নের মধ্যে ভূমি অধিগ্রহণের উদ্দেশ্যে এতদ আইন প্রণয়ন করা সমীচীন ও
 প্রয়োজনীয়।

সেহেতু এতদ আইন নিম্নরূপ আইন করা হইলঃ

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সকল	<p>২) বিষয় বা প্রসঙ্গের পরিপন্থী কোন কিছু না থাকিলে, এই আইনে- (ক) "অধিদপ্তর" অর্থ সর্বশ্রেষ্ঠ বিচারীয় কমিশনার; (খ) "অর্জুপত্র" অর্থ Jamuna Multipurpose Bridge Authority Ordinance, 1985 (Ordinance No. XXXIV of 1985) এর section 4 এর অধীন প্রণীত Jamuna Multipurpose Bridge Authority; (গ) "জনস্বার্থ বিচারী উচ্চশা" অর্থ পদ্মা বহুমুখী সেতু প্রকল্প বাস্তবায়নে যথা প্রদান, বিদ্যুৎ সৃষ্টি বা নিষ্কাশিত করার লক্ষ্যে, কোন কাজ বা ব্যবস্থা গ্রহণে কর্তব্য ক্ষতিপূরণ হিসাবে বা অন্য কোনভাবে আর্থিক সুবিধা লাভের উদ্দেশ্যে; (ঘ) "ভূসুচী ক্রয়নির্দেশ" অর্থ Acquisition and Requisition of Immoveable Property Ordinance, 1982 (Ordinance No. II of 1982) এর section 2(b) এ সংজ্ঞায়িত Deputy Commissioner; (ঙ) "পদ্মা বহুমুখী সেতু প্রকল্প" অর্থ Jamuna Multipurpose Bridge Authority Ordinance, 1985 (Ordinance No. XXXIV of 1985) এর অধীন পদ্মা বহুমুখী সেতু নির্মাণের উদ্দেশ্যে গৃহীত পদ্মা বহুমুখী সেতু প্রকল্প; (চ) "স্বর্জিত" অর্থ যে কোন প্রতিষ্ঠান, যোগাযোগী বা দেশী বা বিদেশী সংস্থাও অন্তর্ভুক্ত হইবে।</p>
পদ্মা বহুমুখী সেতু প্রকল্পের জন্য ভূমি অধিগ্রহণ	<p>৩। এই আইনের অন্যান্য বিধান সাপেক্ষে, পদ্মা বহুমুখী সেতু প্রকল্প বাস্তবায়নের লক্ষ্যে কোন ভূমি অধিগ্রহণের প্রয়োজন হইলে, উহা জনস্বার্থে প্রয়োজন বলিয়া পদ্মা আইনে এক্ষেত্রে সংশ্লিষ্ট আইন অনুযায়ী উক্ত ভূমি Acquisition and Requisition of Immoveable Property Ordinance, 1982 (Ordinance No. II of 1982), অতঃপর ভূমি অধিগ্রহণ আইন বলিয়া উল্লিখিত, এর বিধান অনুযায়ী পরিচালনা কর হইবে।</p>
ধারা ৫ এর প্রাসঙ্গ্য	<p>৪। ভূমি অধিগ্রহণ আইন, তদনুযায়ী ক্রয়িত ভূমি বা আণ্ডতঃ স্থলসম্বন্ধে অন্য কোন আইন বা বিধিতে বিপরীত যাহা কিছুই থাকুক না কেন, পদ্মা বহুমুখী সেতু প্রকল্প বাস্তবায়নের লক্ষ্যে ভূমি অধিগ্রহণের ক্ষেত্রে এই আইনের ধারা ৫ এর বিধান কার্যকর থাকিবে।</p>
বিশেষ বিধান	<p>৫। (১) পদ্মা বহুমুখী সেতু প্রকল্প বাস্তবায়নের লক্ষ্যে অধিগ্রহণযোগ্য ভূমির উপর জনস্বার্থ বিচারী উদ্দেশ্যে নির্মিত বা নির্মাণাধীন ঘর-বাড়ী বা অন্য কোন প্রকার স্থাপনার জন্য বা একই উদ্দেশ্যে কোন ঘর-বাড়ী বা স্থাপনার বা ভূমির শ্রেণী পরিবর্তন কর হইলে উক্তরূপ পরিবর্তনের জন্য কোন ন্যূনতম ক্ষতিপূরণ পাওয়ার অধিকার হইবে না। (২) ভূমি অধিগ্রহণ আইনের ধারা ১১ এর অধীন ক্ষতিপূরণ নির্ধারণকালে ভূসুচী ক্রয়নির্দেশ যদি এই অর্থে শর্তসূত্রে হয় (অর্থাৎ, পদ্মা সেতু প্রকল্প বাস্তবায়নের লক্ষ্যে অধিগ্রহণযোগ্য কোন ভূমির উপর নির্মিত বা নির্মাণাধীন কোন ঘর-বাড়ী বা অন্য কোন প্রকার স্থাপনা জনস্বার্থ বিচারী উদ্দেশ্যে নির্মাণ</p>

করা হইলে বা নির্ধারিত আবেদন বা এই উদ্দেশ্যে কোন খর-বাড়ী বা স্থাপনা বা ভূমির শ্রেণী পরিবর্তন করা হইলে, তাহা হইলে তিনি উক্ত খর-বাড়ী বা স্থাপনা বা পরিবর্তনকে উক্ত ধার ১১ এর অধীন ক্ষতিপূরণ প্রদানের জন্য বিবেচনা করিবেন না এবং এইরূপ ক্ষতিপূরণের দাবী, যদি থাকে, প্রত্যাহাস করিবেন।

(৩) উপ-ধার (২) এর অধীন দাবী প্রত্যাহাসের কারণে সংশ্লিষ্ট কোন বাড়ি, প্রত্যাহাস আদেশ জারি হইবার সাথে নিচের মধ্যে, ক্ষতিপূরণের দাবীতে কমিশনারের নিকট উক্ত প্রত্যাহাসের বিরুদ্ধে আপীল দায়ের করিতে পরিবেন।

(৪) কমিশনার, উপ-ধার (৩) এর অধীন আপীল আবেদন গ্রহণের পাঁচ দিনের মধ্যে, আপীলের বিষয়টি সরাসরি তদন্ত করিবেন এবং অতঃপর আপীলকারীকে তদানীন্তন সুযোগ প্রদানপূর্বক অনন্যক পঁচ দিনের মধ্যে আপীলের উপর তাহের সিদ্ধান্ত প্রদান করিবেন।

(৫) উপ-ধার (৪) এর অধীন প্রাপ্ত কমিশনারের সিদ্ধান্ত সর্বশেষ চূড়ান্ত হইবে।

(৬) উপ-ধার (৪) এর অধীন প্রাপ্ত সিদ্ধান্তের দ্বারা যদি আপীল নামঞ্জুর করা হয়, তাহা হইলে উক্ত খর-বাড়ীতে আবেদনকারীর ২৪ ঘণ্টার মধ্যে আপীলকারী সর্বশেষ খর-বাড়ী বা স্থাপনা নিজ খর-বাড়ী ও দায়িত্বে সরাসরি দায়ী হইবে, অন্যথায় ত্রেপুটি কমিশনার উক্ত খর-বাড়ী বা স্থাপনা একশেষ নীলামে বিক্রি করিয়া বিক্রয়পত্র অর্জন করিলে কোনভাবে ক্ষতি করিবেন।

(৭) উপ-ধার (২) এর অধীন ত্রেপুটি কমিশনার কর্তৃক ক্ষতিপূরণের দাবী প্রত্যাহাসের বিরুদ্ধে যদি দাবীকার উপ-ধার (১) এর অধীন নির্ধারিত সময়ের মধ্যে আপীল দায়ের না করেন, তাহা হইলে উক্ত সময়ের পূর্ণতা ২৪ ঘণ্টার মধ্যে তিনি সর্বশেষ খর-বাড়ী বা স্থাপনা সরাসরি দায়ী হইবে, অন্যথায় ত্রেপুটি কমিশনার উপ-ধার (৬) এ উল্লিখিত ব্যবস্থা গ্রহণ করিবেন।

(৮) এই আইনের অধীন অধিগ্রহণকারী ভূমির ক্ষতিপূরণ প্রত্যাহাস সঙ্গ্রহ নীতি হইতে অর্থ গ্রহণের ৩০ (ষাট) দিনের মধ্যে অধিগ্রহণকারী ভূমি সর্বশেষ ইউনিয়ন পরিষদ কার্যালয়ে, ত্রেপুটি কমিশনার কর্তৃক পূর্ণ যোগ্য সময় সূত্র অনুযায়ী, একশেষ পরিবেশ করিতে হইবে।

(৯) পদ্মা বহুমুখী সেতু প্রকল্প বাস্তবায়নের লক্ষ্যে অধিগ্রহণকারী কোন ভূমির মাটি অসং উদ্দেশ্যে লাগিয়া উক্ত ভূমির শ্রেণী পরিবর্তন করা হইলে, উক্ত খর-বাড়ী পরিবর্তনের জন্য উক্ত ভূমির কোন ক্ষতি হইলে, সরকার সর্বশেষ ভূমির মালিকের নিকট হইতে উক্ত ক্ষতি বাস্তু স্থানস্থ পূর্ণাঙ্গ ক্ষতিপূরণ, যিনি দায়ী নির্ধারিত পদ্ধতিতে, আদায় করিতে পরিবেন।

(১০) ভূমি অধিগ্রহণ আইনের ধার ৩ এর অধীন নোটিশ জারির পর্যায়ে সর্বশেষ ত্রেপুটি কমিশনার কর্তৃক অধিগ্রহণকারী ভূমির শ্রেণী পরিবর্তন করা হইলে, উক্ত ভূমির মালিক এই আইনের উদ্দেশ্যে পূর্ণাঙ্গ, এই আইনের অধীন পুঁজি ও সংশ্লিষ্ট হইলে পূর্ণাঙ্গ হইবে এবং উক্ত ভূমির মালিকের নিকট হইতে উক্ত ক্ষতি বাস্তু স্থানস্থ পূর্ণাঙ্গ ক্ষতিপূরণ, যিনি দায়ী নির্ধারিত পদ্ধতিতে, আদায় করিতে পরিবেন।

	<p>বাহ্যিকভাবে করিতে হইবে।</p> <p>(১১) এই ধারার অধীন প্রদত্ত কোন অংশ বা পৃথক কোন কার্যক্রমে বিরুদ্ধ কোন আদালত কোন মামলা বা দরখাস্ত প্রদান করিতে না, এবং এই ধারার অধীন বা এই ধারা হইতে প্রাপ্ত ক্ষমতাবলে পৃথক বা পৃথকভাবে কোন কার্যক্রমে সম্পর্কে কোন আদালত কোন প্রকার মিয়দাওয়াজা করিতে পারিবে না।</p>
বিধি প্রণয়নের ক্ষমতা	৯। এই আইনের উদ্দেশ্য পূর্বকল্পে সরকার, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা, বিধি প্রণয়ন করিতে পারিবে।
সংসদে সঞ্চার বিধান	<p>৭। (১) পদ্মা নদদুর্গী সেক্টর প্রকল্প (ভূমি অধিগ্রহণ) অধ্যাদেশ, ২০০৭ (২০০৭ সনের ১৪ নং অধ্যাদেশ), অত্রপরি উক্ত অধ্যাদেশ বলিয়া উল্লিখিত, এর অধীন কৃত কার্যক্রম বা পৃথক বাহ্যিক এই আইনের অধীন কৃত বা পৃথক হইয়াছে বলিয়া গণ্য হইবে।</p> <p>(২) গণপ্রজাতন্ত্রী বাংলাদেশের সংবিধানের অনুচ্ছেদ ৯৩ এর শর্তা (২) এর বিধান অনুসারে উক্ত অধ্যাদেশের কার্যকারিতা রোধ পাওয়া সত্ত্বেও অত্রকল্পে পাই বাবদ প্রাপ্ত উদ্যোগ কার্যক্রম বা বিবেচিত কার্যক্রমের কোন কার্যক্রম কৃত বা বাহ্যিক পৃথক হইয়া থাকিলে উহা এই আইনের অধীন কৃত বা পৃথক হইয়াছে বলিয়া গণ্য হইবে।</p>

THE ABANDONED PROPERTY (CONTROL, MANAGEMENT & DISPOSAL) ORDER,

1972

BANGLADESH (PRESIDENT'S ORDER NO. 16 OF 1972).

WHEREAS it is expedient to make provisions for the control, management and disposal of certain property abandoned by certain persons who are not present in Bangladesh or whose whereabouts are not known or who have ceased to occupy or supervise or manage in person their property, or who are enemy aliens;

NOW, THEREFORE, in pursuance of the Proclamation of Independence of Bangladesh, 1971, read with the Provisional Constitution of Bangladesh Order, 1972, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:-

Section/ Short Title	Descriptions
2(1)	<p>"abandoned property" means any property owned by any person who is not present in Bangladesh or whose whereabouts are not known or who has ceased to occupy, supervise or manage in person his property, including:-</p> <p>(i) any property owned by any person who is a citizen of a State which at any time after the 25th day of March, 1971, was at war with or engaged in military operations against the People's Republic of Bangladesh;</p> <p>(ii) any property taken over under the <u>Bangladesh (Taking Over of Control and Management of Industrial and Commercial Concerns) Order, 1972</u> (Acting President's Order No. 1 of</p>

	<p>1972, but does not include-</p> <p>(a) any property the owner of which is residing outside Bangladesh for any purpose which, in the opinion of the Government, is not prejudicial to the interest of Bangladesh;</p> <p>(b) any property which is in the possession or under the control of the Government under any law for the time being in force.</p> <p>Explanation: "Person who is not present in Bangladesh" includes any body of persons or company constituted or incorporated in the territory or under the laws of a State which at any time after the 25th day of March, 1971, was at war with or engaged in military operations against the People's Republic of Bangladesh;</p>
2(5)	<p>"property" means property of any kind, movable or immovable and includes any right or interest in such property and any debt or actionable claim, any security or negotiable instrument, any right under a contract and any industrial or commercial undertaking.</p> <p>Explanation: "Security" includes share, scrip, stock, bond, debenture, debenture stock or other marketable security of a like nature in or of any body corporate and Government security.</p>
5	<p>5. (1) For the purpose of carrying the provisions of this Order into effect, and in particular for the purpose of securing, administration, control, management and disposal, by transfer or otherwise, of abandoned property, the Government may take such measures as it considers necessary or expedient and do all acts and incur all expenses necessary or incidental thereto.</p> <p>(2) Without prejudice to the generality of the foregoing provisions, the Government may, for the said purposes,-</p> <p>(a) constitute one or more Boards for such area or areas or for such abandoned property or such class or classes of abandoned properties and in such manner as may be prescribed;</p> <p>(b) appoint an administrator for any abandoned property on such terms and conditions as may be prescribed;</p> <p>(c) carry on the business in respect of any abandoned property;</p> <p>(d) take action for recovering any money in respect of any abandoned property;</p> <p>(e) make any contract and execute any document in respect of any abandoned property;</p> <p>(f) institute, defend or continue any suit or other legal proceeding, refer any dispute to arbitration and compromise any debts, claims or liabilities arising out of or in connection with</p>

	<p>any abandoned property;</p> <p>(g) raise on the security of any abandoned property such loans as may be necessary;</p> <p>(h) pay taxes, duties, cesses and rates to the Government or to any local authority in respect of abandoned property; and</p> <p>(i) transfer by way of sale, mortgage or lease, or otherwise dispose of, any abandoned property or any easement, interest, profit or right, present or future, arising therefrom or incidental thereto.</p>
7	<p>7. (1) Where any abandoned property is not in possession of any person, the Deputy Commissioner or the Sub-divisional Magistrate, ²⁴ [] or the authorised officer] shall take possession of the property in such manner as may be prescribed.</p> <p>(2) Where any abandoned property is in possession of any person, such person shall, within seven days of the commencement of this Order, surrender such property to the Deputy Commissioner or the Sub-divisional Magistrate, ²⁴ [] or the authorised officer].</p> <p>(3) Where the person in possession of any abandoned property fails to surrender such property as he is required to do under clause (2), the Deputy Commissioner or the Sub-divisional Magistrate, ²⁴ [] or the authorised officer] shall serve a notice on him in the prescribed manner requiring him to surrender possession of the property, within seven days of the service of the notice, to the person mentioned in the notice or to show cause against such surrender within the said period and, if he fails to do so, the Deputy Commissioner or the Sub-divisional Magistrate, ²⁴ [] or the authorised officer] shall take possession of the property in such manner as may be prescribed.</p> <p>(4) Where the person on whom a notice is served under clause (3) shows cause, within the period specified in that clause, against the surrender of the abandoned property, the Deputy Commissioner or the Sub-divisional Magistrate, ²⁴ [] or the authorised officer] as the case may be, shall, after making such local enquiry as he may consider necessary and after giving the person an opportunity of being heard, pass such order as he deems fit.</p>

²⁴ The words "or the authorised officer" as inserted by Article 2 of the [Bangladesh Abandoned Property \(Control, Management and Disposal\) \(Amendment\) Order, 1972](#) (Gazette Order No. 174 of 1972).

²⁵ The words "or the authorised officer" as inserted by Article 2 of the [Bangladesh Abandoned Property \(Control, Management and Disposal\) \(Amendment\) Order, 1972](#) (Gazette Order No. 174 of 1972).

²⁶ The words "or the authorised officer" as inserted by Article 2 of the [Bangladesh Abandoned Property \(Control, Management and Disposal\) \(Amendment\) Order, 1972](#) (Gazette Order No. 174 of 1972).

²⁷ The words "or the authorised officer" as inserted by Article 2 of the [Bangladesh Abandoned Property \(Control, Management and Disposal\) \(Amendment\) Order, 1972](#) (Gazette Order No. 174 of 1972).

²⁸ The words "or the authorised officer" as inserted by Article 2 of the [Bangladesh Abandoned Property \(Control, Management and Disposal\) \(Amendment\) Order, 1972](#) (Gazette Order No. 174 of 1972).

11	<p>(1) Any amount payable in respect of any abandoned property shall be paid to the Government by the person liable to pay the same.</p> <p>(2) Any person who makes a payment under clause (1) shall be discharged from further liability to pay to the extent of the payment made.</p> <p>(3) Any payment made otherwise than in accordance with clause (1) shall not discharge the person paying it from his obligation to pay the amount due, and shall not affect the right of the Government to enforce such obligation against any such person.</p>
14	<p>(1) Any property vested in the Government under this Order shall be exempt from all legal process, including seizure, distress, ejectment, attachment or sale by any officer of a Court or any other authority, and no injunction or other order of whatever kind in respect of such property shall be granted or made by any Court or any other authority, and the Government shall not be divested or dispossessed of such property by operation of any law for the time being in force.</p> <p>(2) Any such legal process as aforesaid subsisting immediately before the commencement of this Order shall cease to have effect on such commencement and all abandoned properties in custody of any Court, receiver, guardian or other person or persons appointed by it, shall upon delivery of the same being called for by the Government, be delivered to the Government.</p> <p>²⁰[(3) No Court shall pass an order in any suit or proceeding granting a temporary or ad-interim injunction restraining the Government or the Deputy Commissioner or the Sub-divisional Magistrate or the authorised officer, or any other officer or person acting under the authority, orders or directions of any of them, from taking possession of any property if any notice under, or purported to be under, any provision of this Order has been served upon any person requiring or directing him to surrender possession of such property, and any such order passed by any Court before the commencement of the <u>Bangladesh Abandoned Property (Control, Management and Disposal) (Amendment) Ordinance, 1976 (L.V of 1976)</u>, shall stand vacated and cease to have effect.]</p>
17	<p>17. (1) Any person who has been in unauthorised possession of any abandoned property shall be liable to pay such compensation for such unauthorised possession as may be assessed by such authority and in such manner as may be prescribed.</p> <p>(2) Any person who has caused damage to or disposed of the whole or a part of any abandoned property shall be liable to pay such compensation as may be assessed by such authority and in such manner as may be prescribed.</p>
18	<p>18. (1) The Government shall maintain a separate account of such abandoned property in such</p>

²⁰ Clause (3) is amended by section 2 of The Bangladesh Abandoned Property (Control, Management and Disposal) (Amendment) Ordinance, 1976 (Ordinance No. LV of 1976).

	<p>manner as may be prescribed and shall cause to be made entries therein of all receipts and expenditures in respect thereof.</p> <p>(2) The Government shall cause the accounts of the abandoned properties to be inspected and audited in the prescribed manner.</p>
19	Without prejudice to the provisions of Article 17, any person who wilfully causes damage to, or disposes of the whole or a part of, any abandoned property or allows damage to be caused to, or disposal of the whole or a part of, any abandoned property shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.
22	The Government may, by order published in the official Gazette, direct that any power or duty which is conferred or imposed by this Order upon the Government shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by any officer or authority subordinate to it.
23	No suit, prosecution or other legal proceeding shall lie against the Government or any person for anything which is in good faith done or intended to be done under this Order or the rules made thereunder.
24	Anything done, any action taken or any order passed under this Order shall not be called in question in any court.

THE SPECIFIC RELIEF ACT, 1877
(ACT NO. I OF 1877)

³⁰ An Act to define and amend the law relating to certain kinds of Specific Relief.

WHEREAS it is expedient to define and amend the law relating to certain kinds of specific relief obtainable in civil suits; It is hereby enacted as follows:-

Section/ Title	Short Description
Cases in which specific performance enforceable	<p>12. Except as otherwise provided in this Chapter, the specific performance of any contract may in the discretion of the Court be enforced-</p> <p>(a) when the act agreed to be done is in the performance, wholly or partly, of a trust;</p> <p>(b) when ³¹ there exists no standard for ascertaining the actual damage caused by non-performance of the act agreed to be done;</p> <p>(c) when the act agreed to be done is such that pecuniary compensation for its non-performance would not afford adequate relief; or</p> <p>(d) when it is probable that pecuniary compensation cannot be got for the non-performance of the act agreed to be done.</p> <p>Explanation - Unless and until the contrary is proved, the Court shall presume that the breach of a contract to transfer immovable property cannot be adequately relieved by compensation in money, and that the breach of a contract to transfer moveable property can be thus relieved.</p> <p align="center">Illustrations</p> <p>³² * * *] of clause (b)-</p>

³⁰ Throughout this Act, except otherwise provided, the words 'Taka', 'Bangladesh' and 'Government' were substituted, for the words 'rupee', 'B.C.', 'Pakistan' and 'Central Government or any Provincial Government' respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

³¹ The word 'there' was substituted, for the word 'there' by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

³² Of clause (a) was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

	<p>A agrees to buy, and B agrees to sell, a picture by a dead painter and two rare china vases. A may compel B specifically to perform this contract, for there is no standard for ascertaining the actual damage which would be caused by its non-performance.</p> <p>of clause (c)-</p> <p>A contracts with B to sell him a house for taka 1,000. B is entitled to a decree directing A to convey the house to him, he paying the purchase-money.</p> <p>In consideration of being released from certain obligations imposed on it by its act of incorporation, a railway-company contract with Z to make an archway through three railway to connect lands of Z severed by the railway, to construct a road between certain specified points, to pay a certain annual sum towards the maintenance of this road, and also to construct a siding and a wharf as specified in the contract. Z is entitled to have this contract specifically enforced for his interest in its performance cannot be adequately compensated for by money; and the Court may appoint a proper person to superintend the construction of the archway, road, siding and wharf.</p> <p>A contracts to sell, and B contracts to buy, a certain number of railway-shares of a particular description. A refuses to complete the sale. B may compel A specifically to perform this agreement, for the shares are limited in number and not always to be had in the market, and their possession carries with it the status of a share-holder, which cannot otherwise be procured.</p> <p>A contracts with B to paint a picture for B, who agrees to pay therefor taka 1,000. The picture is painted. B is entitled to have it delivered to him on payment or tender of the taka 1,000.</p> <p>A transfers without endorsement, but for valuable consideration, a promissory note to B. A becomes insolvent, and C is appointed his assignee. B may compel C to endorse the note, for C has succeeded to A's liabilities, and a decree for pecuniary compensation for not endorsing the note would be fruitless.</p>
<p>Discretion of Court as to declaration of status or right Bar to such declaration</p>	<p>42. Any person entitled to any legal character, or to any right as to any property, may institute a suit against any person denying, or interested to deny, his title to such character or right, and the Court may in its discretion make therein a declaration that he is so entitled, and the plaintiff need not in such suit ask for any further relief:</p> <p>Provided that no Court shall make any such declaration where the plaintiff, being able to</p>

seek further relief than a mere declaration of title, omit to do so.

Explanation - A trustee of property is a "person interested to deny" a title adverse to the title of some one who is not in existence, and for whom, if in existence, he would be a trustee.

Illustrations

(a) A is lawfully in possession of certain land. The inhabitants of a neighboring village claim a right of way across the land. A may sue for a declaration that they are not entitled to the right so claimed.

(b) A bequeaths his property to B, C and D, "to be equally divided amongst all and each of them, if living at the time of my death, then amongst their surviving children". No such children are in existence. In a suit against A's executor, the Court may declare whether B, C and D took the property absolutely, or only for their lives, and it may also declare the interests of the children before their rights are vested.

(c) A covenants that, if he should at any time be entitled to property exceeding one lakh of taka, he will settle it upon certain trusts. Before any such property accrues, or any persons entitled under the trusts are ascertained, he institutes a suit to obtain a declaration that the covenant is void for uncertainty. The Court may make the declaration.

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(d) A alienates to B property in which A has merely a life interest. The alienation is invalid as against C, who is entitled as reversioner. The Court may in a suit by C against A and B declare that C is so entitled.

(e) The widow of a sonless Hindu alienates part of the property of which she is in possession as such. The person presumptively entitled to possess the property if he survive her may, in a suit against the alliance, obtain a declaration that the alienation was made without legal necessity and was therefore void beyond the widow's lifetime.

(f) A Hindu widow in possession of property adopts a son to her deceased husband. The person presumptively entitled to possession of the property on her death without a son may, in a suit against the adopted son, obtain a declaration that the adoption was invalid.

	<p>(g) A is in possession of certain property, B, alleging that he is the owner of the property, requires A to deliver it to him. A may obtain a declaration of his right to hold the property.</p> <p>(h) A bequeaths property to B for his life, with remainder to B's wife and her children, if any, by B, but if B die without any wife or children, to C. B has a putative wife, D, and children, but C denies that B and D were ever lawfully married. D and her children, may, in B's lifetime, institute a suit against C and obtain therein a declaration that they are truly the wife and children of B.</p>
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THE COURT-FEES ACT, 1870
(ACT NO. XI OF 1870)

Section Short Title	Descriptions
Procedure where insufficient Court-fee is filed on plaint or memorandum of appeal	<p>8B (1) In every suit in which a court-fee is payable under this Act on the plaint or memorandum of appeal the Court shall, on the date fixed for the appearance of the opposite party or as soon as may be thereafter, and in every case before proceeding to deliver judgment, record a finding whether a sufficient Court-fee has been paid.</p> <p>(2) If the Court records a finding that an insufficient court-fee has been paid on the plaint or memorandum of appeal the Court shall</p> <p>(a) stay all further proceedings in the suit until it has determined the proper amount of such court-fee payable and the plaintiff or the appellant, as the case may be, has paid such amount or until the date referred to in clause (b) as the case may be:</p> <p>Provided that if the plaintiff or appellant gives, within such time as the Court may allow, security, to the satisfaction of the Court, for the payment of any additional amount for which he may be found liable the Court may proceed with the suit.</p> <p>(b) fix a date before which the plaintiff or appellant shall pay the amount of court-fee due from him, as determined by the Court under clause (a).</p> <p>(3) If the plaintiff or appellant fails to give the security referred to in clause (a) of sub-section (2) or to pay the amount referred to in clause (b) of that sub-section within the time allowed or before the date fixed, by the Court, as the case may be, the suit shall be dismissed.</p>
Decision of questions	<p>12. 1. Every question relating to valuation for the purpose of determining the amount of any fee chargeable under this chapter on a plaint or memorandum of appeal shall be decided by</p>

to valuation	<p>the Court in which such plaint or memorandum, as the case may be, is filed, and such decision shall be final as between the parties to the suit.</p> <p>ii. But whenever any such suit comes before a Court of appeal, reference or revision, if such Court considers that the said question has been wrongly decided to the detriment of the revenue, it shall require the party by whom such fee has been paid to pay so much additional fee as would have been payable had the question been rightly decided; and—thereafter:</p> <p>(a) if the party required to pay is the appellant or petitioner, the provisions of subsections (2) and (3) of section 8B shall, so far as may be, apply;</p> <p>(b) if the party required to pay is the respondent or the opposite party, the provisions of subsection (2) of section 8B shall, so far as may be, apply, and, if such party fails to pay the fee required before the date fixed by the Court, the Court shall recover the amount of such fee from him as a public demand:</p> <p>Explanation—For the purposes of this section a question relating—, to the classification of any suit for the purpose of section 7 shall not be deemed to be a question relating to valuation.</p>
Exemption of certain documents	<p>—19. Nothing contained in this Act shall render the following documents chargeable with any fee:</p> <p>i. Power-of-attorney or other written authority to institute or defend a suit when executed by an officer, warrant-officer, non-commissioned officer or private of the ³⁹ [Bangladesh] Army not in civil employment.</p> <p>ii. [Repealed by the Amending Act, 1891 (Act No. XII of 1891).]</p> <p>iii. Written statements called for by the Court after the first hearing of a suit.</p> <p>iv. [Repealed by the Cantonment Act, 1889 (Act No. XIII of 1889).]</p> <p>v-vi. [Omitted by the Adaptation of Central Acts and Ordinances Order, 1949.]</p>

³⁹ The word "Bangladesh" was substituted for the word "Pakistan" by section 2 and 2nd Schedule of the [Bangladesh Law \(Revision\) Act \(Ordinance No. 197\) \(Act No. VIII of 1977\)](#).

- viii. Probate of a will and letters of administration, where the amount or value of the property in respect of which the probate or letters shall be granted does not exceed two thousand rupees.
- ix. Application or petition to a Collector or other officer making a settlement of land-revenue, or to the ²⁰ National Board of Revenue or the Commissioner, relating to matters connected with the assessment of land or the ascertainment of rights thereto or interest therein, if presented previous to the final confirmation of such settlement.
- x. Application relating to a supply for irrigation of water belonging to Government.
- xi. Application for leave to extend cultivation, or to relinquish land, when presented to an officer of land-revenue by a person holding, under direct engagement with Government, land of which the revenue is settled, but not permanently.
- xii. Application for service of notice of relinquishment of land or of enhancement of rent.
- xiii. Written authority to an agent to disclaim.
- xiv. First application (other than a petition containing a criminal charge or information) for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of an exhibit not being an affidavit made for the immediate purpose of being produced in court.
- xv. Bail bonds in criminal cases, recognizances to prosecute or give evidence and recognizances for personal appearance or otherwise.
- xvi. [Omitted by the Adaptation of Central Acts and Ordinances Order, 1949].
- xvii. Petition by a prisoner, or other person in duress or under restraint of any Court or its officers.

²⁰ The words "National Board of Revenue" were substituted, for the words "Board of Revenue" by section 3 and 2nd Schedule of the [Legal Act and Ordinance Amendment Act, 1975](#) (Act No. 58 of 1975).

	<p>xvii. Complaint of a public servant (as defined in the ²² "L * * *") [Penal Code], a municipal officer ²³ "L * * *").</p> <p>xix. Application for permission to cut timber in Government forests, or otherwise relating to such forests.</p> <p>xx. Application for the payment of money due by Government to the applicant.</p> <p>xxi. Petition of appeal against the chowkidari assessment under Act No. XX of 1856, or against any municipal tax.</p> <p>xxii. Applications for compensation under any law for the time being in force relating to the acquisition of property for public purposes.</p> <p>xxiii. [Omitted by the Adaptation of Central Acts and Ordinances Order, 1949.]</p> <p>xxiv. Petition under the Christian Marriage Act, 1872, sections 45 and 48.</p> <p>xxv. Petition of appeal by Government servants or servants of a Court of Wards against orders of dismissal, reduction or suspension; copies of such orders filed with such appeals, and applications for obtaining such copies.</p>
Relief when too high a court-fee has been paid	<p>19A. Where any person on applying for the probate of a will or letters of administration has estimated the property of the deceased to be of greater value than the same has afterwards proved to be, and has consequently paid too high a court-fee thereon, if, within six months after the value of the property has been ascertained, such person produces the probate or letters to the Chief Revenue-Authority for the local area in which the probate or letters has or have been granted,</p> <p>(a) cancel the stamp on the probate or letters if such stamp has not been already cancelled;</p> <p>(b) substitute another stamp for denoting the court-fee which should have been paid thereon; and</p>

²² The word "Public" was omitted by section 3 and 2nd Schedule of the [Bengal Laws \(Revision and Declaration\) Act, 1973](#) (Act No. VIII of 1973).

²³ The words "or an officer or servant of a railway company" were omitted by section 3 and 2nd Schedule of the [Bengal Laws \(Revision and Declaration\) Act, 1973](#) (Act No. VIII of 1973).

	(c) make an allowance for the difference between them as in the case of spoiled stamps, or repay the same in money, at his discretion.
Recovery of penalties, etc	191.(1) Any excess fee found to be payable on an inquiry held under section 194, sub-section (6), and any penalty or forfeiture under section 196, may, on the certificate of the Chief Revenue authority, be recovered from the executor or administrator as if it were an arrear of land revenue by any Collector. (2) The Chief Revenue authority may remit the whole or any part of any such penalty or forfeiture as aforesaid, or any part of any penalty under section 196, or of any court-fee under section 19E in excess of the full court-fee which ought to have been paid.
Tables of process-fee	21. A table in the English and Vernacular languages, showing the fees chargeable for such service and execution, shall be exposed to view in a conspicuous part of each Court.
Number of peons in Revenue Courts	23. Subject to rules to be framed by the Chief Revenue authority and approved by the Government every officer performing the functions of a Collector of a District shall fix, and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his Court or the Courts subordinate to him.
Collection of fees by stamps	25. All fees referred to in section 3 or chargeable under this Act, shall be collected either by stamps ²⁵ or, when there is a scarcity of stamps, in cash) or receipts: Provided that fees chargeable for serving and executing processes issued by a Certificate-officer in the proceedings in execution of certificates filed for recovery of land revenue or rent may be collected in cash.
Stamps to be impressed or adhesive	26. The stamps used to denote any fees chargeable under this Act shall be impressed or adhesive or partly impressed and partly adhesive, as the Government may, by notification in the official Gazette from time to time direct.
Amended document	29. Where any such document is amended in order merely to correct mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose fresh stamp or receipt.
Cancellation of stamp	30. No document requiring a fee under this Act shall be filed or acted upon in any proceeding in any court or office until the stamp or the receipt has been cancelled. Such Officer as the court or the head of the office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation by punching out ²⁶ [Stamp] so as to leave the amount designated in the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed. The receipt filed along with any

²⁵ The words and comma "or, when there is a scarcity of stamps, in cash" were added by section 2 and Schedule 4 of the [Law Revision Ordinance, 1979](#) (Ordinance No. 35 of 1979).

²⁶ The word "Stamp" was replaced, in the words "the amount designated in the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed. The receipt filed along with any

	document shall be cancelled with the word "Cancelled" thereon under the signature of an officer in whose office it is filed: Provided that if any document bearing a Court-fee stamp of a design current in ²⁶ Pakistan immediately before the twenty sixth day of March, 1971, and still current in Bangladesh is presented to the proper officer, he shall forthwith effect the cancellation by punching out the figure-head so as to leave the amount designated untouched.
Sale of stamps	34.(1) The Government may, from time to time, make rules for regulating the sale of stamps or granting of receipts to be used under this Act, the person by whom alone such sale is to be conducted or grant is to be made, and the duties and remunerations of such persons. (2) All such rules shall be published in the official Gazette, and shall thereupon have the force of law. (3) Any person, appointed to sell stamps or grant receipts, who disobeys any rule made under this section, and any person, not so appointed, who sells or offers for sale any stamp or grants or offers to grant any receipt, shall be punished with imprisonment for a term which may extend to six months, or with fine, which may extend to five hundred taka, or with both.
Power to suspend, reduce or remit fees	35.(1) The Government may from time to time subject to such conditions or restrictions as it may think fit to impose, by notification in the official Gazette, suspend the payment of or reduce or remit, in the whole of ²⁷ [Bangladesh] or in any part thereof, all or any of the fees mentioned in the first and 2nd schedules to this Act annexed and may in like manner cancel or vary such order. (2) The Government may, from time to time by rules prescribe the manner in which any fee the payment of which is suspended under sub-section (1) may be realized and for this purpose direct that such fee may be recovered as a public demand.
Variation of rates	²⁸ [35A.(1) The ad valorem fees leviable on the institution of suits specified in Schedule I (as amended before the promulgation of the Court-fees (Amendment) Ordinance, 1962, by any Central or Provincial Act) shall be reduced by fifteen per centum where the value of the subject-matter exceeds two thousand taka but does not exceed fifteen thousand taka and shall be increased by fifteen per centum where the value of the subject-matter exceeds fifteen thousand taka:

²⁶ The words "Pakistan immediately before the twenty sixth day of March, 1971" were substituted, by the words "Bhutan India immediately before the 14th day of August, 1947" by section 1 and 2 of [The Bangladesh \(Amendment\) Ordinance, 1971 \(Act No. VII of 1971\)](#).

²⁷ Section 3A was inserted by section 11 of [The Bangladesh \(Amendment\) Act, 1973 \(Act No. 11 of 1973\)](#).

²⁸ Section 35A was inserted by section 14 of [The Bangladesh \(Amendment\) Act, 1973 \(Act No. 14 of 1973\)](#).

	Provided that the proper Court fee, where the value of the subject-matter exceeds two thousand taka but does not exceed two thousand four hundred taka, shall be two hundred eighty-one taka and twenty-five poisha.
	(2) The amount of fee leviable after reduction of increase provided for in sub-section (1) shall be calculated to the nearest taka or half taka, whichever it may be.]

THE STAMP ACT 1899
(ACT NO. II OF 1899)

³²⁹ An Act to consolidate and amend the law relating to stamps.

WHEREAS it is expedient to consolidate and amend the law relating to stamps; It is hereby enacted as follows:

Section Short Title	Description
Instruments unduly stamped by accident	41. If any instrument chargeable with duty and not duly stamped, not being an instrument chargeable with a duty of ten poisha or five poisha only or a bill of exchange or promissory note, is produced by any person of his own motion before the Collector within one year from the date of its execution or first execution, and such person brings to the notice of the Collector the fact that such instrument is not duly stamped and offers to pay to the Collector the amount of the proper duty, or the amount required to make up the same, and the Collector is satisfied that the omission to duly stamp such instrument has been occasioned by accident, mistake or urgent necessity, he may, instead of proceeding under sections 33 and 40, receive such amount and proceed as next hereinafter prescribed.
Power to Revenue-authority to refund penalty or excess duty in certain cases	45.(1) Where any penalty is paid under section 33 or section 40, the Chief Revenue authority may, upon application in writing made within one year from the date of the payment, refund such penalty wholly or in part. (2) Where, in the opinion of the Chief Revenue authority, stamp-duty in excess of that which is legally chargeable has been charged and paid under section 33 or section 40, such authority may, upon application in writing made within three months of the order charging the same, refund the excess.

THE PUBLIC DEMANDS RECOVERY ACT, 1913
(BENGAL ACT NO. III OF 1913)

³³⁰ An Act to consolidate and amend the law relating to the recovery of public demands in Bangladesh.

³²⁹ Throughout this Act, except otherwise provided the words "Bangladesh", "Government", "Tribunal" and "High Court Division" were substituted, for the words "Pakistan or East Pakistan", "Provincial Government or Central Government", "court" or "court of law" and "High Court" respectively by section 3 and 2nd Schedule of the [Bangladesh Law \(Repeal and Amendment\) Act, 1977](http://www.bangladesh.gov.bd/legislation/acts-and-decrees/act-no-1977) (Act No. VIII of 1977)

WHEREAS it is expedient to consolidate and amend the law relating to the recovery of public demands in Bangladesh ²⁴ it is hereby enacted as follows:-

Section/Short Title	Descriptions
3. Definitions	<p>(1) "Certificate-debtor" means the person named as debtor in a certificate filed under this Act, and includes any person whose name is substituted or added as debtor by the Certificate-officer;</p> <p>(2) "Certificate-holder" means the Government or person in whose favour a certificate has been filed under this Act, and includes any person whose name is substituted or added as creditor by the Certificate-officer;</p> <p>(3) "Certificate-officer" means a Collector, a ²⁵ Upazila Nahhi Officer, a Upazila Magistrate, and any officer, appointed by a Collector ²⁶ with the sanction of the Commissioner] to perform the functions of a Certificate-officer under this Act;</p> <p>(4) "movable property" includes growing crops;</p> <p>(6) "public demand" means any arrears or money mentioned or referred to in Schedule I, and includes any interest which may, by law, be chargeable thereon up to the date on which a certificate is signed under part II;</p>
Filing of certificate for public demand payable to Collector	4. When the Certificate-officer is satisfied that any public demand payable to the Collector is due, he may sign a certificate, in the prescribed form, stating that the demand is due, and shall cause the certificate to be filed in his office.
Requisition for certificate in other cases	<p>5. (1) When any public demand payable to any person other than the Collector is due, such person may send to the Certificate-officer a written requisition in the prescribed form.</p> <p>Provided that no action shall be taken under this Act, on a requisition made by a land mortgage bank registered or deemed to be registered under the Co-operative Societies Act, 1940, or an assignee of such bank, unless the requisition be countersigned by the Registrar of Co-operative Societies, Bangladesh.</p> <p>(2) Every such requisition shall be signed and verified in the prescribed manner, and, except in such cases as may be prescribed, shall be chargeable with the fee of</p>

²⁴ Throughout the Act, except otherwise provided, the words "Bangladesh", "Government" and "Taka" were substituted for the words "East Pakistan", "Provincial Government" or "Central Government" in the Provincial Government, and "rupee" respectively by section 3 and 2nd Schedule of the [Bangladesh Laws \(Consolidation and Repeal\) Act, 1977 \(Act No. 188 of 1977\)](#).

²⁵ The 2nd paragraph of the proviso was omitted by section 3 and 2nd Schedule of the [Bangladesh Laws \(Consolidation and Repeal\) Act, 1977 \(Act No. 188 of 1977\)](#).

²⁶ The words and clause "Upazila Nahhi Officer, a Upazila Magistrate," were substituted for the words and clause "Sub-divisional Officer" by section 2 of the [Bangladesh Laws \(Consolidation and Repeal\) Act, 1977 \(Act No. 188 of 1977\)](#).

²⁷ The words and clause "with the sanction of the Commissioner" were omitted by section 2 and Schedule of the [Bangladesh Laws \(Amendment\) Ordinance, 1976 \(Ordinance No. 18 of 1976\)](#).

	the amount which would be payable under the Court-fees Act, 1870, in respect of a plaint for the recovery of a sum of money equal to that stated in the requisition as being due.
Filing of certificate on requisition	6. On receipt of any such requisition, the Certificate-officer, if he is satisfied that the demand is recoverable and that recovery by suit is not barred by law, may sign a certificate, in the prescribed form, stating that the demand is due; and shall include in the certificate the fee (if any) paid under section 5, sub-section (2); and shall cause the certificate to be filed in his office.
Service of notice and copy of certificate on certificate-debtor	7. When a certificate has been filed in the office of a Certificate-officer, under section 4 or section 6, he shall cause to be served upon the certificate-debtor, in the prescribed manner, a notice in the prescribed form and a copy of the certificate.
Effect of service of notice of certificate	8. From and after the service of notice of any certificate under section 7 upon a certificate-debtor, <ul style="list-style-type: none"> (a) any private transfer or delivery of any of his immovable property situated in the district in which the certificate is filed, or of any interest in any such property, shall be void against any claim enforceable in execution of the certificate; and (b) the amount due from time to time in respect of the certificate shall be a charge upon the immovable property of the certificate-debtor, wherever situated, to which every other charge created subsequently to the service of the said notice shall be postponed.
Filing of petition denying liability	9. (1) The certificate-debtor may, within thirty days from the service of the notice required by section 7, or, where the notice has not been duly served, then within 30 days from the execution of any process for enforcing the certificate, present to the Certificate-officer in whose office the certificate is filed, or to the Certificate-officer who is executing the certificate, a petition, in the prescribed form, signed and verified in the prescribed manner, denying his liability, in whole or in part. <p>(2) If any such petition is presented to a Certificate-officer other than the Certificate-officer in whose office the original certificate is filed, it shall be sent to the latter officer for disposal.</p>
Hearing and determining of such petition	10. The Certificate-officer in whose office the original certificate is filed shall hear the petition, take evidence (if necessary), and determine whether the certificate-debtor is liable for the whole or any part of the amount for which the certificate was signed, and may set aside, modify or vary the certificate accordingly.

	<p>Provided that, if the Certificate-officer is not the Collector, and considers that the petition involves a bona fide claim of right to property, he shall refer the petition to the Collector for orders; and the Collector, if he is satisfied that a bona fide claim of right of property is involved, shall make an order canceling the certificate.</p>
Who may execute certificate	<p>11. A certificate filed under section 4 or section 6 may be executed by-</p> <p>(a) the Certificate-officer in whose office the original certificate is filed, or</p> <p>(b) the Certificate-officer to whom a copy of the certificate is sent for execution under section 12, sub-section (1).</p>
When certificate may be executed	<p>13. No step in execution of a certificate shall be taken until the period of thirty days has elapsed since the date of the service of the notice required by section 7, or, when a petition has been duly filed under section 9, until such petition has been heard and determined:</p> <p>Provided that, if the Certificate-officer in whose office a certificate is filed is satisfied that the certificate-debtor is likely to conceal, remove or dispose of the whole or any part of such of his movable property as would be liable to attachment in execution of a decree of a Civil Court, and that the realization of the amount of the certificate would in consequence be delayed or obstructed, he may at any time direct, for reasons to be recorded in writing, an attachment of the whole or any part of such movable property:</p> <p>Provided further that if the certificate-debtor whose movable property has been so attached furnishes security to the satisfaction of the Certificate-officer, such attachment shall be cancelled from the date on which such security is accepted by the Certificate-officer.</p>
Modes of execution	<p>14. Subject to such conditions and limitations as may be prescribed, a Certificate-officer may order execution of a certificate-</p> <p>(a) by attachment and sale, or by sale (without previous attachment), of any property, or</p> <p>(b) by attachment of any decree, or</p> <p>(c) by arresting the Certificate-debtor and detaining him in the civil prison, or</p> <p>(d) by any two or all of the methods mentioned in clauses (a), (b) and (c).</p>

	Explanation to clause (d). -The Certificate-officer may, in his discretion, refuse execution at the same time against the person and property of the certificate-debtor.
Attachment of property	17. Property liable to attachment and sale in execution of a decree of a Civil Court under section 60 of the <u>Code of Civil Procedure, 1908</u> may be attached and sold in execution of a certificate under this Act
Payment of moneys, contrary to attachment, to be void	18. Where an attachment has been made in execution of a certificate, any payment to the certificate-debtor of any debt, dividend or other moneys, contrary to such attachment, shall be void as against all claims enforceable under the attachment.
Application by purchaser resisted or obstructed in obtaining possession of immovable property	27. (1) If the purchaser of any immovable property sold in execution of a certificate is resisted or obstructed by any person in obtaining possession of the property, he may apply to the Certificate-officer. (2) The Certificate-officer shall fix a day for investigating the matter, and shall summon the party against whom the application is made to appear and answer the same
Procedure on such application	28. (1) If the Certificate-officer is satisfied that the resistance or obstruction was occasioned without any just cause by the certificate-debtor or by some person on his behalf, he shall direct that the applicant be put into possession of the property; and, if the applicant is still resisted or obstructed in obtaining possession, the Certificate-officer may also, at the instance of the applicant, order the certificate-debtor or such other person to be detained in the civil prison for a term which may extend to thirty days. (2) If the Certificate-officer is satisfied that the resistance or obstruction was occasioned by any person (other than the certificate-debtor) claiming in good faith to be in possession of the property on his own account or on account of some person other than the certificate-debtor, the Certificate-officer shall make an order dismissing the application.
Power to arrest and detention	29. (1) No order for the arrest and detention in civil prison of a certificate-debtor in execution of a certificate shall be made unless, after giving the certificate-debtor an opportunity of showing cause why he should not be committed to civil prison, the Certificate-officer, for reasons recorded in writing is satisfied:- (a) that the certificate-debtor, with the object or effect of obstructing or delaying the execution of the certificate, (b) is likely to abscond or leave the local limits of the jurisdiction of the Certificate-

	<p>officer, or</p> <p>(ii) has, after the filing of the certificate in the office of Certificate-officer, dishonestly transferred, concealed, or removed any part of his property, or</p> <p>(b) that the certificate-debtor has or has had since the date of the filing of the certificate, the means to pay the amount for which the certificate has been issued, or some substantial part of such amount and refuses or neglects or has refused or neglected to pay the same.</p> <p>Explanation- In the calculation of the means of the certificate-debtor for the purpose of his clause there shall be left out of account any property which, by or under any law or custom having the force of law for the time being in force is exempt from attachment in execution of the certificate.</p> <p>(2) When a certificate-debtor appears before the Certificate-officer in obedience to a notice to show cause, the Certificate-officer shall proceed to hear the certificate-holder and take all such evidence as may be produced by him in support of his application for execution, and shall then give the certificate-debtor an opportunity of showing cause why he should not be committed to the civil-prison.</p> <p>(3) Pending the conclusion of the inquiry under sub-section (2) the Certificate-officer may, in his discretion, order the certificate-debtor to be detained in the custody of such officer as the Certificate-officer may think fit or release him on his furnishing security to the satisfaction of the Certificate-officer for his appearance when required.</p> <p>(4) Upon the conclusion of the inquiry under sub-section (3), the Certificate-officer may subject to the provision of section 31 make an order for the detention of the certificate-debtor in the civil prison and shall in that event cause him to be arrested:</p> <p>Provided that in order to give the certificate-debtor an opportunity of satisfying the certificate-debt, the Certificate-officer may before making the order of detention leave the certificate-debtor in the custody of the officer arresting him or of any other officer for a specified period not exceeding fifteen days or release him on his furnishing security to the satisfaction of the Certificate-officer for his appearance at the expiration of the specified period if the certificate-debt be not sooner satisfied</p>
Release from arrest and re-arrest	<p>31. (1) The Collector may order the release of a certificate-debtor who has been arrested in execution of a certificate, upon being satisfied that he has disclosed the whole of his property and has placed it at the disposal of the Certificate-officer and</p>

	<p>that he has not committed any act of bad faith.</p> <p>(2) If the Certificate-officer has ground for believing the disclosure made by a certificate-debtor under sub-section (1) to have been untrue, he may order the re-arrest of the certificate-debtor in execution of the certificate, but the period of his detention in the civil prison shall not in the aggregate exceed that authorized by section 31, sub-section (1).</p>
Detention in, and release from, prison	<p>31. (1) Every person detained in the civil prison in execution of a certificate may be so detained,—</p> <p>(a) where the certificate is for a demand of an amount exceeding fifty Taka – for a period of six months, and</p> <p>(b) in any other case – for a period of six weeks:</p> <p>Provided that he shall be released from such detention—</p> <p>(i) on the amount mentioned in the warrant for his detention being paid to the officer-in-charge of the civil prison, or</p> <p>(ii) on the certificate being otherwise fully satisfied, or cancelled, or</p> <p>(iii) on the request of the person (if any) on whose requisition the certificate was filed, or of the Collector, or</p> <p>(iv) on the omission by the person (if any) on whose requisition the certificate was filed to pay the subsistence allowance fixed by the Certificate-officer:</p> <p>Provided, also, that he shall not be released from such detention under clause (ii) or clause (iii) without the order of the Certificate-officer.</p> <p>(2) A certificate-debtor released from detention under this section shall not, merely by reason of his release, be discharged from his debt, but he shall not be liable to be re-arrested under the certificate in execution of which he was detained in the civil prison.</p>
Release on ground of illness	<p>32. (1) At any time after a warrant for the arrest of a certificate-debtor has been issued, the Certificate-officer may cancel it on the ground of his serious illness.</p>

	<p>(2) Where a certificate-debtor has been arrested, the Certificate-officer may release him if, in the opinion of the Certificate-officer, he is not in a fit state of health to be detained in the civil prison.</p> <p>(3) Where a certificate-debtor has been committed to the civil prison, he may be released there from—</p> <p>(a) by the Collector, on the ground of the existence of any infectious or contagious disease, or</p> <p>(b) by the Certificate-officer, or the Collector, on the ground of his suffering from any serious illness.</p> <p>(4) A certificate-debtor released under this section may be re-arrested, but the period of his detention in the civil prison shall not in the aggregate exceed that authorized by section 31, sub-section (1).</p>
<p>Prohibition of arrest or detention of women and persons under disability</p>	<p>33. Notwithstanding anything in this Act, the Certificate-officer shall not order the arrest or detention in the civil prison of—</p> <p>(a) a woman, or</p> <p>(b) any person who, in his opinion, is a minor or of unsound mind.</p>
<p>Suit in Civil Court to have certificate cancelled or modified</p>	<p>34. The certificate-debtor may, at any time within six months—</p> <p>(1) from the service upon him of the notice required by section 7, or</p> <p>(2) if he files, in accordance with section 9, a petition denying liability—from the date of the determination of the petition, or</p> <p>(3) if he appeals, in accordance with section 51, from an order passed under section 10—from the date of the decision of such appeal,</p> <p>bring a suit in the Civil Court to have the certificate cancelled or modified, and for any further consequential relief to which he may be entitled.</p> <p>Provided that no such suit shall be entertained—</p>

	<p>(a) in any case, if the certificate-debtor has omitted to file, in accordance with section 9, a petition denying liability, or to state in his petition denying liability the ground upon which he claims to have the certificate cancelled or modified, and cannot satisfy the Court that there was good reason for the omission, or</p> <p>(b) in the case of a certificate for a demand mentioned in Article 1 or Article 2 of Schedule I, if the certificate-debtor has not paid the amount due under the certificate to the Certificate-officer—</p> <p>(i) within thirty days from the service of the notice required by section 7, or</p> <p>(ii) if he has filed, in accordance with section 9, a petition denying liability – then within thirty days from the date of the determination of the petition, or</p> <p>(iii) if he has appealed in accordance with section 51 – then within thirty days from the decision of the appeal:</p> <p>Provided also that no sale in execution of a certificate shall be set aside in such a suit unless the purchaser has been made a party to the suit and until a direction is made for the refund of the amount of the purchase-money, with such interest (if any) as the Court may allow not exceeding six and a quarter per centum per annum.</p>
<p>Grounds for cancellation or modification of certificate by Civil Court</p>	<p>35. (1) No certificate duly filed under this Act shall be cancelled by a Civil Court, except on one of the following grounds, namely:—</p> <p>(a) that the amount stated in the certificate was actually paid or discharged before the signing of the certificate;</p> <p>(b) that no part of the amount stated in the certificate was due by the certificate-debtor to the certificate-holder; or</p> <p>(c) that, in the case of fines imposed, or costs, charges, expenses, damages, duties or fees adjudged, by a Collector or a public officer under any law or any rule having the force of law, the proceedings of such Collector or public officer were not in substantial conformity with the provisions of such law or rule, and that in consequence the certificate-debtor suffered substantial injury from some error, defect or irregularity in such proceedings.</p> <p>(2) No certificate duly filed under this Act shall be modified by a Civil Court, except</p>

	<p>on one of the following grounds, namely:-</p> <p>(i) that a portion of the alleged debt was not due; or</p> <p>(ii) that the certificate-debtor has not received credit for any portion which he has paid.</p>
<p>Suit to recover possession of, or to set aside sale of, immovable property, where notice of certificate not served</p>	<p>38. Notwithstanding anything hereinbefore contained, a sale of immovable property in execution of a certificate shall not be held to be void on the ground that the notice required by section 7 has not been served; but a suit may be brought in a Civil Court to recover possession of such property or to set aside such sale on the ground that such notice has not been served, and that the plaintiff has sustained substantial injury by reason of irregularity:</p> <p>Provided that no such suit shall be entertained-</p> <p>(a) if instituted more than one year from the date on which possession of the property was delivered to the purchaser, or</p> <p>(b) if the certificate-debtor has made appearance in the certificate proceeding, or has applied to the Certificate-officer under section 22 or section 23 to set aside the sale.</p>
<p>Power of Board of Revenue to make rules as to procedure</p>	<p>39. (1) The [Board of Land Administration] may, after previous publication [] * * * make rules regulating the procedure to be followed by persons making requisitions under section 5 and by Collectors and Certificate-officers acting under this Act; and may, by such rules, alter, add to or amend any of the rules in Schedule II.</p> <p>(2) Such rules shall not be inconsistent with the provisions in the body of this Act, but, subject thereto, may, in particular, and without prejudice to the generality of the power conferred by sub-section (1), provide for all or any of the following matters, namely:-</p> <p>(a) the signature and verification of requisitions made under section 5;</p> <p>(b) the Certificate-officers to whom such requisitions should be addressed;</p>

³⁸ The words "Board of Land Administration" were substituted, for the word "Government" by the Schedule of the Laws (Amendment) Ordinance, 1923 (Ordinance No. 34 of 1923).

³⁹ The words "and with the previous sanction of the Provincial Government" were omitted by the Schedule of the [Bangladesh Laws \(Repealing and Amendment\) Ordinance, 1973](#) (Ordinance No. 12 of 1973).

	<p>(c) the cases in which such requisitions shall not be chargeable with a fee;</p> <p>(d) the service of notices issued under section 7, the service of other notices or processes issued under this Act, and the manner in which service may be proved;</p> <p>(e) the signing and verification of petitions, under section 9, denying liability;</p> <p>(f) the transfer of such petitions, to other officers for disposal;</p> <p>(g) the scale of charges to be recovered under section 16, clause (c);</p> <p>(h) the maintenance and custody, while under attachment, of live-stock and other movable property, the fees to be charged for such maintenance and custody, the sale of such live-stock and property, and the disposal of the proceeds of such sale;</p> <p>(i) the registers, books and accounts to be kept by Certificate-officers, and the inspection thereof by the public;</p> <p>(j) the fee to be charged for the inspection of the register of certificates maintained under rule 59 in Schedule II;</p> <p>(k) the recovery of expenditure on the certificate establishment by the levy of costs under section 16, clause (b) and section 45;</p> <p>(l) the recovery of poundage fees;</p> <p>(m) the forms to be used under this Act.</p>
<p>Procedure on death of certificate-debtor</p>	<p>43. Where a certificate-debtor dies before the certificate has been fully satisfied, the Certificate-officer may, after serving upon the legal representative of the deceased a notice in the prescribed form, proceed to execute the certificate against such legal representative; and the provisions of this Act shall apply as if such legal representative were the certificate-debtor and as if such notice were a notice under section 7:</p> <p>Provided that where the certificate is executed against such legal representative, he shall be liable only to the extent of the property of the deceased which has come to his hands and has not been duly disposed of; and, for the purpose of ascertaining such liability, the Certificate-officer executing the certificate may, of his own motion or on the application of the certificate-holder, compel such legal</p>

	representative to produce such accounts as the Certificate-officer thinks fit.
Officer to have powers of Civil Court for certain purposes	49. Every Collector, Certificate-officer, Assistant Collector or Deputy Collector acting under this Act, shall have the powers of a Civil Court for the purposes of receiving evidence, administering oaths, enforcing the attendance of witnesses and compelling the production of documents.
Appeal	51. (1) An appeal from any ²⁴ “*” order made under this Act shall lie— (a) if the order was made by an Assistant Collector or a Deputy Collector, or by a Certificate-officer not being the Collector,—to the Collector, or (b) if the order was made by the Collector,—to the ²⁵ Commissioner]; Provided that no appeal shall lie from any order made under section 22. (2) Every such appeal must be presented, in case (a), within fifteen days, or, in case (b) within thirty days, from the date of the order. (3) The Collector may, by order, with the previous sanction of the ²⁶ Commissioner] authorize (a) any Sub-divisional Officer, or (ii) any officer appointed under clause (3) of section 3 to perform the functions of a Certificate-officer, to exercise the appellate powers of the Collector under subsection (1). (4) When any officer has been so authorized, the Collector may transfer to him for hearing any appeal referred to in clause (a) of subsection (1), unless the order appealed against was made by such officer. (5) Pending the decision of any appeal, execution may be stayed if the appellate authority so directs, but not otherwise.
Bar to second	52. No appeal shall lie from any order of a Collector, or an officer authorized under

²⁴ The word “original” was omitted by the Schedule of the [Bangladesh Laws \(Amendment\) Act, 1973](#) (Ordinance No. 12 of 1973).

²⁵ The word “Commissioner” was substituted for the words “Civil Court” by the Schedule of the [Bangladesh Laws \(Amendment\) Ordinance, 1976](#) (Ordinance No. IX of 1976).

²⁶ The word “Commissioner” was substituted for the words “Civil Court” by the Schedule of the [Bangladesh Laws \(Amendment\) Ordinance, 1976](#) (Ordinance No. IX of 1976).

appeals	section 51, subsection (3), when passed on appeal
Revision	<p>¹⁵¹ 53. (1) The Collector may revise any order passed by a Certificate-officer, Assistant Collector or Deputy Collector under this Act.</p> <p>(2) The Commissioner may revise any order passed by a Collector under this Act.</p> <p>¹⁵² (3) The Board of Land Administration may revise any order passed by a Commissioner under this Act and the order of the Board shall be final.]</p>
Review	54. Any order passed under this Act may, after notice to all persons interested, be reviewed by the officer who made the order, or by his successor in office, on account of mistake or error either in the making of the certificate or in the course of any proceeding under this Act.
Certificate-officer deemed to be a Court	57. A Certificate-officer shall be deemed to be a Court, and any proceeding before him shall be deemed to be a civil proceeding within the meaning of section 14 of the <u>Limitation Act</u> , 1908.
Signature of documents by ministerial officers	<p>59. (1) Any Certificate-officer may, by written order, authorize any ministerial officer to sign, on behalf of the Certificate-officer, any copy, issued by the Certificate-officer under this Act, of any document referred to therein.</p> <p>(2) The Government may, by notification in the official Gazette, empower Certificate-officers to authorize ministerial officers, by written order, to sign on behalf of Certificate-officers any classes of original notices, summonses or proclamations issued by Certificate-officers under this Act which are specified in such notification.</p>

¹⁵¹ Section 53 was substituted, by section 173 of the Bangladesh Laws (Amendment) Ordinance, 1978 (Ordinance No. IX of 1978).

¹⁵² Paragraph (3) was substituted, by the Bangla Ordinance (1) of the Schedule of the Law (Amendment) Ordinance, 1982 (Ordinance No. XI of 1982).

THE SURVEY ACT, 1875
(ACT NO. V OF 1875).

³⁴⁸ **An Act to provide for the survey and demarcation of land.**

WHEREAS it is expedient, with a view to the definition and identification of lands, ³⁴⁹ [the determination of the extent of erosion along the banks of rivers or the extent of accretion, reformation or new formation due to fluvial action of any river] the better security of landed property and the prevention of encroachments and disputes, to provide for the survey of lands and for the establishment and maintenance of marks to distinguish boundaries; It is hereby enacted as follows:-

Section Short Title	Descriptions
Interpretation-clause	<p>'Collector' means every Collector or Deputy Commissioner of a district, and includes every officer either generally or specially vested with the powers of a Collector for the purposes of this Act.</p> <p>'survey' includes identification of boundaries, ³⁵⁰ [determination of the extent of erosion along the banks of rivers or the extent of accretion, reformation or new formation due to fluvial action of any river,] and all other operations antecedent to and connected with survey;</p>
Government may order survey	<p>3. The Government may, whenever it shall think fit, order that a survey shall be made of the land situated in any district or in any part of a district or in any specified tract of country, and that the boundaries of estates, tenures, mozas or fields be demarcated on the lands so to be surveyed ³⁵¹ [, * * *]</p>
Government may appoint Superintendent of Survey	<p>4. For the purpose of carrying out any survey directed to be made under the last preceding section, or for any or all of the purposes of this Act,</p> <p>the Government may appoint a Superintendent of Survey, who may exercise all or any of the powers of a Collector under this Act;</p> <p>and may appoint one or more Assistant Superintendents and Deputy Collectors, who shall exercise all the powers of a Collector in respect to such matters under this Act as may be delegated to such Assistant Superintendents or Deputy Collectors respectively by the Collector or Superintendent of Survey, and not</p>

³⁴⁸ Throughout the Act, except where provided, the words 'Government' and 'T.A.C.' mean respectively the Provincial Government and 'Agent' respectively by section 7 and 2nd Schedule of the [Government of West Bengal and Orissa Act, 1971](#) (Act No. 193 of 1971).

³⁴⁹ The words and clause [the determination of the extent of erosion along the banks of rivers or the extent of accretion, reformation or new formation due to fluvial action of any river] were inserted by section 2 of the [Survey Act, 1979](#) (Act No. XXVI of 1979).

³⁵⁰ The words and clause [determination of the extent of erosion along the banks of rivers or the extent of accretion, reformation or new formation due to fluvial action of any river] were inserted by section 2 of the [Survey Act, 1979](#) (Act No. XXVI of 1979).

³⁵¹ The full stop was substituted for the asterisk under the proviso, see similarly section 4 of the [Government of West Bengal and Orissa Act, 1971](#) (Act No. XXVI of 1971).

	<p>otherwise:</p> <p>Provided that, notwithstanding the appointment of a Superintendent of Survey for any tract of country, ⁷⁰] it shall be competent to the Board of Land Administration to direct that the Collector shall perform any duties under the Act within the said tract.</p>
Collector to publish proclamation before entering on lands	<p>5. Before entering on any lands for the purpose of a survey the Collector shall cause to be published a proclamation addressed to the occupants of the lands which are about to be surveyed and of the contiguous lands, and to all persons employed on or connected with the management of, or otherwise interested in, such lands, calling upon them to attend, either personally or by agent, before the Collector or any officer authorized by the Collector in that behalf, at such places and at such times as shall be stated in such proclamation, during the demarcation and survey of the land, for the purpose of pointing out the boundaries and of rendering such aid as may be necessary in setting up or repairing such boundary marks as may be required, and of affording such assistance and information as may be needed for the purposes of this Act.</p> <p>Such proclamation shall be published by posting a copy thereof-</p> <p>at the Court of the Judge and at the office of the Collector of every district within which any portion of the lands about to be surveyed may be known to be situated;</p> <p>at every subdivisional office, police-station, Munsif's Court and sub-registrar's office within the jurisdiction of which any portion of the land about to be surveyed may be known to be situated;</p> <p>at one or more mal-utcheries on each estates;</p> <p>and at such other place or places as to the Collector may seem fit.</p>
Collector may enter upon land	<p>6. After issue of a proclamation as aforesaid, the Collector and any person acting under his authority may enter upon such lands, and do all things and make all inquiries necessary for effecting the survey and demarcation of the boundaries thereof</p>
Collector may serve	<p>7. The Collector may also, by a special notice, require any such person to attend</p>

⁷⁰ The words "it shall be competent to the Board of Land Administration" were substituted for the words "the Government may" by section 4 and Schedule of the Law Commission's Ordinance No. 38 of 1962.

special notice	before or before any person authorized by the Collector in that behalf, within a specified time, which shall not be less than fifteen days after the service of the notice, at any places, for any of the purposes aforesaid; any every person on whom such special notice may be served shall be legally bound to attend as required by the notice, and to do any of the things mentioned in section 5, and to give any information which may be required, so far as he may be able to give it.
Collector to pay price of materials or labour supplied	8. When any materials or labour shall have been supplied for any of the purposes mentioned in section 5, the Collector or other officer making a requisition under that section shall forthwith cause the price of such materials or labour to be paid to the person by whom the same were supplied.
Collector may require occupants to clear boundary lines	9. The Collector or other survey-officer authorized by the Collector in that behalf may, by a special notice, require any occupant to clear any boundary or other line which it may be necessary to clear for the purposes of the survey, by cutting down and removing any trees, jungle, fences or standing crops.
Compensation	10. If any demand for compensation be made in respect of the clearance of any line in accordance with a requisition under the last preceding section, the Collector shall ascertain and record the nature and estimated value of any trees, jungle, fences or standing crops which may have been cut down or removed, and shall offer adequate compensation to the owners thereof, together with payment for all expenses incurred in carrying out the said requisition.
Amin or survey-officer to call upon persons to sign maps or papers	11. When the demarcation of a village or other convenient tract has been completed, the amin or other survey-officer shall, before sending in to the Collector the maps and papers relating thereto, <p>by a general notice, in which the names of all persons required to appear shall be specified, and which shall be posted up at a convenient place in the village or tract,</p> <p>call upon all persons who have pointed out any boundaries in such village or tract on behalf of those interested to attend before him within three days of the publication of the said notice for the purpose of inspecting the maps, field books and similar papers in which any boundary pointed out by any such person has been represented, and, by signing such maps and papers, to certify that the boundaries have been laid down in accordance with the boundaries pointed out by them;</p> <p>and every person so called upon shall be legally bound to attend before such amin or survey-officer, and to inspect the papers, in accordance with such requisition.</p> <p>Any person so called upon who may object to sign the maps and papers as aforesaid shall be required to state his objections in writing, and such statement shall be attached to the record of the demarcation of the village or tract and shall be</p>

	<p>submitted to the Collector together with the maps and papers.</p> <p>The signature affixed to any maps or papers under this section shall be in attestation of the fact that the boundaries thereon represented or any of them have been represented in accordance with those pointed out by the person signing; and the affixing of such signature shall not be held to prejudice the right of any person interested to make any objection to such boundaries on any other ground before the Collector under the next succeeding section.</p>
<p>Person making subsequent objection may be required to deposit costs of further inquiry</p>	<p>13. Whenever any person, having failed to sign the maps and papers, or to give in his objections in writing within the time prescribed by the notification or by the special notice mentioned in the last preceding section, shall, at any time before the Collector has finally confirmed the boundaries for the purposes of the survey, prefer any subsequent objection against the correctness of any maps or papers in respect of which notification or notice was issued,</p> <p>the Collector shall require him to deposit the estimated costs of any further inquiry which it may be necessary to make in respect of his objection;</p> <p>and, if the said person shall fail to deposit such costs within the time specified by the Collector, he shall be deemed for all purposes of this Act to have admitted the correctness of the said maps and papers.</p> <p>If the costs of any inquiry which may be deemed necessary be deposited, the Collector shall make such further inquiry at the expense of the person so objecting; and, if the objection shall seem to the Collector not to be well-founded, he may pass such order as he shall think fit in respect of the recovery from the objector of any sum expended by the Collector on the inquiry in excess of the sum deposited, and of any necessary expenses incurred by any other persons on account of such inquiry:</p> <p>Provided that no person so making an objection after the prescribed time shall, under any circumstances, be entitled to recover the expenses which he is required to deposit before any further inquiry is made in respect of such subsequent objection.</p>
<p>Government may order survey to determine the extent of erosion, accretion and new formation</p>	<p>13A. The Government may, whenever it shall think fit, order that a survey shall be made to determine the extent of erosion along the banks of any river or the extent of accretion, reformation or new formation caused from time to time due to fluvial action of any river in any district, part of a district or local area.</p>

Collector to publish proclamation before entering on lands	<p>13B. (1) Before entering on any land for the purpose of survey under section 13A, the Collector shall cause to be published moazawar a proclamation addressed to the residents of the villages and the occupants of the land where the extent of erosion along the banks of any river or the extent of accretion, reformation or new formation due to fluvial action of any river is about to be determined calling upon them to attend before the Collector or any officer authorized by him in that behalf, at such place and at such time as shall be stated in the proclamation, for the purpose of pointing out the extent of erosion, accretion, reformation or new formation and of rendering such aid as may be necessary and of affording of such information as may be required.</p> <p>(2) Such proclamation shall be published by pasting a copy thereof at the Police-station and the Tahsil Office within the jurisdiction of which any portion of the land about to be surveyed is situated and at such other place or places as the Collector may direct.</p>
Drawing of diluvion line on the latest survey maps, etc	<p>13D. When the extent of erosion along the banks of any river has been determined by survey after issue of a proclamation under sub-section (1) of section 13B, the amin or other survey officer engaged for the purpose shall show the same by drawing diluvion lines on the latest survey maps of the mauzas concerned noting the year of diluvion at both ends of such diluvion lines and shall send to the Collector the maps</p> <p>and all papers relating thereto after signing them legibly giving designation and date; and the amin or other survey officer engaged for the purpose of survey of accretions, reformations or new formations, as the case may be, shall show the periphery of the same on traverse sheets, and shall send to the Collector these traverse sheets, and all papers relating thereto after signing them legibly giving designation and date.</p>
On receipt of maps or traverse sheets, Collector to invite objections	<p>13E. (1) On receipt of the maps showing the diluvion lines thereon or the traverse sheets relating to the survey of accretions, reformations and new formations and other papers relating thereto, the Collector shall cause a notice to be posted in his office, and in such other places as he may think proper, informing all persons concerned that the maps showing the diluvion lines and the traverse sheets showing the peripheries of accretions, reformations and new formations in respect of a village or tract specified are open to inspection, and requiring any person, who may have any objection in respect thereof, to prefer such objections within thirty days of the date of the posting of such notice.</p> <p>(2) If any objections have been filed, the Collector, after hearing the persons concerned and holding such further enquiry as he may deem necessary, shall pass such order in respect of such objections as he may deem fit.</p>

	<p>(3) After the disposal of objections under sub-section (2) or, where no objections have been filed, after expiry of the time fixed for filing objections, the Collector shall, so far as the division lines are concerned, confirm the same as shown in the maps and such confirmation shall be evidence of the fact that the division lines drawn and the year of division noted on the maps are correct and shall, so far as the survey of accretions, reformatioes and new formations are concerned, furnish a certificate on the traverse sheets in such form and manner as may be prescribed by the Government.]</p>
Mode of determining boundary	<p>41. The Collector shall determine the boundary according to actual possession, and cause it to be secured by boundary-marks;</p> <p>and the order of the Collector under this section shall, until it be reversed or modified by competent authority, have the force of an order of any Civil Court declaring the parties to be in possession of the land in accordance with the boundary as determined by the Collector.</p>
Power of Collector to take possession of land in dispute	<p>42. If, after holding the necessary inquiry, the Collector is unable to discover which party was in possession of the disputed land when he instituted the inquiry under this section, the Collector may take possession of the land in dispute, and retain possession thereof until some party shall have established his right to the said land.</p>
Relying boundary previously determined by Court or by revenue survey	<p>43. If the boundary regarding which the dispute exists as mentioned in section 40 shall at any previous time have been determined by any Court of competent jurisdiction, or shall have been laid down and shown on a map in the course of any previous revenue-survey or settlement, and no objection to the boundary as thus laid down and mapped shall have been preferred before any authority competent to decide on such objection:</p> <p>whenever the dispute relates to the boundary of an estate which is liable for revenue, or to any other boundary by which the interests of the Government may be affected, the Collector shall,</p> <p>and whenever the disputes relates to any other boundary, the Collector may, if he thinks fit,</p> <p>re- lay, as nearly as may be possible, the boundary as previously determined or laid down and shown on the map, and cause such boundary to be shown on the survey-map, with an explanatory note to the same:</p> <p>Provided that the relying and record of a boundary by the Collector under this</p>

	<p>section shall not affect the possession of any land by any party, and shall be in addition to the determination and record of the boundary according to actual possession required by section 41.</p> <p>Nothing contained in the section shall be held to prohibit the Collector from deviating from a boundary as held by actual possession or as shown on a former map, and laying down a new boundary, if all the parties concerned agree to such new boundary, on the ground that the boundary held by actual possession, or as shown on the former map, was incorrect, and if it appears to the Collector that there is no objection to the adoption of such new boundary.</p> <p>The reason for every such deviation shall be recorded in the Collector's proceedings.</p>
<p>Power of Collector in case of doubt or dispute as to boundary determined by Court or laid down by survey</p>	<p>45. If it shall come to the notice of the Collector at any time, or in any manner, that a doubt or dispute exists in respect to any boundary—</p> <p>(a) which has at any time been determined by a competent Court; or</p> <p>(b) which has been laid down and shown on a map, in the course of a previous revenue-survey or settlement, or other proceeding of a revenue officer for any special purpose, and against which no objection has been preferred to any authority competent to decide upon such objection; or</p> <p>(c) which has been laid down by survey under this Act,—</p> <p>the Collector may, if he thinks it desirable for any reason that the boundary so determined or laid down shall be relaid, proceed to relay the boundary in the manner prescribed in section 44 of this Act,</p> <p>and for the purpose of so relaying the boundary he may make any inquiries and surveys which may be necessary, and such inquiries and surveys shall be deemed to be proceedings under section 6, and the Collector shall exercise in respect thereof all powers which he may exercise in respect of inquiries and surveys under that section.</p>
<p>In certain cases Collector may cause marks to be erected</p>	<p>46. Whenever the Collector shall have determined a boundary which was in dispute, and the order shall have become final,</p>

	<p>and whenever a boundary which has been supplied by the survey officers, or has been determined under this Act, has been altered by a decree of any Civil Court which has become final.</p> <p>and whenever it shall come to the notice of the Collector that any boundary has been determined by a competent Court or authority.</p> <p>the Collector may cause such marks as he may think fit to be erected in order to secure the boundary permanently, and the provisions of Parts III and IV shall, so far as is possible, be applicable to boundary-marks which are erected under this section and to the apportionment of the cost thereof.</p>
Service of notice	<p>48. Every notice in and by this Act required to be served on any person may be served—</p> <p>(1) by delivering the same to the person to whom it is directed, or, on failure of such service, by posting the same on some conspicuous part of the house in which the said person resides, or by delivering the said notice to a general agent of the person to whom such notice is directed; or</p> <p>(2) by sending a registered letter containing such notice directed to the said person at his usual place of abode, or to the place where he may be known to reside; or</p> <p>(3) by posting a copy of the notice at any mal-cutchery of the estate or tenure of the person to whom the notice is directed; or if no such mal-cutchery be found, on some conspicuous place on the said estate or tenure to which such notice relates, and by delivering, in the case of estates paying their annual revenue by four instalments, another copy thereof to any agent who shall have paid an instalment of revenue next after the preparation of such notice.</p> <p>In all cases where two or more persons are holders of an estate or tenure, service of notice under this clause shall be deemed to be good and sufficient service on each and all of such persons.</p>
Collector may award portion of fine to informer	<p>54. The Collector may award any portion of a fine imposed under either of the two last preceding sections, and which may be realised, to any person who may have given information leading to the imposition of the fine.</p>
When person removing boundary-mark cannot be	<p>56. Whenever the person erasing, removing or damaging any boundary-mark cannot be discovered, or if for any other reason it is found impracticable to recover from him the sum which he has been so ordered to pay, the boundary-mark shall be</p>

Bond. Collector may repair	restored or repaired by the Collector, and the expenses thereby incurred shall be recovered from the occupants, of such of the contiguous lands and in such proportions, as to the Collector may seem fit.
Every amount due deemed a demand	57. Every amount which may become due to the Collector under the provisions of this Act in respect of any expenses incurred or of any notices served, or of any cross payable by any party in an appeal, shall be deemed to be a demand.
Appeal against orders Supervision of proceedings	58. Except as provided in sections 59 and 60, no appeal shall lie as of right, against any order passed under this Act by any officer, but the proceedings and orders of Assistant Superintendents and of Deputy Collectors under this Act shall be subject to the supervision and control of the Superintendent of Survey or Collector; the proceedings and orders of the Superintendent of Survey and of the Collector, to the supervision and control of the "1" Commissioner of the division]; and the proceedings and orders of all officers, to the supervision and control of the Government: "1" Provided that the Government may order that in the course of any survey under this Act, the functions of the "1" Commissioner] shall be restricted to the decision of appeals under section 60, and that the general powers of control and supervision over the Superintendent of Survey or Collector and their subordinate officers may be exercised by the Government direct.
Appeal against certain orders of Collector or Superintendent of Survey	60. An appeal presented within one month of the date of the order appealed against, shall lie to the "1" Commissioner of the division] against every order of the Collector or Superintendent of Survey:- (a) determining under section 8 the amount to be paid as value of materials or labour supplied; (b) determining under section 10 the amount to be paid as compensation;

¹ The words 'Commissioner of the division' were substituted, for the words 'Director of L. and Records and Survey' by section 2 and Schedule of the Bangladesh Laws (Amendment) Ordinance, 1974 (Ordinance No. 18 of 1974).

² The word 'Commissioner' was substituted, for the words 'Director of L. and Records and Survey' by section 2 and Schedule of the Bangladesh Laws (Amendment) Ordinance, 1974 (Ordinance No. 18 of 1974).

³ The word 'Commissioner' was substituted, for the words 'Director of L. and Records and Survey' by section 2 and Schedule of the Bangladesh Laws (Amendment) Ordinance, 1974 (Ordinance No. 18 of 1974).

⁴ The words 'Commissioner of the division' were substituted, for the words 'Director of L. and Records and Survey' by section 2 and Schedule of the Bangladesh Laws (Amendment) Ordinance, 1974 (Ordinance No. 18 of 1974).

	(c) determining a disputed boundary; (d) imposing a fine of more than fifty taka on any person; Provided that the order appealed against under clauses (a), (b) and (c) shall not have been passed by the Collector or Superintendent of Survey on an appeal preferred against the order of a subordinate officer.
Orders as to costs on appeal	61. The [Commissioner], Collector or Superintendent of Survey may pass such orders as they shall think fit in respect of the payment of costs incurred by any party in an appeal.
No suit to be brought unless appeal first preferred	62. No suit shall be brought to set aside an order of a Superintendent of Survey, Collector, Assistant Superintendent or Deputy Collector deciding a boundary-dispute, unless an appeal shall have been first preferred under section 59 or section 60, or unless the person suing was at the time when such order was passed a minor, or insane or an idiot.

THE CODE OF CIVIL PROCEDURE, 1908
(ACT NO. V OF 1908).

³⁰⁰An Act to consolidate and amend the laws relating to the Procedure of the Courts of Civil Judicature.

WHEREAS it is expedient to consolidate and amend the laws relating to the procedure of the Courts of Civil Judicature: It is hereby enacted as follows:-

Section Short Title	Descriptions
Definitions	-2. In this Act, unless there is anything repugnant in the subject or context: (2) "decree" means the formal expression of an adjudication which, so far as regards the Court expressing it, conclusively determines the rights of the parties with regard to all or any of the matters in controversy in the suit and may be either preliminary or final. It shall be deemed to include the rejection of a plaint and the determination of any question within ³⁰¹ clause (a) of section 144, but shall not include- (a) any adjudication from which an appeal lies as an appeal from an order; or (b) any order of dismissal for default.

³⁰⁰ The word "Commissioner" was substituted for the words "Director of Land Records and Survey" by section 2 and Schedule of the Bangladesh Laws (Amendment) Ordinance, 1976 (Ordinance No. 13 of 1976).

³⁰¹ Throughout the Act and in other provisions thereof, the words "Magistrate", "High Court Division", "High Court Division", "Court of Session" and "District Court" were substituted for the words "Magistrate", "High Court or High Courts" or "any High Court" or "such High Court", "High Court", "Central Government" or "Provincial Government" or "Central Government or the Federal Government" or "Appropriate Government" or "Central Government or Provincial Government" and "District" or "DC", respectively by section 7 and 2nd Schedule of the Bangladesh Laws (Amendment) Ordinance, 1971 (Act No. VIII of 1971).

³⁰² The words and figures "section 47" were inserted by the Bangladesh Laws (Amendment) Ordinance, 1983 (Ordinance No. XLVII of 1983).

	<p>Explanation.—A decree is preliminary when further proceedings have to be taken before the suit can be completely disposed of. It is final when such adjudication completely disposes of the suit. It may be partly preliminary and partly final:</p> <p>(3) "decree-holder" means any person in whose favour a decree has been passed or an order capable of execution has been made;</p> <p>(7) "Government Pleader" includes any officer appointed by the Government to perform all or any of the functions expressly imposed by this Code on the Government Pleader and also any pleader acting under the directions of the Government Pleader;</p> <p>(9) "Judgment" means the statement given by the Judge of the grounds of a decree or order;</p> <p>(11) "legal representative" means a person who in law represents the estate of a deceased person, and includes any person who intermeddles with the estate of the deceased and where a party sues or is sued in a representative character the person on whom the estate devolves on the death of the party so suing or sued;</p> <p>(14) "order" means the formal expression of any decision of a Civil Court which is not a decree;</p> <p>(17) "public officer" means a person falling under any of the following descriptions, namely:—</p> <p>(a) every Judge;</p> <p>(b) every member of the Civil Service of ¹⁰¹ The Republic;</p> <p>(c) every commissioned or gazetted officer in the military, naval or air forces of Bangladesh while in the service of the ¹⁰¹ Republic;</p> <p>(d) every officer of a Court of Justice whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order, in the Court, and every person especially authorised by a Court of Justice to perform any of such duties;</p>
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¹⁰¹ The words "The Republic" were substituted, in the words "Pakistan" by section 7 and 2nd Schedule of the [Bangladesh Law Revision and Declaration Act, 1973](#) (Act No. VIII of 1973).

¹⁰² The words "The Republic" were substituted, in the words "Pakistan" by section 7 and 2nd Schedule of the [Bangladesh Law Revision and Declaration Act, 1973](#) (Act No. VIII of 1973).

	<p>(e) every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;</p> <p>(f) every officer of the Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;</p> <p>(g) every officer whose duty it is, as such officer, to take, receive, keep or expend any property on behalf of the Government, or to make any survey, assessment or contract on behalf of the Government, or to execute any revenue-process, or to investigate, or to report on, any matter affecting the pecuniary interest of the Government, or to make, authenticate or keep any document relating to the pecuniary interests of the Government, or to prevent the infraction of any law for the protection of the pecuniary interests of the Government; and</p> <p>(h) every officer in the service or pay of the ¹⁰⁰ Republic], or remunerated by fees or commission for the performance of any public duty.</p>
Application of the Code of Revenue Courts	<p>5(1) Where any Revenue Courts are governed by the provisions of this Code in those matters of procedure upon which any special enactment applicable to them is silent, the Government may, by notification in the official Gazette, declare that any portions of those provisions which are not expressly made applicable by this Code shall not apply to those Courts, or shall only apply to them with such modifications as the Government may prescribe.</p> <p>(2) "Revenue Court" in subsection (1) means a Court having jurisdiction under any ¹⁰¹ law to entertain suits or other proceedings relating to the rent, revenue or profits of land used for agricultural purposes, but does not include a Civil Court having original jurisdiction under this Code to try such suits or proceedings as being suits or proceedings of a civil nature.</p>
Stay of suit	<p>10. No Court shall proceed with the trial of any suit in which the matter in issue is also directly and substantially in issue in a previously instituted suit between the same parties, or between parties under whom they or any of them claim litigating under the same title where such suit is pending in the same or any other Court in Bangladesh having jurisdiction to grant the relief claimed, or in any Court beyond the limits of Bangladesh established or continued by the Government and having like jurisdiction, or before the Supreme Court.</p>

¹⁰⁰ The words "The Republic" were substituted for the words "Pakistan" by section 7 and 2nd Schedule of the [Bangladesh Law Revision and Consolidation Act, 1973 \(Act No. VII of 1973\)](#).

¹⁰¹ The word "law" was amended by section 7 and 2nd Schedule of the [Bangladesh Law Revision and Consolidation Act, 1973 \(Act No. VII of 1973\)](#).

	<p>Explanation-The pendency of a suit in a foreign Court does not preclude the Court in Bangladesh from trying a suit founded on the same cause of action.</p>
Res Judicata	<p>11. No Court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a court competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and has been heard and finally decided by such Court.</p> <p>Explanation I-The expression "former suit" shall denote a suit which has been decided prior to the suit in question whether or not it was instituted prior thereto.</p> <p>Explanation II-For the purposes of this section, the competence of a Court shall be determined irrespective of any provisions as to a right of appeal from the decision of such Court.</p> <p>Explanation III-The matter above referred to must in the former suit have been alleged by one party and either denied or admitted, expressly or impliedly, by the other.</p> <p>Explanation IV-Any matter which might and ought to have been made ground of defence or attack in such former suit shall be deemed to have been a matter directly and substantially in issue in such suit.</p> <p>Explanation V-Any relief claimed in the plaint, which is not expressly granted by the decree, shall, for the purposes of this section, be deemed to have been refused.</p> <p>Explanation VI-Where persons litigate bona fide in respect of a public right or of a private right claimed in common for themselves and others, all persons interested in such right shall, for the purposes of this section, be deemed to claim under the persons so litigating.</p>
Bar to further suit	<p>12. Where a plaintiff is precluded by rules from instituting a further suit in respect of any particular cause of action, he shall not be entitled to institute a suit in respect of such cause of action in any Court to which this Code applies.</p>
Purchaser's title	<p>65. Where immovable property is sold in execution of a decree and such sale has become absolute, the property shall be deemed to have vested in the purchaser from the time when the property is sold and not from the time when the sale becomes absolute.</p>
Power for	<p>67(1) The Government may, by notification in the official Gazette, make rules</p>

Government to make rules as to sales of land in execution of decrees for payment of money	<p>for any local area imposing conditions in respect of the sale of any class of interests in land in execution of decrees for the payment of money, where such interests are so uncertain or undetermined as, in the opinion of the Government, to make it impossible to fix their value.</p> <p>(2) When on the date on which this Code came into operation in any local area, any special rules as to sale of land in execution of decrees were in force therein, the Government may, by notification in the official Gazette, declare such rules to be in force, or may, by a like notification, modify the same.</p> <p>Every notification issued in the exercise of the powers conferred by this sub-section shall set out the rules so continued or modified.</p>
Power to prescribe rules for transferring to Collector execution of certain decrees	<p>68. The Government may, declare, by notification in the official Gazette, that in any local area the execution of decrees in cases in which a Court has ordered any immovable property to be sold, or the execution of any particular kind of such decrees, or the execution of decrees ordering the sale of any particular kind of, or interest in, immovable property, shall be transferred to the Collector</p>
Rules of procedure	<p>70.(1) The Government may make rules consistent with the aforesaid provisions-</p> <p>(a) for the transmission of the decree from the Court to the Collector, and for regulating the procedure of the Collector and his subordinates in executing the same, and for retransmitting the decree from the Collector to the Court;</p> <p>(b) conferring upon the Collector or any gazetted subordinate of the Collector all or any of the powers which the Court might exercise in the execution of the decree if the execution thereof had not been transferred to the Collector;</p> <p>(c) providing for orders made by the Collector or any gazetted subordinate of the Collector, or orders made on appeal with respect to such orders, being subject to appeal to, and revision by, superior revenue-authorities as nearly as may be as the orders made by the Court, or orders made on appeal with respect to such orders, would be subject to appeal to, and revision by, appellate or revisional Courts under this Code or other law for the time being in force if the decree had not been transferred to the Collector.</p>
Jurisdiction of Civil Courts barred	<p>(2) A power conferred by rules made under sub-section (1) upon the collector or any gazetted subordinate of the Collector, or upon any appellate or revisional authority, shall not be exercisable by the Court or by any Court in exercise of any appellate or revisional jurisdiction which it has with respect to decrees or orders of the Court</p>
Collector deemed	<p>71. In executing a decree transferred to the Collector under section 68 the</p>

to be acting judicially	Collector and his subordinates shall be deemed to be acting judicially.
Where Court may authorise Collector to stay public sale of land	72.(1) Where in any local area in which no declaration under section 68 is in force the property attached consists of land or of a share in land, and the Collector represents to the Court that the public sale of the land or share is objectionable and that satisfaction of the decree may be made within a reasonable period by a temporary alienation of the land or share, the Court may authorise the Collector to provide for such satisfaction in the manner recommended by him instead of proceeding to a sale of the land or share. (2) In every such case the provisions of sections 69 to 71 and of any rules made in pursuance thereof shall apply so far as they are applicable.
Suits by or against the Government	79. In a suit by or against the Government the authority to be named as plaintiff or defendant, as the case may be, ^{79[]} shall be Bangladesh. ^{79[* * *]}
Notice	80.(1) A suit may be instituted against the Government or against a public officer, in respect of any act purporting to be done by such public officer in his official capacity, after the expiration of six months next after notice in writing has been delivered to or left at the office of:- ^{80[* * *]} (b)(i) in the case of a suit against the Government other than a suit relating to the affairs of ^{80[]} the Railway, a Secretary to ^{80[]} the Government or the Collector of the District; and (ii) in the case of a suit against the Government relating to the affairs of ^{80[]} the Railway, the General Manager of the Railway ^{80[* * *]} ; and in the case of a public officer, delivered to him or left at his office stating the cause of action, the name, description of place of residence of the plaintiff and the relief which he claims; and the plaintiff shall contain a statement that such notice

⁷² Clauses (c) and (d) were omitted by section 7 and 2nd Schedule of the [Bangladesh Law Revision And Declaration Act, 1973](#) (Act No. VIII of 1973).

⁷³ Clauses (c) and (d) were omitted by section 7 and 2nd Schedule of the [Bangladesh Law Revision And Declaration Act, 1973](#) (Act No. VIII of 1973).

⁷⁴ Clauses (c) and (d) were omitted by section 7 and 2nd Schedule of the [Bangladesh Law Revision And Declaration Act, 1973](#) (Act No. VIII of 1973).

⁷⁵ The words "the Railway" were substituted, for the words "a railway" by section 7 and 2nd Schedule of the [Bangladesh Law Revision And Declaration Act, 1973](#) (Act No. VIII of 1973).

⁷⁶ The words "the Government" were substituted, for the words "the Government" by section 7 and 2nd Schedule of the [Bangladesh Law Revision And Declaration Act, 1973](#) (Act No. VIII of 1973).

⁷⁷ Clauses (c) and (d) were omitted by section 7 and 2nd Schedule of the [Bangladesh Law Revision And Declaration Act, 1973](#) (Act No. VIII of 1973).

⁷⁸ The words "the Railway" were substituted, for the words "a railway" by section 7 and 2nd Schedule of the [Bangladesh Law Revision And Declaration Act, 1973](#) (Act No. VIII of 1973).

⁷⁹ The word "Bangladesh" was omitted by section 7 and 2nd Schedule of the [Bangladesh Law Revision And Declaration Act, 1973](#) (Act No. VIII of 1973).

	<p>has been so delivered or left.</p> <p>(2) Where any such suit is instituted without delivering or leaving such notice as aforesaid or before the expiration of the said period of two months or where the plaintiff does not contain a statement that such notice has been so delivered or left, the plaintiff shall not be entitled to any costs if settlement as regards the subject-matter of the suit is reached or the Government or the public officer concedes the plaintiff's claim, within the period of two months from the date of the institution of the suit:</p> <p>Provided that in a suit instituted without such notice, the Court shall allow not less than three months to the Government to submit its written statement.</p>
Exemption from arrest and personal appearance	<p>81. In a suit instituted against a public officer in respect of any act purporting to be done by him in his official capacity-</p> <p>(a) the defendant shall not be liable to arrest nor his property to attachment otherwise than in execution of a decree, and,</p> <p>(b) where the Court is satisfied that the defendant cannot absent himself from his duty without detriment to the public service, it shall exempt him from appearing in person.</p>
Execution of decree	<p>82.(1) Where the decree is against the Government or against a public officer in respect of any such act as aforesaid, a time shall be specified in the decree within which it shall be satisfied; and, if the decree is not satisfied within the time so specified, the Court shall report the case for the orders of the Government.</p> <p>(2) Execution shall not be issued on any such decree unless it remains unsatisfied for the period of three months computed from the date of such report.</p>

THE LIMITATION ACT, 1908
(ACT NO. IX OF 1908)

³⁰⁸An Act to consolidate and amend the law for the Limitation of Suits, and for other purposes.

WHEREAS it is expedient to consolidate and amend the law relating to the limitation of suits, appeals and certain applications to Courts; and whereas it is also expedient to provide rules for acquiring by possession the ownership of easements and other property; It is hereby enacted as follows:-

Section/ Short Title	Descriptions
Dismissal of suits, etc, instituted, etc, after period of limitation	3. Subject to the provisions contained in sections 4 to 25 (inclusive), every suit instituted, appeal preferred, and application made, after the period of limitation prescribed therefor by the first schedule shall be dismissed, although limitation has not been set up as a defence. Explanation. -A suit is instituted, in ordinary cases, when the plaint is presented to the proper officer; in the case of a pauper, when his application for leave to sue as a pauper is made; and, in the case of a claim against a company which is being wound up by the Court, when the claimant first sends in his claim to the official liquidator.
When Court is closed when period expires	4. Where the period of limitation prescribed for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal or application may be instituted, preferred or made on the day that the Court re-opens.
Extension of period in certain cases	5. Any appeal or application for a revision or a review of judgment or for leave to appeal or any other application to which this section may be made applicable by or under any enactment for the time being in force may be admitted after the period of limitation prescribed therefor, when the appellant or applicant satisfies the Court that he had sufficient cause for not preferring the appeal or making the application within such period. Explanation. - The fact that the appellant or applicant was misled by any order, practice or judgment of the High Court Division in ascertaining or computing the prescribed period of limitation may be sufficient cause within the meaning of this section.
Exclusion of time in legal proceedings	12. (1) In computing the period of limitation prescribed for any suit, appeal or application, the day from which such period is to be reckoned shall be excluded. (2) In computing the period of limitation prescribed for an appeal, an application for leave to appeal and an application for a review of judgment, the day on which

³⁰⁸ Throughout this Act, except otherwise provided, the words "Magistrate", "Munsif" and "the High Court Division" were substituted, for the words "District", "Munsif" and "High Court" or "a High Court" respectively by section 3 and 2nd Schedule of the [Amendment and Revision Act 1973 \(Act No. V of 1973\)](#).

	<p>the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree, sentence or order appealed from or sought to be reviewed, shall be excluded.</p> <p>(3) Where a decree is appealed from or sought to be reviewed, the time requisite for obtaining a copy of the judgment on which it is founded shall also be excluded.</p> <p>(4) In computing the period of limitation prescribed for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded.</p>
<p>Computation of time mentioned in instruments</p>	<p>25 All instruments shall, for the purposes of this Act, be deemed to be made with reference to the Gregorian calendar.</p> <p style="text-align: center;"><i>Illustrations</i></p> <p>(a) A Hindu makes a promissory note bearing a Native date only, and payable four months after date. The period of limitation applicable to a suit on the note runs from the expiration of four months after date computed according to the Gregorian calendar.</p> <p>(b) A Hindu makes a bond, bearing a Native date only, for the repayment of money within one year. The period of limitation applicable to a suit on the bond runs from the expiration of one year after date computed according to the Gregorian Calendar.</p>
<p>Acquisition of right to easements</p>	<p>26. (1) Where the access and use of light or air to and for any building have been peaceably enjoyed therewith as an easement, and as of right, without interruption, and for twenty years,</p> <p>and where any way or watercourse, or the use of any water, or any other easement (whether affirmative or negative) has been peaceably and openly enjoyed by any person claiming title thereto as an easement and as of right without interruption, and for twenty years,</p> <p>the right to such access and use of light or air, way, water-course, use of water, or other easement shall be absolute and indefeasible.</p> <p>Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested.</p> <p>(2) Where the property over which a right is claimed under sub-section (1) belongs to the Government, that sub-section shall be read as if for the words "twenty years"</p>

	<p>the words "sixty years" were substituted.</p> <p>Explanation - Nothing is an interruption within the meaning of this section, unless where there is an actual discontinuance of the possession or enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction is submitted to or acquiesced in for one year after the claimant has notice thereof and of the person making or authorising the same to be made.</p> <p style="text-align: center;"><i>Illustrations</i></p> <p>(a) A suit is brought in 1911 for obstructing a right of way. The defendant admits the obstruction, but denies the right of way. The plaintiff proves that the right was peaceably and openly enjoyed by him, claiming title thereto as an easement and as of right, without interruption from 1st January, 1890 to 1st January, 1910. The plaintiff is entitled to judgment.</p> <p>(b) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff, on one occasion during the twenty years, had asked his leave to enjoy the right. The suit shall be dismissed.</p>
Extinguishment of right to property	28. At the determination of the period hereby limited to any person for instituting a suit for possession of any property, his right to such property shall be extinguished.
Savings	<p>29. (1) Nothing in this Act shall affect section 25 of the Contract Act, 1872.</p> <p>(2) Where any special "[* * *]" law prescribes for any suit, appeal or application a period of limitation different from the period prescribed therefore by the first schedule, the provision of section 3 shall apply, as if such period were prescribed therefor in that schedule, and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special "[* * *]" law-</p> <p>(a) the provisions contained in section 4, sections 9 to 18, and section 22 shall apply only in so far as, and to the extent to which, they are not expressly excluded by such special "[* * *]" law; and</p>

³⁶ The words "or local" were omitted by section 3 and 2nd Schedule of the [Bengal Land Revenue Amendment Act, 1973](#) (Act No. 18 of 1973).

³⁷ The words "or local" were omitted by section 3 and 2nd Schedule of the [Bengal Land Revenue Amendment Act, 1973](#) (Act No. 18 of 1973).

³⁸ The words "or local" were omitted by section 3 and 2nd Schedule of the [Bengal Land Revenue Amendment Act, 1973](#) (Act No. 18 of 1973).

(b) the remaining provisions of this Act shall not apply.

(3) Nothing in this Act shall apply to suits under the Divorce Act.

(4) Sections 26 and 27 and the definition of "residence" in section 2 shall not apply to cases arising in territories to which the Easements Act, 1882, may for the time being extend.

THE TRANSFER OF PROPERTY ACT, 1882
(ACT NO. IV OF 1882)

³⁰⁸An Act to amend the law relating to the Transfer of Property by Act of Parties.

WHEREAS it is expedient to define and amend certain parts of the law relating to the transfer of property by act of parties; It is hereby enacted as follows:-

Section/ Short Title	Descriptions
Interpretation-clause	<p>3. In this Act, unless there is something repugnant in the subject or context:-</p> <p>"immovable property" does not include standing timber, growing crops or grass;</p> <p>"attested", in relation to an instrument, means and shall be deemed always to have meant attested by two or more witnesses each of whom has seen the executant sign or affix his mark to the instrument, or has seen some other person sign the instrument in the presence and by the direction of the executant, or has received from the executant a personal acknowledgment of his signature or mark, or of the signature of such other person, and each of whom has signed the instrument in the presence of the executant; but it shall not be necessary that more than one of such witnesses shall have been present at the same time, and no particular form of attestation shall be necessary.</p> <p>"registered" means registered in ³⁰⁹[Bangladesh] under the law for the time being in force regarding the registration of documents;</p> <p>"Actionable claim" means a claim to any debt, other than a debt secured by mortgage of immovable property or by hypothecation or pledge of moveable property, or to any beneficial interest in moveable property not in the possession, either actual or constructive, of the claimant, which the Civil Courts recognize as affording grounds for relief, whether such debt or beneficial interest be existent, accruing, conditional or contingent;</p> <p>"a person is said to have notice" of a fact when he actually knows that fact, or when, but for wilful abstention from an inquiry or search which he ought to have made, or gross negligence, he would have known it.</p> <p>Explanation I-Where any transaction relating to immovable property is required</p>

³⁰⁸ Throughout this Act, except where provided, the word "Bangladesh" or "Government" and "the" are substituted in the words "Pakistan", "Central Government" or "Provincial Government" and "the" respectively by section 3 and 2nd Schedule of the [Bangladesh \(Transfer of Property\) Act, 1973](#) (Act No. VIII of 1973).

³⁰⁹ The word "Bangladesh" was substituted, for the words "Province" by section 3 and 2nd Schedule of the [Bangladesh \(Law, Orders and Regulations\) Act, 1973](#) (Act No. VIII of 1973).

	<p>by law to be and has been effected by a registered instrument, any person acquiring such property or any part of, or share or interest in, such property shall be deemed to have notice of such instrument as from the date of registration or, where the property is not all situated in one sub-district, or where the registered instrument has been registered under sub-section (2) of section 30 of the <u>Registration Act, 1908</u>, from the earliest date on which any memorandum of such registered instrument has been filed by any Sub-Registrar within whose sub-district any part of the property which is being acquired, or of the property wherein a share or interest is being acquired, is situated.</p> <p>Provided that-</p> <p>(1) the instrument has been registered and its registration completed in the manner prescribed by the <u>Registration Act, 1908</u>, and the rules made thereunder,</p> <p>(2) the instrument or memorandum has been duly entered or filed, as the case may be, in books kept under section 51 of that Act, and</p> <p>(3) the particulars regarding the transaction to which instrument relates have been correctly entered in the indexes kept under section 55 of that Act.</p> <p>Explanation II.-Any person acquiring any immovable property or any share or interest in any such property shall be deemed to have notice of the title, if any, of any person who is for the time being in actual possession thereof.</p> <p>Explanation III.-A person shall be deemed to have had notice of any fact if his agent acquires notice thereof whilst acting on his behalf in the course of business to which that fact is material.</p> <p>Provided that, if the agent fraudulently conceals the fact, the principal shall not be charged with notice thereof as against any person who was a party to or otherwise cognizant of the fraud.</p>
<p>"Transfer of property" defined</p>	<p>5. In the following sections "transfer of property" means an act by which a living person conveys property, in present or in future, to one or more other living persons, or to himself, or to himself and one or more other living persons; and "to transfer property" is to perform such act. In this section "living person" includes a company or associations or body of individuals, whether incorporated or not, but nothing herein contained shall affect any law for the time being in force relating to transfer of property to or by companies, associations or bodies of individuals.</p>
<p>What may be</p>	<p>6. Property of any kind may be transferred, except as otherwise provided by this</p>

transferred	<p>Act or by any other law for the time being in force.</p> <p>(a) The chance of an heir-apparent succeeding to an estate, the chance of a relation obtaining a legacy on the death of a kinsman, or any other mere possibility of a like nature, cannot be transferred.</p> <p>(b) A mere right of re-entry for breach of a condition subsequent cannot be transferred to any one except the owner of the property affected thereby.</p> <p>(c) An easement cannot be transferred apart from the dominant heritage.</p> <p>(d) An interest in property restricted in its enjoyment to the owner personally cannot be transferred by him.</p> <p>(dd) A right to future maintenance, in whatsoever manner arising, secured or determined, cannot be transferred.</p> <p>(e) A mere right to sue cannot be transferred.</p> <p>(f) A public office cannot be transferred, nor can the salary of a public officer, whether before or after it has become payable.</p> <p>(g) Stipends allowed to military, naval, air-force and civil pensioners of the Government and political pensions cannot be transferred.</p> <p>(h) No transfer can be made (1) in so far as it is opposed to the nature of the interest affected thereby, or (2) for an unlawful object or consideration within the meaning of section 23 of the <u>Contract Act</u>, 1872, or (3) to a person legally disqualified to be transferee.</p> <p>(i) Nothing in this section shall be deemed to authorise a tenant having an untransferable right of occupancy, the farmer of an estate in respect of which default has been made in paying revenue or the lessee of an estate under the management of a Court of Wards, to assign his interest as such tenant, farmer or lessee.</p>
Persons competent to transfer	<p>7. Every person competent to contract and entitled to transferable property, or authorised to dispose of transferable property not his own, is competent to transfer such property either wholly or in part, and either absolutely or conditionally, in the circumstances, to the extent and in the manner allowed and prescribed by any law</p>

	for the time being in force.
Operation of transfer	<p>8. Unless a different intention is expressed or necessarily implied, a transfer of property passes forthwith to the transferee all the interest which the transferor is then capable of passing in the property, and in the legal incidents thereof.</p> <p>Such incidents include, where the property is land, the easements annexed thereto, the rents and profits thereof accruing after the transfer, and all things attached to the earth</p> <p>and, where the property is machinery attached to the earth, the moveable parts thereof;</p> <p>and, where the property is a house, the easements annexed thereto, the rent thereof accruing after the transfer, and the locks, keys, bars, doors, windows, and all other things provided for permanent use therewith;</p> <p>and, where the property is a debt or other actionable claim, the securities therefor (except where they are also for other debts or claims not transferred to the transferee), but not arrears of interest accrued before the transfer;</p> <p>and, where the property is money or other property yielding income, the interest or income thereof accruing after the transfer takes effect.</p>
"Sale" defined	54. "Sale" is a transfer of ownership in exchange for a price paid or promised or part-paid and part-promised.
Sale how made	<p>Such transfer, in the case of tangible immovable property²³¹ or in the case of a reversion or other intangible thing, can be made only by a registered instrument.</p> <p>²³¹ [s + s]</p> <p>Delivery of tangible immovable property takes place when the seller places the buyer, or such person as he directs, in possession of the property.</p>
Contract for sale	<p>A contract for the sale of immovable property is a contract that a sale of such property shall take place on terms settled between the parties.</p> <p>It does not, of itself, create any interest in or charge on such property</p>

²³⁰ The words and clauses "of their own free hand and to, and against," were omitted by section 4 of the [Transfer of Property \(Amendment\) Act, 2004](#) (Act No. XXVI of 2004).

²³¹ The 4th paragraph was omitted by section 4 of the [Transfer of Property \(Amendment\) Act, 2004](#) (Act No. XXVI of 2004).

Contract for sale to be registered, etc	<p>[⁵⁴ 54A. Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, a contract for sale of any immovable property can be made only by an instrument in writing and registered under the Registration Act, 1908, whether or not the transferee has taken possession of the property or any part thereof.</p> <p>In a contract for sale of any immovable property, a time, to be effective from the date of registration, shall be mentioned for execution and registration of the instrument of sale, and if no time is mentioned, six months shall be deemed to be the time.]</p>
Rights and liabilities of buyer and seller	<p>55. In the absence of a contract to the contrary, the buyer and the seller of immovable property respectively are subject to the liabilities, and have the rights, mentioned in the rules next following, or such of them as are applicable to the property sold:</p> <p>(1) The seller is bound-</p> <p>(a) to disclose to the buyer any material defect in the property or in the seller's title thereto of which the seller is, and the buyer is not, aware, and which the buyer could not with ordinary care discover;</p> <p>(b) to produce to the buyer on his request for examination all documents of title relating to the property which are in the seller's possession or power;</p> <p>(c) to answer to the best of his information all relevant questions put to him by the buyer in respect to the property or the title thereto;</p> <p>(d) on payment or tender of the amount due in respect of the price, to execute a proper conveyance of the property when the buyer tenders it to him for execution at a proper time and place;</p> <p>(e) between the date of the contract of sale and the delivery of the property, to take as much care of the property and all documents of title relating thereto which are in his possession as an owner of ordinary prudence would take of such property and documents;</p> <p>(f) to give, on being so required, the buyer, or such person as he directs, such possession of the property as its nature admits;</p>

⁵⁴ Section 54A, was inserted by section 7 of the [Transfer of Property \(Amendment\) Act, 2001](#) (Act No. XXVI of 2001)

(g) to pay all public charges and rent accrued due in respect of the property up to the date of the sale, the interest on all incumbrances on such property due on such date, and, except where the property is sold subject to incumbrances, to discharge all incumbrances on the property then existing.

(2) The seller shall be deemed to contract with the buyer that the interest which the seller professes to transfer to the buyer subsists and that he has power to transfer the same:

Provided that, where the sale is made by a person in a fiduciary character, he shall be deemed to contract with the buyer that the seller has done no act whereby the property is incumbered or whereby he is hindered from transferring it.

The benefit of the contract mentioned in this rule shall be annexed to, and shall go with, the interest of the transferee as such, and may be enforced by every person in whom that interest is for the whole or any part thereof from time to time vested.

(3) Where the whole of the purchase-money has been paid to the seller, he is also bound to deliver to the buyer all documents of title relating to the property which are in the seller's possession or power:

Provided that, (a) where the seller retains any part of the property comprised in such documents, he is entitled to retain them all, and, (b) where the whole of such property is sold to different buyers, the buyer of the lot of greatest value is entitled to such documents. But in case (a) the seller, and in case (b) the buyer, of the lot of greatest value, is bound, upon every reasonable request by the buyer, or by any of the other buyers, as the case may be, and at the cost of the person making the request, to produce the said documents and furnish such true copies thereof or extracts therefrom as he may require; and in the meantime, the seller, or the buyer of the lot of greatest value, as the case may be, shall keep the said documents safe, uncancelled and undelivered, unless prevented from so doing by fire or other inevitable accident.

(4) The seller is entitled:

(a) to the rents and profits of the property till the ownership thereof passes to the buyer;

(b) where the ownership of the property has passed to the buyer before payment of the whole of the purchase-money, to a charge upon the property in the hands of the

buyer any transferee without consideration or any transferee with notice of the non-payment, for the amount of the purchase-money, or any part thereof remaining unpaid, and for interest on such amount or part from the date on which possession has been delivered.

(5) The buyer is bound-

(a) to disclose to the seller any fact as to the nature or extent of the seller's interest in the property of which the buyer is aware but of which he has reason to believe that the seller is not aware, and which materially increases the value of such interest;

(b) to pay or tender, at the time and place of completing the sale, the purchase-money to the seller or such person as he directs: provided that, where the property is sold free from incumbrances, the buyer may retain out of the purchase-money the amount of any incumbrances on the property existing at the date of the sale, and shall pay the amount so retained to the persons entitled thereto;

(c) where the ownership of the property has passed to the buyer, to bear any loss arising from the destruction, injury or decrease in value of the property not caused by the seller;

(d) where the ownership of the property has passed to the buyer, as between himself and the seller, to pay all public charges and rent which may become payable in respect of the property, the principal moneys due on any incumbrances subject to which the property is sold, and the interest thereon afterwards accruing due.

(6) The buyer is entitled-

(a) where the ownership of the property has passed to him, to the benefit of any improvement in, or increase in value of, the property, and to the rents and profits thereof;

(b) unless he has improperly declined to accept delivery of the property, to a charge on the property, as against the seller and all persons claiming under him, to the extent of the seller's interest in the property for the amount of any purchase-money properly paid by the buyer in anticipation of the delivery and for interest on such amount; and, when he properly declines to accept the delivery, also for the earnest (if any) and for the costs (if any) awarded to him of a suit to compel specific performance of the contract or to obtain a decree for its rescission.

An omission to make such disclosures as are mentioned in this section, paragraph

	(1), clause (a), and paragraph (5), clause (a), is fraudulent.
"Mortgage," "mortgagor," "mortgagee," "mortgage-money" and "mortgage-deed" defined	38. (1) A mortgage is the transfer of an interest in specific immovable property for the purpose of securing the payment of money advanced or to be advanced by way of loan, an existing or future debt, or the performance of an engagement which may give rise to a pecuniary liability. The transferor is called a mortgagor, the transferee a mortgagee; the principal money and interest of which payment is secured for the time being are called the mortgage-money, and the instrument (if any) by which the transfer is effected is called a mortgage-deed.
Simple mortgage	(b) Where, without delivering possession of the mortgaged property, the mortgagor binds himself personally to pay the mortgage-money, and agrees, expressly or impliedly, that, in the event of his failing to pay according to his contract, the mortgagee shall have a right to cause the mortgaged property to be sold and the proceeds of sale to be applied, so far as may be necessary, in payment of the mortgage-money, the transaction is called a simple mortgage and the mortgagee a simple mortgagee.
Mortgage by conditional sale	(c) Where the mortgagor ostensibly sells the mortgaged property- . on condition that on default of payment of the mortgage-money on a certain date the sale shall become absolute, or . on condition that on such payment being made the sale shall become void, or on condition that on such payment being made the buyer shall transfer the property to the seller, . the transaction is called a mortgage by conditional sale and the mortgagee a mortgagee by conditional sale; . Provided that no such transaction shall be deemed to be a mortgage, unless the condition is embodied in the document which effects or purports to effect the sale;
Usufructuary mortgage	(d) Where the mortgagor delivers possession or expressly or by implication binds himself to deliver possession of the mortgaged property to the mortgagee, and authorises him to retain such possession until payment of the mortgage-money, and to receive the rents and profits accruing from the property or any part of such rents and profits and to appropriate the same in lieu of interest, or in payment of the mortgage-money, or partly in lieu of interest or partly in payment of the mortgage-money, the transaction is called an usufructuary mortgage and the mortgagee an usufructuary mortgagee.

English mortgage	(e) When the mortgagor binds himself to re-pay the mortgage-money on a certain date, and transfers the mortgaged property absolutely to the mortgagee, but subject to a proviso that he will re-transfer it to the mortgagor upon payment of the mortgage-money as agreed, the transaction is called an English mortgage.
Mortgage by deposit of title-deeds	(f) When a person in the town of "Dhaka, Narayangonj and Chittagong" and in any other town which the Government "I, * * *] may, by notification in the official Gazette, specify in this behalf, delivers to a creditor or his agent documents of title to immovable property, with intent to create a security thereon, the transaction is called a mortgage by deposit of title-deeds.
Anomalous mortgage	(g) A mortgage which is not a simple mortgage, a mortgage by conditional sale, an usufructory mortgage, an English mortgage or a mortgage by deposit of title-deeds within the meaning of this section is called an anomalous mortgage.
Lease" de facto	105. A lease of immovable property is a transfer of a right to enjoy such property, made for a certain time, express or implied, or in perpetuity, in consideration of a price paid or promised, or of money, a share of crops, service or any other thing of value, to be rendered periodically or on specified occasions to the transferor by the transferee, who accepts the transfer on such terms.
"Lessor", "lessee", "premium" and "rent" de facto	The transferor is called the lessor, the transferee is called the lessee, the price is called the premium, and the money, share, service or other thing to be so rendered is called the rent.
Duration of certain leases in absence of written contract or local usage	106. In the absence of a contract or local law or usage to the contrary, a lease of immovable property for agricultural or manufacturing purposes shall be deemed to be a lease from year to year, terminable, on the part of either lessor or lessee, by six months' notice expiring with the end of a year of the tenancy; and a lease of immovable property for any other purpose shall be deemed to be a lease from month to month, terminable, on the part of either lessor or lessee, by fifteen days' notice expiring with the end of a month of the tenancy. Every notice under this section must be in writing signed by or on behalf of the person giving it, and either be sent by post to the party who is intended to be bound by it or be tendered or delivered personally to such party, or to one of his family or servants at his residence, or (if such tender or delivery is not practicable) affixed to a conspicuous part of the property.

¹⁰⁵ The words "Dhaka, Narayangonj and Chittagong" were substituted, for the word "Ranch" by section 7 and 3rd Schedule of the [Bengal Land Revenue Amendment Act, 1977 \(Act No. VIII of 1977\)](#).
¹⁰⁶ The word "Contract" was a typo for section 7 and 3rd Schedule of the [Bengal Land Revenue Amendment Act, 1977 \(Act No. VIII of 1977\)](#).

Leases how made	<p>107. A lease of immovable property from year to year, or for any term exceeding one year, or reserving a yearly rent, can be made only by a registered instrument.</p> <p>All other leases of immovable property may be made either by a registered instrument or by oral agreement accompanied by delivery of possession.</p> <p>Where a lease of immovable property is made by a registered instrument, such instrument or, where there are more instruments than one, each such instrument shall be executed by both the lessor and the lessee.</p> <p>Provided that the Government may, from time to time, by notification in the official Gazette, direct that leases of immovable property, other than leases from year to year, or for any term exceeding one year, or reserving a yearly rent, or any class of such leases, may be made by unregistered instrument or by oral agreement without delivery of possession.</p>
Rights and liabilities of lessor and lessee	<p>108. In the absence of a contract or local usage to the contrary, the lessor and the lessee of immovable property, as against one another, respectively, possess the rights and are subject to the liabilities mentioned in the rules next following, or such of them as are applicable to the property leased:-</p> <p>(A) Rights and Liabilities of the Lessor</p> <p>(a) The lessor is bound to disclose to the lessee any material defect in the property, with reference to its intended use, of which the former is and the latter is not aware, and which the latter could not with ordinary care discover:</p> <p>(b) the lessor is bound on the lessee's request to put him in possession of the property:</p> <p>(c) the lessor shall be deemed to contract with the lessee that, if the latter pays the rent reserved by the lease and performs the contracts binding on the lessee, he may hold the property during the time limited by the lease without interruption.</p> <p>The benefit of such contract shall be annexed to and go with the lessee's interest as such, and may be enforced by every person in whom that interest is for the whole or any part thereof from time to time vested.</p> <p>(B) Rights and Liabilities of the Lessee</p>

(d) If during the continuance of the lease any accession is made to the property, such accession (subject to the law relating to alluvion for the time being in force) shall be deemed to be comprised in the lease:

(e) if by fire, tempest or flood, or violence of an army or of a mob or other irresistible force, any material part of the property be wholly destroyed or rendered substantially and permanently unfit for the purposes for which it was let, the lease shall, at the option of the lessee, be void:

Provided that, if the injury be occasioned by the wrongful act or default of the lessee, he shall not be entitled to avail himself of the benefit of this provision:

(f) if the lessor neglects to make, within a reasonable time after notice, any repairs which he is bound to make to the property, the lessee may make the same himself, and deduct the expense of such repairs with interest from the rent, or otherwise recover it from the lessor:

(g) if the lessor neglects to make any payment which he is bound to make, and which, if not made by him, is recoverable from the lessee or against the property, the lessee may make such payment himself, and deduct it with interest from the rent, or otherwise recover it from the lessor:

(h) the lessee may even after the determination of the lease remove, at any time whilst he is in possession of the property leased but not afterwards all things which he has attached to the earth; provided he leaves the property in the state in which he received it:

(i) when a lease of uncertain duration determines by any means except the fault of the lessee, he or his legal representative is entitled to all the crops planted or sown by the lessee and growing upon the property when the lease determines, and to free ingress and egress to gather and carry them:

(j) the lessee may transfer absolutely or by way of mortgage or sub-lease the whole or any part of his interest in the property, and any transferee of such interest or part may again transfer it. The lessee shall not, by reason only of such transfer, cease to be subject to any of the liabilities attaching to the lease:

nothing in this clause shall be deemed to authorise a tenant having an untransferable right of occupancy, the farmer of an estate in respect of which default has been made in paying revenue, or the lessee of an estate under the management

<p>Rights of lessor's transferee</p>	<p>of a Court of Ward, to assign his interest as such tenant, farmer or lessee:</p> <p>(k) the lessee is bound to disclose to the lessor any fact as to the nature or extent of the interest which the lessee is about to take, of which the lessee is, and the lessor is not, aware, and which materially increases the value of such interest:</p> <p>(l) the lessee is bound to pay or tender, at the proper time and place, the premium or rent to the lessor or his agent in this behalf:</p> <p>(m) the lessee is bound to keep, and on the termination of the lease to restore, the property in as good condition as it was in at the time when he was put in possession, subject only to the changes caused by reasonable wear and tear or irresistible force, and to allow the lessor and his agents, at all reasonable times during the term, to enter upon the property and</p> <p>inspect the condition thereof and give or leave notice of any defect in such condition, and, when such defect has been caused by any act or default on the part of the lessee, his servants or agents, he is bound to make it good within three months after such notice has been given or left:</p> <p>(n) if the lessee becomes aware of any proceeding to recover the property or any part thereof, or of any encroachment made upon, or any interference with, the lessor's rights concerning such property, he is bound to give, with reasonable diligence, notice thereof to the lessor:</p> <p>(o) the lessee may use the property and its products (if any) as a person of ordinary prudence would use them if they were his own; but he must not use, or permit another to use, the property for a purpose other than that for which it was leased, or fell or sell timber, pull down or damage buildings belonging to the lessor, or work mines or quarries not open when the lease was granted, or commit any other act which is destructive or permanently injurious thereto:</p> <p>(p) he must not, without the lessor's consent, erect on the property any permanent structure, except for agricultural purposes:</p> <p>(q) on the determination of the lease, the lessee is bound to put the lessor into possession of the property.</p> <p>109. If the lessor transfers the property leased, or any part thereof, or any part of his interest therein, the transferee, in the absence of a contract to the contrary, shall possess all the rights, and, if the lessee so elects, be subject to all the liabilities of the lessor as to the property or part transferred so long as he is the owner of it, but</p>
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	<p>the lessor shall not, by reason only of such transfer, cease to be subject to any of the liabilities imposed upon him by the lease, unless the lessee elects to treat the transferee as the person liable to him:</p> <p>Provided that the transferee is not entitled to arrears of rent due before the transfer, and that, if the lessee, not having reason to believe that such transfer has been made, pays rent to the lessor, the lessee shall not be liable to pay such rent over again to the transferee.</p> <p>The lessor, the transferee and the lessee may determine what proportion of the premium or rent reserved by the lease is payable in respect of the part so transferred, and, in case they disagree, such determination may be made by any Court having jurisdiction to entertain a suit for the possession of the property leased.</p>
"Exchange" defined	<p>118. When two persons mutually transfer the ownership of one thing for the ownership of another, neither thing or both things being money only, the transaction is called an "exchange".</p> <p>A transfer of property in completion of an exchange can be made only in manner provided of the transfer of such property by sale.</p>
Right of party deprived of thing received in exchange	<p>119. If any party to an exchange or any person claiming through or under such party is by reason of any defect in the title of the other party deprived of the thing or any part of the thing received by him in exchange, then, unless a contrary intention appears from the terms of the exchange, such other party is liable to him or any person claiming through or under him for loss caused thereby, or at the option of the person so deprived, for the return of the thing transferred, if still in the possession of such other party or his legal representative or a transferee from him without consideration.</p>
Rights and liabilities of parties	<p>120. Save as otherwise provided in this Chapter, each party has the rights and is subject to the liabilities of a seller as to that which he gives, and has the rights and is subject to the liabilities of a buyer as to that which he takes.</p>
"Gift" defined Acceptance when to be made	<p>122. "Gift" is the transfer of certain existing moveable or immovable property made voluntarily and without consideration, by one person, called the donor, to another, called the donee, and accepted by or on behalf of the donee.</p> <p>Such acceptance must be made during the lifetime of the donor and while he is still capable of giving.</p> <p>If the donee dies before acceptance, the gift is void.</p>
Transfer how	<p>123. For the purpose of making a gift of immovable property, the transfer must be effected by a registered instrument signed by or on behalf of the donor, and attested</p>

effected	<p>by at least two witnesses.</p> <p>²⁵ Notwithstanding anything contained in any other law for the time being in force, a beba under Muhammadan law shall be deemed to be a gift of immovable property for the aforesaid purpose.]</p> <p>For the purpose of making a gift of moveable property, the transfer may be effected either by a registered instrument signed as aforesaid or by delivery.</p> <p>Such delivery may be made in the same way as goods sold may be delivered.</p>
Gift of existing and future property	124. A gift comprising both existing and future property is void as to the latter.
Gift to several of whom one does not accept	125. A gift of a thing to two or more donees, of whom one does not accept it, is void as to the interest which he would have taken had he accepted.
When gift may be suspended or revoked	<p>126. The donor and donee may agree that on the happening of any specified event which does not depend on the will of the donor a gift shall be suspended or revoked; but a gift which the parties agree shall be revocable wholly or in part, at the mere will of the donor, is void wholly or in part, as the case may be.</p> <p>A gift may also be revoked in any of the cases (save want or failure of consideration) in which, if it were a contract, it might be rescinded.</p> <p>Save as aforesaid, a gift cannot be revoked.</p> <p>Nothing contained in this section shall be deemed to affect the rights of transferees for consideration without notice.</p> <p style="text-align: center;"><i>Illustrations</i></p> <p>(a) A gives a field to B, reserving to himself, with B's assent, the right to take back the field in case B and his descendants die before A. B dies without descendants in A's lifetime. A may take back the field.</p> <p>(b) A gives a lakh of Tk. to B, reserving to himself, with B's assent, the right to take back at pleasure Tk. 10,000, out of the lakh. The gift holds goods as to Tk.</p>

²⁵ New paragraph was inserted by section 7 of the [Transfer of Property \(Amendment\) Act, 2014](#) (Act No. XXVI of 2014).

	90,000, but is void as to Tk. 10,000, which continue to belong to A.
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THE REGISTRATION ACT, 1908
(ACT NO. XVI OF 1908)

¹⁷⁹An Act to Consolidate the enactments relating to the Registration of Documents.

WHEREAS it is expedient to consolidate the enactments relating to the registration of documents;

It is hereby enacted as follows:-

Section/ Short Title	Descriptions
Definitions	<p>(2) In this Act, unless there is anything repugnant in the subject or context,</p> <p>(5) "endorsement" and "endorsed" include and apply to an entry in writing by a registering officer on a rider or covering slip to any document tendered for registration under this Act;</p> <p>(6) "immovable property" includes land, buildings, benefits to arise out of land and things attached to the earth, or permanently fastened to anything attached to the earth, hereditary allowances, rights to ways, -lights, ferries and fisheries but does not include</p> <p>(a) standing timber, growing crops or grass whether immediate severance thereof is intended or not;</p> <p>(b) fruit upon and juice in trees whether in existence or to grow in future; and</p> <p>(c) machinery embedded in or attached to the earth, when dealt with apart from the land;</p> <p>(7) "lease" includes a counter-part, kabulyat and an undertaking to cultivate or occupy;</p> <p>(9) "moveable property" means property of every description, except immovable property;</p>
Documents of which	<p>17. (1) The following documents shall be registered, if the property to which they relate is situate in a district in which, and if they have been executed on or after the</p>

¹⁷⁸ Throughout the Act, except where provided, the words "Magistrate", "Government" and "S.A." are substituted for the words "Patil", "Princely Government" or "Central Government" and "Agent" respectively by section 3 and 2nd Schedule of the [Amendment, Revision and Reformation Act, 1973](#) (Act No. VIII of 1973).

registration is compulsory	<p>date on which, ²⁷ [* * *] this Act came or comes into force, namely:-</p> <p>(a) instruments of gift of immovable property;</p> <p>²⁸ [(aa) declaration of heba under the Muslim Personal Law (Shariat);</p> <p>²⁹ [(aaa) declaration of gift under the Hindu, Christian and Buddhist Personal Law.]</p> <p>(b) other non-testamentary instruments which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, ³⁰ [* * *] to or in immovable property;</p> <p>Explanation - In the case of an assignment of a mortgage the consideration for the deed of assignment shall be deemed to be the value for registration.</p> <p>(c) Non-testamentary instruments (other than the acknowledgement of a receipt or payment made in respect of any transaction to which an instrument registered under clause (a) relates) which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest; and</p> <p>³¹ [(cc) instrument of mortgage referred to in section 59 of the <u>Transfer of Property Act, 1882;</u></p> <p>(d) leases of immovable property from year to year, or for any term exceeding one year, or reserving a yearly rent;</p> <p>(e) non-testamentary instruments transferring or assigning any decree or order of a Court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, ³² [* * *] to or in immovable property;</p>
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²⁷ The words, letters, figures and symbols "Act No. XXV of 2004, or the Indian Registration Act, 1906, or the Indian Registration Act, 1971, or the Indian Registration Act, 1977" were omitted by section 2 of the [Registration \(Amendment\) Act, 2004 \(Act No. XXV of 2004\)](#).

²⁸ Clause (aa) was inserted by section 2 of the [Registration \(Amendment\) Act, 2004 \(Act No. XXV of 2004\)](#).

²⁹ Clause (aaa) was inserted by section 2 of the [Registration \(Amendment\) Act, 2004 \(Act No. XXV of 2004\)](#).

³⁰ Clause (b) was amended by section 2 of the [Registration \(Amendment\) Act, 2004 \(Act No. XXV of 2004\)](#).

³¹ The words and clause "of those also of one hundred rupees" were omitted by section 2 of the [Registration \(Amendment\) Act, 2004 \(Act No. XXV of 2004\)](#).

³² Clause (cc) was inserted by section 2 of the [Registration \(Amendment\) Act, 2004 \(Act No. XXV of 2004\)](#).

³³ The words and clause "of those also of one hundred rupees" were omitted by section 2 of the [Registration \(Amendment\) Act, 2004 \(Act No. XXV of 2004\)](#).

<p>³¹ (f) instrument of partition of immovable property effected by persons upon inheritance according to their respective personal laws;</p> <p>(g) instrument of sale in pursuance of an order of the Court under section 96 of the <u>State Acquisition and Tenancy Act, 1950</u>;</p> <p>Provided that the Government may, by order published in the official Gazette, exempt from the operation of this sub-section any leases executed in any district, or part of a district, the terms granted by which do not exceed five years and the annual rents reserved by which do not exceed fifty taka.</p> <p>(2) Nothing in clauses (b) and (c) of sub-section (1) applies to-</p> <p>(i) any composition deed; or</p> <p>(ii) any instrument relating to shares in a Joint Stock Company, now or hereafter that the assets of such Company consist in whole or in part of immovable property; or</p> <p>(iii) any debenture issued by any such Company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest, to or in immovable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the Company has mortgaged, conveyed or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures; or</p> <p>(iv) any endorsement upon or transfer of any debenture issued by any such Company; or</p> <p>(v) any document not itself creating, declaring, assigning, limiting or extinguishing any right, title or interest ³² to or in immovable property, but merely creating a right to obtain another document which will, when executed, create, declare, assign, limit or extinguish any such right, title or interest; or</p> <p>(vi) any decree or order of a Court except a decree or order expressed to be made on a compromise and comprising immovable property other than that which is the subject-matter of the suit or proceeding; or</p>

³¹ Clauses (f) and (g) were added by section 7 of the Registration Amendment Act, 2004 (Act No. XXV of 2004).

³² The words and clauses "to or in immovable property" were inserted by section 2 of the Registration Amendment Act, 2004 (Act No. XXV of 2004).

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	<p>(vii) any grant of immovable property by the Government; or</p> <p>(viii) any instrument of partition made by a Revenue-officer; or</p> <p>(k) any order granting a loan or instrument of collateral security granted under the Land Improvement Act, 1871, or the <u>Land Improvement Loans Act, 1883</u>; or</p> <p>(x) any order granting a loan under the <u>Agriculturists' Loans Act, 1884</u>, the <u>Bangladesh Krishi Bank Order, 1973</u> or under any other law for the time being in force relating to the advancement of loans for agricultural purposes, or any instrument under which a loan is granted by a co-operative society for any such purpose, or any instrument made for securing the repayment of a loan so granted; or</p> <p>(xi) any endorsement on a mortgage-deed acknowledging the payment of the whole or any part of the mortgage-money, and any other receipt for payment of money due under a mortgage; or</p> <p>(xii) any certificate of sale granted to the purchaser of any property sold by public auction by a Civil or Revenue-officer; or</p> <p>(xiii) any counter-part of a lease, where the lease corresponding thereto has itself been registered.</p> <p>[* * *]</p> <p>(3) Authorities to adopt a son, executed after the first day of January 1872, and not conferred by a will, shall also be registered.</p>
Registration of contract for sale, etc	<p>17A. (1) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, a contract for sale of any immovable property shall be in writing, executed by the parties thereto and registered.</p> <p>(2) A contract for sale referred to in sub-section (1) shall be presented for registration within thirty days from the date of execution of the contract and the provisions regarding registration of instruments shall apply.</p>
Effect of	<p>17B. (1) Where a contract for sale of immovable property is executed but not</p>

²⁰ Page number of sub-section 2 of section 17 was omitted by section 1 of the Registration (Amendment) Act, 2011 (Act No. XXV of 2011).

²¹ Sections 17A and 17B were inserted by section 1 of the Registration (Amendment) Act, 2011 (Act No. XXV of 2011).

unregistered contract for sale executed prior to section 17A becomes effective	<p>registered prior to coming into force of section 17A-</p> <p>(a) the parties to the contract shall, within six months from the date of coming into force of that section,-</p> <p>(i) present the instrument of sale of immovable property under the contract for registration, or</p> <p>(ii) present the contract for sale itself for registration; or,</p> <p>(b) either of the parties, if aggrieved for non compliance with any of the provisions mentioned in clause (a), shall, notwithstanding anything contained to the contrary in any law for the time being in force as to the law of Limitation, institute a suit for specific performance or rescission of the contract within six months next after the expiry of the period mentioned in clause (a),</p> <p>failing which the contract shall stand void.</p> <p>(2) The provision of sub-section (1) shall not apply to any contract for sale of immovable property on the basis of which a suit has been instituted in a civil court before coming into force of section 17A.]</p>
Documents of which registration is optional	<p>18. Any document not required to be registered under section 17 may also be registered under this Act.</p>
Description of houses and land by reference to Government maps or surveys	<p>22. (1) Where it is, in the opinion of the Government, practicable to describe houses, not being houses in towns, and lands by reference to a Government map or survey, the Government may, by rule made under this Act, require that such houses and lands as aforesaid shall, for the purposes of section 21, be so described.</p> <p>(2) Save as otherwise provided by any rule made under subsection (1), failure to comply with the provisions of section 21, sub-section (2) or sub-section (3), shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify that property.</p>
Instrument of transfer	<p>^{36]} 22A. (1) Every instrument of transfer required to be compulsorily registered under this Act shall contain the particulars necessary to convey the intention of the parties, complete description of the properties to be transferred and nature of the transaction.</p>

^{36]} Section 22A was inserted by section 7 of the [Registration Amendment Act, 2004](#) (Act No. XXV of 2004).

	<p>(2) Photographs of both the executant and the recipient shall be pasted on every instrument and the parties shall sign and put their left thumb impressions across their photographs in the instrument ²⁸.</p> <p>Provided that if any party is incapable of signing, he shall not be required to sign.]</p> <p>(3) The government shall, within three months of coming into force of the Registration (Amendment) Act, 2004 by notification in the official Gazette, prescribe a format for the purposes of this section.]</p>
Place for registering documents relating to land	<p>28. (1) Save as in this Part otherwise provided, every document mentioned in section 17, sub-section (1), clause (a), (b), (c), (d) and (e), section 17, sub-section (2), and section 18, in so far as such documents affects immovable property shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or ²⁹ [major portion] of the property to which such document relates is situate ³⁰ :</p> <p>Provided that where the major portion of such property is not situate within one sub-district the document shall be presented for registration in the office of the Sub-Registrar within whose sub-district any portion of such property is situate.]</p> <p>(2) Notwithstanding anything contained in sub-section (1),-</p> <p>(a) after a document is registered, no party thereto shall be entitled to question the validity of its registration on the ground that the property which purported to give jurisdiction to the Sub-Registrar to register it either did not exist or was fictitious or insignificant or was not intended to be conveyed; and</p> <p>(b) a document the registration of which is secured by the inclusion of a non-existent, fictitious or insignificant portion or item shall not in any manner affect the rights of a person who was not a party thereto and acquired rights in the property without notice of the transaction to which such document relates.</p>
Persons to present documents for	<p>32. Except in the cases mentioned in section 89, every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented:-</p>

²⁸ The words "and put their left thumb impressions across their photographs in the instrument" were substituted for the words "and put their left thumb impressions across their photographs in the instrument" by section 2 of the Registration (Amendment) Act, 2004 (Act No. XXV of 2004).

²⁹ The words "major portion" were substituted for the words "same portion" by section 2 of the Registration (Amendment) Ordinance, 1993 (Ordinance No. L of 1993).

³⁰ A clause was substituted for the old clause (1) and (2) under the provision was added by section 2 of the Registration (Amendment) Ordinance, 1993 (Ordinance No. L of 1993).

registration	<p>(a) by some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under the decree or order, or</p> <p>(b) by the representative or assign of such person, or</p> <p>(c) by the agent of such person, representative or assign, duly authorized by power-of-attorney executed and authenticated in manner hereinafter mentioned.</p>
Power-of-attorney recognizable for purposes of section 22	<p>33. (1) For the purposes of section 32, the following powers-of-attorney shall alone be recognized, namely:-</p> <p>(a) if the principal at the time of executing the power-of-attorney resides in any part of Bangladesh in which this Act is for the time being in force, a power-of-attorney executed before and authenticated by the Registrar or Sub-Registrar within whose district or sub-district the principal resides;</p> <p>(b) if the principal at the time aforesaid resides in any other part of Bangladesh, a power-of-attorney executed before and authenticated by any Magistrate;</p> <p>(c) if the principal at the time aforesaid does not reside in Bangladesh a power-of-attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, Bangladesh Consul or Vice-Consul or representative of the Government:</p> <p>Provided that the following persons shall not be required to attend at any registration-office or Court for the purpose of executing any such power-of-attorney as is mentioned in clauses (a) and (b) of this section, namely:-</p> <p>(i) persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend;</p> <p>(ii) persons who are in jail under civil or criminal process; and</p> <p>(iii) persons exempt by law from personal appearance in Court.</p> <p>(2) In the case of every such person the Registrar or Sub-Registrar or Magistrate, as the case may be, if satisfied that the power-of-attorney has been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the office or Court aforesaid.</p>

	<p>(3) To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Magistrate may either himself go to the house of the person purporting to be the principal, or to the jail in which he is confined, and examine him, or issue a commission for his examination.</p> <p>(4) Any power of attorney mentioned in this section may be proved by the production of it without further proof when it purports on the face of it to have been executed before and authenticated by the person or Court hereinbefore mentioned in that behalf.</p>
<p>Procedure on admission and denial of execution respectively</p>	<p>35. (1) (a) If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be, and if they all admit the execution of the document, or</p> <p>(b) if in the case of any person appearing by a representative, assign or agent, such representative, assign or agent admits the execution, or</p> <p>(c) if the person executing the document is dead, and his representative or assign appears before the registering officer and admits the execution,</p> <p>the registering officer shall register the document as directed in sections 58 to 61, inclusive.</p> <p>(2) the registering officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one present in his office.</p> <p>(3) (a) If any person by whom the document purports to be executed denies its execution, or</p> <p>(b) if any such person appears to the registering officer to be a minor, an idiot or a lunatic, or</p> <p>(c) if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution, the registering officer shall refuse to register the document as to the person so denying, appearing or dead.</p> <p>Provided that, where such officer is a Registrar, he shall follow the procedure prescribed in Part XII:</p>

	Provided further that the Government may, by notification in the official Gazette, declare that any Sub-Registrar named in the notification shall, in respect of documents the execution of which is denied, be deemed to be a Registrar for the purposes of this sub-section and of Part XII.
Time from which registered document operates	47. A registered document shall operate from the time which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration.
Entries to be numbered consecutively	53. All entries in each book shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.
Indexes to be made by registering officers, and their contents	<p>55. (1) Four such indexes shall be made in all registration-offices, and shall be named, respectively, Index No. I, Index No. II, Index No. III and Index No. IV.</p> <p>(2) Index No. I shall contain the names and additions of all persons executing and of all persons claiming under every document entered or memorandum filed in Book No. 1.</p> <p>(3) Index No. II shall contain such particulars mentioned in section 21 relating to every such document and memorandum as the Inspector-General from time to time directs in that behalf.</p> <p>(4) Index No. III shall contain the names and additions of all persons executing every will and authority entered in Book No. 3, and of the executors and persons respectively appointed thereunder, and after the death of the testator or the donee (but not before) the names and additions of all persons claiming under the same.</p> <p>(5) Index No. IV shall contain the name and additions of all persons executing and of all persons claiming under every document entered in Book No. 4.</p> <p>(6) Each Index shall contain such other particulars, and shall be prepared in such form, as the Inspector-General from time to time directs.</p> <p>(7) If, in the opinion of the Registrar, any of the indexes mentioned in sub-section (1) is in danger of being destroyed or becoming illegible wholly or partially, the Registrar may, by a written order, direct such index or portion thereof, as he thinks fit, to be recopied in such manner as may be prescribed by rules, and any copy so prepared shall, for the purposes of this Act and of the <u>Evidence Act, 1872</u>, be deemed to be the</p>

	original index or portion and all references in this Act to the original index or portion shall be deemed to be references, to the index or portion prepared as aforesaid.
Registering officers to allow inspection of certain books and indexes, and to give certified copies of entries	<p>57. (1) Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1 and 2 and the Indexes relating to Book No. 1 shall be at all time open to inspection by any person applying to inspect the same; and, subject to the provisions of section 62, copies of entries in such books shall be given to all persons applying for such copies.</p> <p>(2) Subject to the same provisions, copies of entries in Book No. 3 and in the Index relating thereto shall be given to the persons executing the documents to which such entries relate, or to their agents, and after the death of the executants (but not before) to any person applying for such copies.</p> <p>(3) Subject to the same provision, copies of entries in Book No. 4 and in the Index relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer, or to his agent or representative.</p> <p>(4) The requisite search under this section for entries in Books Nos. 3 and 4 shall be made only by the registering officer.</p> <p>(5) All copies given under this section shall for entries in Books Nos. 3 and 4 shall be made only by the registering officer.</p>
Particulars to be endorsed on document admitted to registration	<p>58. (1) On every document admitted to registration, other than a copy of a decree or order, or a copy sent to a registering officer under section 89, there shall be endorsed from time to time the following particulars namely:-</p> <p>(a) the signature and addition of every person admitting the execution of the document, and, if such execution has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent;</p> <p>(b) the signature and addition of every person examined in reference to such document under any of the provisions of this Act and</p> <p>(c) any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution.</p> <p>(2) If any person admitting the execution of a document refuses to endorse the same, the registering officer shall nevertheless register it, but shall at the same time endorse a note of such refusal.</p>
Endorsements	59. The registering officer shall affix the date and his signature to all endorsements

to be dated and signed by registering officer	made under sections 52 and 58, relating to the same document and made in his presence on the same day.
Certificate of registration	60. (1) After such of the provisions of sections 34, 35, 58 and 59 as apply to any document presented for registration have been complied with, the registering officer shall endorse thereon a certificate containing the word "registered," together with the number and page of the book in which the document has been copied. (2) Such certificate shall be signed, sealed and dated by the registering officer, and shall then be admissible for the purpose of proving that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsements referred to in section 59 have occurred as there in mentioned.
Endorsements and certificate to be copied and document returned	61. (1) The endorsements and certificate referred to and mentioned in section 59 and 60 shall thereupon be copied into the margin of the Register-book, and the copy of the map or plan (if any) mentioned in section 21 shall be filed in Book No. 1. (2) The registration of the document shall thereupon be deemed complete, and the document shall then be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in section 52.
Procedure after registration of documents relating to land	66. (1) On registering any non-testamentary document relating to immovable property the Registrar shall forward a memorandum of such document to each Sub-Registrar subordinate to himself in whose sub-district any part of the property is situate. (2) The Registrar shall also forward a copy of such document, together with a copy of the map or plan (if any) mentioned in section 21, to every other Registrar in whose district any part of such property is situate. (3) Such Registrar on receiving any such copy shall file it in his Book No. 1, and shall also send a memorandum of the copy to each of the Sub-Registrars subordinate to him within whose sub-district any part of the property is situate. (4) Every Sub-Registrar receiving any memorandum under this section shall file it in his Book No. 1.
Fees to be fixed by Government	78. The Government shall prepare a table of fees payable- (a) for the registration of documents; (b) for searching the registers;

	<p>(c) for making or granting copies of reasons, entries or documents, before, on or after registration;</p> <p>and of extra or additional fees payable-</p> <p>(d) for every registration under section 30;</p> <p>(e) for the issue of commissions;</p> <p>(f) for filing translations;</p> <p>(g) for attending at private residences;</p> <p>(h) for the safe custody and return of documents; and</p> <p>(i) for such other matters as appear to the Government necessary to effect the purposes of this Act.</p>
<p>Registration fee for contract for sale, heba and mortgage</p>	<p>178A. Notwithstanding anything contained in section 78 or any other law for the time being in force,-</p> <p>(a) registration fee payable for registration of a contract for sale of any immovable property shall be-</p> <p>(i) five hundred taka, where valuation of the property is not more than five lakh taka;</p> <p>(ii) one thousand taka, where valuation of the property is above five lakh taka and not more than fifty lakh taka; and</p> <p>(iii) two thousand taka, where valuation of the property is above fifty lakh taka;</p> <p>(b) registration fee payable for registration of a declaration of heba of any immovable property under the Muslim Personal Law (Shariat) shall be one hundred taka irrespective of the value of the property, if such heba is made between spouses, parents and children, grand parents and grand children, full brothers, full sisters and, full brothers and full sisters;</p>

Registration fee for instrument of partition	<p>⁷¹ (bb) registration fee payable for registration of a declaration of gift of any immovable property made under the Hindu, Christian and Buddhist Personal Law, if such gift is permitted by their Personal Law, shall be one hundred taka irrespective of the value of the property, provided such gift is made between spouses, parents and children, grand parents and grand children, full brothers, full sisters and, full brothers and full sisters ;]</p> <p>(c) registration fee payable for registration of an instrument of mortgage referred to in section 59 of the Transfer of Property Act, 1882 shall be as follows:-</p> <p>⁷¹ 788. Notwithstanding anything contained in section 78 or any other law for the time being in force, fee payable for registration of an instrument of partition of immovable property shall be-</p> <p>(i) five hundred taka, where valuation of the property is not more than three lakh taka;</p> <p>(ii) seven hundred taka, where valuation of the property is above three lakh taka and not more than ten lakh taka;</p> <p>(iii) twelve hundred taka, where valuation of the property is above ten lakh taka and not more than thirty lakh taka;</p> <p>(iv) eighteen hundred taka, where valuation of the property is above thirty lakh taka and not more than fifty lakh taka;</p> <p>(v) two hundred taka, where valuation of the property is above fifty lakh taka.]</p>
Publication of fees	<p>79. A table of the fees so payable shall be published in the official Gazette, and a copy thereof in English and ⁷² Bengali shall be exposed to public view in every registration office.</p>
Registration of documents executed by Government officers or certain public	<p>88. (1) Notwithstanding anything herein contained, I shall not be necessary for any officer of Government, or for the Administrator-General of ⁷³ Bangladesh or for any Official Trustee or Official Assignee, or for the Receiver or Registrar of ⁷⁴ the Supreme Court, to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him in his official capacity, or to sign as provided in section 58.</p>

⁷¹ Clause 5(b) was inserted by section 3 of The [Registration \(Amendment\) Act, 2012](#) (Act No. 32 of 2012).

⁷² Section 78B was inserted by section 10 of The [Registration \(Amendment\) Act, 2009](#) (Act No. 33(1) of 2009).

⁷³ The word "Bangal" was substituted, for the words "the vernacular language of the district" by section 7 and 2nd Schedule of the [Bangladesh Language \(Official Language\) Act, 1972](#) (Act No. 197 of 1972).

⁷⁴ The word "Bangladesh" was substituted, for the words "East Pakistan" by section 7 and 2nd Schedule of the [Bangladesh Language \(Official Language\) Act, 1972](#) (Act No. 197 of 1972).

⁷⁵ The words "the Supreme Court" were substituted, for the words "High Court" by section 7 and 2nd Schedule of the [Bangladesh Language \(Official Language\) Act, 1972](#) (Act No. 197 of 1972).

Functionaries	(2) Where any instrument is so executed, the registering officer to whom such instrument is presented for registration may, if he thinks fit, refer to any Secretary to Government or to such officer of Government, Administrator-General, Official Trustee, Official Assignee, Receiver or Registrar, as the case may be, for information respecting the same, and, on being satisfied of the execution thereof, shall register the instrument.
Copies of certain orders, certificates and instruments to be sent to registering officers and field	<p>89. (1) Every officer granting a loan under the <u>Land Improvement Loans Act, 1883</u>, shall send a copy of his order to the registering officer within the local limits of whose jurisdiction the whole or any part of the land to be improved or of the land to be granted as collateral security, is situate, and such registering officer shall file the copy in his Book No. 1.</p> <p>(2) Every Court granting a certificate of sale of immovable property under the <u>Code of Civil Procedure, 1908</u>, shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction whole or any part of the immovable property comprised in such certificate is situate, and such officer shall file the copy in his Book No. 1.</p> <p>(3) Every officer and every Co-operative Society granting any such loan as is referred to in clause (a) of sub-section (2) of section 17 shall send a copy of any instrument whereby immovable property is mortgaged for the purpose of securing the repayment of the loan, and if any such property is mortgaged for the same purpose in the order granting the loan, a copy also of that order, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies, as the case may be, in his Book No. 1.</p> <p>(4) Every Revenue-officer granting a certificate of sale to the purchaser of immovable property sold by public auction shall send a copy of the certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the property comprised in the certificate is situate, and such officer shall file the copy in his Book No. 1.</p>
Exemption of certain documents executed by or in favour of Government	<p>90. (1) Nothing contained in this Act "1" "2" "3" shall be deemed to require, or to have at any time required, the registration of any of the following documents or maps, namely:-</p> <p>(a) documents issued, received or attested by any officer engaged in making a settlement or revision of settlement of land-revenue, and which form part of the</p>
Exemption of	

³⁰ The words, clauses and Agrees "or in the Indian Registration Act, 1907, or in the Indian Registration Act, 1908 or in any Act in any authority registered" were essentially omitted and the Schedule of [Registration Act, 1908](#) was amended by [Section 20 of Act No. 10 of 1951](#).

<p>or retain documents executed by or in favour of Government</p>	<p>records of such settlement; or</p> <p>(b) documents and maps issued, received or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, and which form part of the record of such survey; or</p> <p>(c) documents which, under any law for the time being in force, are filed periodically in any revenue-office by patwaris or other officers charged with the preparation of village-records; or</p> <p>(d) sanads, inam title-deeds and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land; or</p> <p>(e) [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No VIII of 1973).]</p> <p>(2) All such documents and maps shall, for the purposes of sections 48 and 49, be deemed to have been and to be registered in accordance with the provisions of this Act.</p>
<p>Inspection and copies of such documents</p>	<p>91. Subject to such rules and the previous payment of such fees as the Government prescribes in this behalf, all documents and maps mentioned in section 90, clauses (a), (b), (c) and (e), and all registers of the documents mentioned in clause (d), shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.</p>

THE BANGLADESH (RESUMPTION OF EASEMENT LANDS) ORDER, 1972
(PRESIDENT'S ORDER NO. 35 OF 1972).

WHEREAS it is expedient to make provision for resumption of lands recorded as lands having public right of easement in the District Settlement Operation in Bangladesh and for matters incidental thereto:

NOW, THEREFORE, in pursuance of the Proclamation of Independence of Bangladesh, read with the Provisional Constitution of Bangladesh Order, 1972, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:-

Section Short Title	Descriptions
2	(b) "district settlement operation" means the last cadastral survey and settlement operation and the State acquisition settlement operation carried on in various districts under the Bengal Tenancy Act, 1885, and the East Bengal State Acquisition and Tenancy Act, 1950.

	<p>respectively:</p> <p>(f) "lands" means land which is cultivated, un-cultivated or covered with water at any time of the year, rivers, khals, paths, roads, embankments, dams, dykes, and includes benefits to arise out of land, houses, buildings and all things attached to the earth, or permanently fastened to anything attached to the earth;</p> <p>(g) "Revenue-Officer" includes any officer whom the Government may appoint to discharge all or any of the functions of a Revenue-Officer under this Order or any rules made thereunder.</p>
3	<p>3. (1) Notwithstanding anything contained in any other law for the time being in force or any contract or agreement to the contrary, whenever any land recorded under the district settlement operation as land having any right or easement and now in possession of any person is needed or is likely to be needed for any public purpose or in public interest, the Deputy Commissioner may, with the prior approval of the Government, resume such land by notification in the official Gazette.</p> <p>(2) On the publication of the notification under clause (1), all lands specified therein, shall vest in the Government free from all encumbrances.</p>
4	<p>4. Any person claiming any interest in the land resumed under Article 3, on the ground of having taken lease of such land or any part thereof or having purchased it from any person or otherwise, may, within sixty days after the publication of the notification under Article 3, apply for compensation in the prescribed manner to the Revenue-Officer.</p>
5	<p>5. When an application is made under Article 4, the Revenue-Officer, after giving the applicant an opportunity of being heard and taking such evidence and making such enquiries as he thinks fit, may either reject it recording the reasons for such rejection or allow it for the purpose of assessing compensation.</p>
6	<p>6. When an application is allowed under Article 5 for assessment of compensation, the Revenue-Officer shall assess such compensation in the prescribed manner and in making such assessment, he shall have regard to the amount paid for the lease or purchase by the applicant and to the principles of assessment of compensation under section 39 of the East Bengal <u>State Acquisition and Tenancy Act, 1950</u> (Act XXXVIII of 1951).</p>
7	<p>7. Any proceedings started under the Land Acquisition Act, 1894 (Act I of 1894), or the East Bengal (Emergency) Requisition of Property Act, 1948 (Act XIII of 1948), or any other law for the requisition or acquisition of any land resumed under Article 3 and all applications and appeals in connection therewith, pending before any officer, Arbitrator, Court or any other authority shall, on the publication of the notification under Article 3, abate and any payment made on account of compensation in connection with such requisition or acquisition shall be refunded by the person who has received it and, in default, shall be recoverable from him as public demand.</p>

8	<p>¹⁹ 8. (1) An appeal against an order under Article 5 or 6 passed by a Revenue-officer subordinate to the Deputy Commissioner may be preferred to the Deputy Commissioner within thirty days of the passing of such order.</p> <p>(2) An appeal against an order under Article 5 or 6 passed by a Deputy Commissioner as Revenue-officer may be preferred to the ²⁰ [Board of Land Administration] within thirty days of the passing of such order.</p> <p>(3) An aggrieved party may, within thirty days of disposal of an appeal under clause (1), ^{20a} [or (2)], make an application to the Government for review.]</p>
9	<p>9. Government may, by order published in the official Gazette, direct that any power or duty which is conferred or imposed by this Order upon the Government shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by any officer or authority subordinate to it.</p>
10	<p>10. No suit, prosecution or other legal proceeding shall lie against the Government or any person for anything which is in good faith done or intended to be done under this Order or the rules made thereunder.</p>
11	<p>11. Anything done, any action taken or any order passed under this Order shall not be called in question in any Court.</p>

¹⁹ Article 8 was substituted by Article 3 and Schedule (1) of the [Bangladesh \(Amendment and Extension\) Order, 1973](#) (President's Order No. 12 of 1973).

²⁰ The words "Bangladesh Administration" were substituted for the words "Government" by section 2 and the Schedule of the [Bangladesh \(Amendment\) Ordinance, 1982](#) (Ordinance No. 32, 31 of 1982).

^{20a} The word "Bangladesh" was inserted by section 2 and the Schedule of the [Bangladesh \(Amendment\) Ordinance, 1974](#) (Ordinance No. 13 of 1974).

THE CULTURABLE WASTE LAND (UTILIZATION) ORDINANCE, 1959
(EAST PAKISTAN ORDINANCE NO.XIII OF 1959)

WHEREAS it is necessary to bring under cultivation culturable waste land with a view to step up production of food;

NOW, THEREFORE, in pursuance of the Presidential Proclamation of the 7th day of October, 1958, and in exercise of all powers enabling him in that behalf, the Governor is pleased to make and promulgate the following Ordinance, namely:

Section/ Short Title	Description
Definitions	(iii) "culturable waste land" means any land classified in the record-of-rights published under the [] of 1950, as mutan patil, paraman patil, layek patil, gar layek patil or layek junga land includes any land which, in the opinion of the Deputy Commissioner, has not been cultivated during the last two preceding years and no preparation for its cultivation has been made on the day of making a declaration under section 3, but does not include land forming part of, or continuous with, any homestead, farm-house or any place of worship.
Application of the provisions of this Ordinance to culturable waste land	3. The Deputy Commissioner may declare that the provisions of this Ordinance shall apply to any culturable waste land and on and from the day of making such declaration the possession of such culturable waste land shall vest in the Deputy Commissioner for a period not exceeding one year, and where the culturable waste land would, in the opinion of the Deputy Commissioner, require substantial reclamation, for a period not exceeding ten years, from the date of such declaration: Provided that no such subsequent declaration for any year shall be made more than three months in advance or for a period of more than one year.
Lease of culturable waste land	4. When the possession of any culturable waste land has vested in the Deputy Commissioner, he may lease it out on such terms and conditions as he thinks proper to any person or persons for purpose of cultivation for production of food crops for the period for which the possession has vested in the Deputy Commissioner.
Compensation	5. (1) Whenever a declaration is made under section 3, the owner of the culturable waste land, in respect of which the declaration has been made, shall, for the period during which the possession of the culturable waste land remains vested in the Deputy Commissioner, be paid an annual compensation equivalent to the amount of the annual rent or land revenue payable in respect of such land. (2) No person shall be entitled to claim any compensation from the Deputy Commissioner, for leasing out any culturable waste land to any other person under section 4.
Right of lessees over waste land	6. Notwithstanding anything contained in any other law for the time being in force no person to whom the Deputy Commissioner leases out any culturable waste land shall acquire any right, title or interest whatsoever therein beyond the period for which it has

	been leased out.
Possession of culturable waste land	<p>7. (1) Where the owner wishes to cultivate himself the culturable waste land, in respect of which a declaration has been made under section 3, after the expiry of the period for which the possession has vested in the Deputy Commissioner, he may, not later than three months before the expiry of the period, serve a notice on the Deputy Commissioner to that effect accompanied by security deposit of Tk 50 per acre and in such case such land shall be released by the Deputy Commissioner at the end of the above mentioned period and the possession thereof shall vest back in the owner.</p> <p>(2) Where the owner of the culturable waste land, of which possession has vested back in such owner under sub-section (1), fails to cultivate such land and raise any crop there in after possession thereof has so vested back, such culturable waste land together with the security deposit under sub-section (1) shall be forfeited to the Government.</p>

**THE GOVERNMENT AND LOCAL AUTHORITY LANDS AND BUILDINGS
(RECOVERY OF POSSESSION) ORDINANCE, 1970**

(EAST PAKISTAN ORDINANCE XXIV OF 1970).

An Ordinance to repeal and with certain amendments, to enact the East Bengal Government Lands and Buildings (Recovery of Possession) Act, 1952, and the East Pakistan Government Land (Unauthorised Occupation) Ordinance, 1960, and to consolidate the law relating to recovery of possession and assessment and recovery of compensation and arrear rent from unauthorised occupants of Government and Local Authority lands and buildings⁴⁴.

WHEREAS it is expedient to repeal, and with certain amendments, to enact the East Bengal Government Lands and Buildings (Recovery of Possession) Act, 1952, and the East Pakistan Government Land (Unauthorised Occupation) Ordinance, 1960, and to consolidate the law relating to recovery of possession and assessment and recovery of compensation and arrear rent from unauthorised occupants of Government and Local Authority lands and buildings;

NOW, THEREFORE, in pursuance of the Proclamation of the 25th day of March, 1969, read with the Provisional Constitution Order, and in exercise of all powers enabling him in that behalf, the Governor is pleased to make and promulgate the following Ordinance:

Section	Short Title	Description
2		<p>(a) "building" means a building which vests in, or is owned by, or is in possession or under the management and control of, the Government or a Local Authority, and includes the land appurtenant thereto;</p> <p>(c) "land" means any land which vests in, or is owned by, or is in the possession or under the management and control of, the Government or Local Authority and includes any water;</p> <p>(f) "unauthorised occupant" means a person who is in occupation of any land or building or</p>

⁴⁴ Throughout this Ordinance, the words "Bangladesh" and "Government" were substituted for the words "East Pakistan" and "Provisional Government" by section 7 and the Second Schedule of the [Bangladesh \(Official Name\) Ordinance, 1971](http://www.bangladesh.gov.bd/docs/ordinances/) (Ord. No. VII of 1971).

<p>Eviction of outgoing lessee from land or building</p>	<p>part thereof without having obtained the express permission or authority of the Government or the Local Authority</p> <p>concerned, as the case may be, and without executing, where necessary, a legal document, and includes-</p> <p>(i) a person unlawfully induced into any land or building or part thereof by the lessee; and</p> <p>(ii) a lessee who continues in possession of the land or building or part thereof after expiry of term or determination of lease; and</p> <p>3. If on the expiry, whether before or after the commencement of this Ordinance, of the period of a lease in respect of any land or building of which the Government or a Local Authority is the lessor or on the determination of such lease on the ground of breach of any covenant or on the determination of such lease according to the terms and conditions of the lease or otherwise, the lessee refused or failed, or refuses or fails, to vacate that land or building and put the lessor into possession of the same, then, notwithstanding anything contained in any other law for the time being in force or in any contract, it shall be lawful for the Deputy Commissioner, on his own motion or on the complaint of or upon information received from anybody or a Local Authority, at any time after the expiry or determination of lease, to re-enter upon the demised land or building and recover the possession thereof by evicting the lessee and by demolishing and removing structures, if any, erected or built thereon by the lessee:</p> <p>Provided that the Deputy Commissioner shall, before demolishing and removing any structures under this section, issue, in the prescribed manner, a notice on the lessee calling upon him to remove such structures within a period of thirty days from the date of service of the notice.</p>
<p>Determination of lease and recovery of building in certain cases</p>	<p>4. (1) Notwithstanding anything contained in any other law for the time being in force or any contract, where the lessee of a building or part of a building "A" is a person in the service of the Republic) or of a Local Authority, the lease in respect of such building or part shall, in addition to the modes mentioned in section 111 of the <u>Transfer of Property Act, 1882</u>, terminate-</p> <p>(a) on the suspension, discharge, removal, dismissal, resignation, retirement or death of such servant or on his transfer from the station in which he is employed to any other station; or</p> <p>(b) on the transfer of the lessee's interest by assignment, mortgage, sub-lease or in any</p>

⁴⁰ The words "a person in the service of the Republic" were substituted for the words "a servant of Government Pakistan" by section 3 and the Second Schedule of the Transfer of Property and Easements Act, 1971 (Act No. VIII of 1971).

	<p>other manner.</p> <p>(2) On the determination of a lease in respect of a building or part of a building in the manner stated in sub-section (1) or in any of the modes mentioned in section 111 of the <u>Transfer of Property Act, 1982</u>, the lessee or the person claiming through him shall notwithstanding anything contained elsewhere in the said Act or in any other law for the time being in force or in any contract, forthwith put the lessor into possession of such building or part, failing which it shall be lawful for the Deputy Commissioner to re-enter and recover khas possession of the same by evicting the lessee or the person claiming through him.</p> <p>Provided that the Deputy Commissioner shall, before re-entering such building or part of a building, issue, in the prescribed manner, a notice on such lessee or person calling upon him to vacate the same within a period of thirty days from the date of service of the notice.</p>
Eviction of unauthorised occupant	<p>5. (1) If the Deputy Commissioner, on his own motion or on the complaint of or upon information received from anybody or a Local Authority, is satisfied after making such inquiry as he thinks fit, that a person is an unauthorised occupant, he may issue, in the prescribed manner, a notice directing such person to vacate the land, building or part thereof in his occupation within a period of thirty days from the date of service of the notice "1".</p> <p>Provided that the Deputy Commissioner may, where he is satisfied that thirty days' notice will not be in public interest, reduce the period of such notice to not less than seven days.]</p> <p>(2) If the person, against whom an order under sub-section (1) has been made, refuses or fails to vacate the land, building or part thereof in his occupation within the time fixed, then, notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the Deputy Commissioner to enter upon such land, building or part thereof and recover khas possession of the same by evicting such person and by demolishing and removing structures, if any, erected or built by that person.</p>
Penalties	<p>7. (1) Notwithstanding anything contained elsewhere in this Ordinance or in any other law for the time being in force, if a Deputy Commissioner, an Additional Deputy Commissioner, a Joint Deputy Commissioner or a "1] Upazilla Nirbahi Officer], on his own motion or on the complaint of or upon an information received from anybody, is satisfied after making such inquiry as he may think fit, that a person is an unauthorised occupant of any land or building or part thereof, he may give or cause to be given an information to that effect to the Police Station having jurisdiction and thereupon it would be an offence which shall be punishable with imprisonment of either description for a term</p>

⁴⁰ The words "1" were substituted for the All-India 1) and the proviso was added thereto by Article 2 of the Bangladesh Government and Local Authority Lands and Building (Transfer) and Possession Ordinance, 1975 (President's Order No. 64 of 1975).

⁴¹ The words "Upazilla Nirbahi Officer" were substituted for the words "Sub-divisional Officer" by section 3 and the Second Schedule of the Amendment of Ordinance No. 1975 (No. 19) of 1975.

	not exceeding two years or with fine which may extend to rupees one thousand or with both. (2) An offence punishable under sub-section (1) shall be a cognizable and non-bailable offence to be tried in accordance with the warrant procedure as laid down in the <u>Code of Criminal Procedure</u> .
Forfeiture	8. All structures and other properties remaining on the land, building or part thereof, after expiry of the period specified in the notice under section 3 or section 4 or section 5, shall be forfeited to the Government or the Local Authority, as the case may be.
Compensation for unauthorised occupation	9. (1) For unauthorised occupation of any land, building or part thereof or for any damage caused thereto, the unauthorised occupant shall be liable to pay to the Government or to the Local Authority, as the case may be, such compensation as may be assessed by the Deputy Commissioner in accordance with the rules to be made in this behalf by the Government. (2) As soon as an assessment has been made under sub-section (1), the Deputy Commissioner shall serve on the assessee, in the prescribed manner, a notice of such assessment, directing him to pay the amount so assessed within the period of thirty days from the date of service of the notice. (3) Any amount due under sub-section (2) or if the rent payable for lease in respect of any land, building or part of any building has been in arrear, such amount or rent shall be recoverable as public demand under the provisions of "1" + " + " <u>Public Demands Recovery Act, 1913</u> .

THE LAW OF EVIDENCE AMENDMENT ACT, 1956
(EAST PAKISTAN ACT NO. XVIII OF 1956).

An Act to supplement the Law of Evidence.

WHEREAS doubts exist as to the admissibility of the certified copies of the copies of common records;

AND WHEREAS it is necessary to remove such doubts;

It is hereby enacted as follows:-

Section Short Title	Description
Copies of common records to be public documents	(4) Notwithstanding anything contained in the <u>Evidence Act, 1872</u> , copies of common records of the divided districts of Bengal and Assam in the custody of a public officer, the originals whereof are either in West Bengal or Assam, shall be deemed to be public document within the meaning of clause (1) of section 74 of the <u>Evidence Act, 1872</u> and other provisions of the said Act shall apply accordingly.

⁴⁸ The word "Bengal" was omitted by Article 6 of the Ben-Golch-1/Ordinance of Evidence Law-2000, 1972 (President's Order No. 48 of 1972).

Explanation. 'Common records' mean and include documents of public nature in the custody of a public officer immediately before the 15th day of August, 1947, relating to a district or part of a district, which has fallen partly in ⁹² the then East Pakistan (now Bangladesh) and partly in India as a result of the award of the Boundary Commission appointed under section 3 of the Indian Independence Act, 1947.

⁹² The words and phrases "the then East Pakistan (now Bangladesh)" were substituted for the word "Pakistan" by section 3 and the Second Schedule of the [Bangladesh \(Merger\) Act, 1973](#) (Act No. 178 of 1973).

THE ALLUVIAL LANDS ACT, 1920

(ACT NO. V OF 1920)

⁴⁰An Act to prevent disputes concerning the possession of certain lands in Bangladesh gained by alluvion, or by dereliction of a river or the sea.

WHEREAS it is expedient to make provision for the prevention of disputes concerning the possession of certain lands in Bangladesh gained by alluvion, or by dereliction of a river or the sea;

⁴¹Enacted as follows:-

It is hereby enacted as follows:-

Section/ Short Title	Descriptions
Definitions	2(a) "alluvial land" means land which is gained from a river or the sea in any of the ways referred to in the Bengal Alluvion and Diluvion Regulation, 1825, ⁴² or the Bengal Alluvion (Amendment) Act, 1868, and includes reformation in situ and
Power of Collector to attach alluvial land	3.(1) ⁴³ The Collector, if he is credibly informed that a dispute likely to cause a breach of the peace exists or is likely to arise, in regard to any alluvial land which in his opinion has recently formed, may, after making an order in writing, stating the grounds thereof, in the interests of public order, attach such land, and may demarcate it with boundary pillars. ⁴⁴ (1a) Where such land is situated within the limits of more than one district, or it is doubtful within the limits of which district or districts such land is situated any collector who considers that any portion of such land is situated within the limits of his district may, after recording his reasons therefor, attach the whole of such land. If, after attachment, such land or any portion thereof is found to be situated within any other district or is transferred to another district, the attachment shall continue to be valid but the Collector who attached the land may either transfer the case, in respect of the whole or any portion of the attached land, for disposal to the Collector of any such other district or may himself continue the proceedings under the provision of this Act. The Collector to whom a case is transferred for disposal under this sub-section shall be deemed, for the purposes of this Act, to have attached the land under this section.] (2) When the Collector attaches any alluvial land under sub-section (1) or sub-section (1a), he may himself manage such land during the period of attachment, or may, if he thinks fit, appoint a receiver thereof, who, subject to the control of the Collector, shall have all such powers conferable on a receiver appointed under the Code of Civil Procedure, 1908 as may

⁴⁰ Throughout the Act, except where provided, the words "Bangladesh" and "Government" were substituted, for the words "East Pakistan" and "Provincial Government" respectively by section 7 and 2nd Schedule of the Bangladesh and West Bengal (Merger) Act, 1973 (Act No. VIII of 1973).

⁴¹ Original principal of the procedure as so amended by section 7 and 2nd Schedule of the Bangladesh and West Bengal (Merger) Act, 1973 (Act No. VIII of 1973).

⁴² The words, content and effect of the Bengal Alluvion and Diluvion Act, 1825 were contained in sections 1 and 2nd Schedule of the Bangladesh and West Bengal (Merger) Act, 1973 (Act No. VIII of 1973).

⁴³ The word "The" was substituted, for the words, content and effect: Notwithstanding anything contained in the Bengal Alluvion and Diluvion Regulation 1825, the Bengal Alluvion and Diluvion Act, 1825 or the Bengal Alluvion (Amendment) Act, 1868, the provisions 1 and 2nd Schedule of the Bangladesh and West Bengal (Merger) Act, 1973 (Act No. VIII of 1973).

⁴⁴ The section has been inserted by the Bengal Alluvion (Amendment) Act, 1914 (Act No. V of 1914).

be given to him by the Collector:

Provided that neither the Collector nor the receiver shall make a settlement or re-settlement of any land for a period exceeding one year nor shall he charge any salami for such settlement or re-settlement:

Provided further that, in making such settlement or re-settlement of any land, the Collector or the receiver, as the case may be, shall give preference to the claim of a person who may appear to him to have right to immediate possession of such land⁴²² * * *].

(3) Nothing in this section shall preclude any party interested from showing, before the Collector makes an order of reference under section 5, sub-section (1), that no such dispute as aforesaid exists or that such dispute has ceased to exist and is not likely to arise either by reason of a compromise among the claimants included in the list prepared under section 4A or for any other reason and the Collector, if satisfied that no such dispute as aforesaid exists or that such dispute has ceased to exist and is not likely to arise shall cancel his order of attachment under sub-section (1), or sub-section (1a), and all further proceedings thereon shall be stayed. The Collector may, if he thinks fit, cancel his order of attachment under sub-section (1) or sub-section (1a) in respect of a portion of the attached land and continue proceedings in respect of the remainder of such land.

(4) When an order of attachment of any alluvial land is cancelled under sub-section (3), the Collector shall issue a notice in the prescribed manner inviting claims to the net receipts from the land during attachment, and shall order the payment of such receipts to the persons who, in his opinion, are entitled to the same. The net receipts shall be calculated by deducting from the gross receipts the costs incurred under this section, and under section 4, sub-section (1), and section 4A, sub-section (1), and the cost of preparation of the reference to be made under section 5, sub-section (1), if any.

(5) In estimating for the purposes of sub-section (4), section 5, and section 7 the costs incurred under this section, the following costs shall be included in the cost of management, namely:-

⁴²²[* * *]

(b) the cost of special staff, if any, and

(c) where no special staff is employed for collection, a sum not exceeding five per centum

⁴²² The words, clause and Ego's under section 5(A) of the Bengal Tenancy Act, 1928 were omitted by section 7 and 2nd Schedule of the [Bengal Land Revenue \(Amendment\) Act, 1977](#) (Act No. VIII of 1977).

⁴²³ Chapter (iv) was omitted by section 7 and 2nd Schedule of the [Bengal Land Revenue \(Amendment\) Act, 1977](#) (Act No. VIII of 1977).

	per annum on the actual collections.
Collector to cause survey to be made	<p>4(1) When the Collector has attached any alluvial land under section 3, he shall as soon as possible cause a survey to be made and a map to be prepared of the land, including the revenue, diara and other relevant survey lines.</p> <p>(2) The survey made under sub-section (1) shall be deemed to be survey under the "1 * * *) <u>Survey Act</u>, 1875, and the Collector shall exercise in respect of such survey all powers which he is empowered to exercise for the purposes of inquiries and surveys under that Act.</p> <p>(3) Notwithstanding anything contained in section 83 of the <u>Evidence Act</u>, 1872, a map prepared under sub-section (1) shall be presumed by the Court to be accurate until the contrary is shown.</p>
List of claimants	<p>"1 4A.(1) When the Collector has attached any alluvial land under section 3, he shall as soon as possible issue a notice in the prescribed manner calling upon all persons claiming title to any part of such land to file statements specifying their claims and the grounds thereof, and the name and jurisdiction number of the village and the hazi number of the estate to which they allege that the land appertains.</p> <p>If any of the aforesaid claimants is not a proprietor of such estate, he shall also mention in the statement the name of the landlord under whom he holds the land, the area and the rent of his tenancy and such other particulars as may be necessary to elucidate his claim.</p> <p>If the land is included in a map as prepared or a record-of-rights as finally published "1 * * *)¹, the claimant shall also mention the particulars of the khattians and plot numbers necessary to identify the land in the map or record-of-rights.</p> <p>(2) On receipt of a statement of claim referred to in sub-section (1) the Collector shall examine the claim and call for such further particulars, if any, as he considers necessary, and shall, if he is satisfied that the claim is bona fide, enter the name of the claimant in the list of claimants. The Collector may exclude from the said list the name of any claimant who fails to supply any of the required particulars. If any part of the attached land is claimed "1 by the Government], the Collector shall "1 include the Government] in the said list of claimants.</p> <p>(3) An application for inclusion in the list of claimants by a person with whom any of the</p>

¹ The word "Rajput" was omitted by section 3 and 2nd Schedule of the [Amendment Act, 1977](#) (Act No. 101 of 1977).

² Section 4A was inserted by section 3 of the [Bengal Land Revenue Amendment Act, 1978](#) (Act No. 5 of 1978).

³ The words, "except and subject to Chapter X of the Bengal Tenancy Act, 1885" were omitted by section 3 and 2nd Schedule of the [Bengal Land Revenue Amendment Act, 1978](#) (Act No. 5 of 1978).

⁴ The words "by the Government" were substituted for the words "by any Government" by section 3 and 2nd Schedule of the [Bengal Land Revenue Amendment Act, 1978](#) (Act No. 5 of 1978).

⁵ The words "include the Government" were substituted for the words "include that Government" by section 3 and 2nd Schedule of the [Bengal Land Revenue Amendment Act, 1978](#) (Act No. 5 of 1978).

	land has been settled or resettled during the period of attachment shall not be considered unless it alleges a title independent of such settlement or resettlement.]
Reference to Civil Courts	<p>5.(1) When the survey and map referred to in section 4, sub-section (1), have been completed the Collector shall as soon as possible pass an order making a reference to the principal Civil Court of original jurisdiction in the district for a decision as to what person has a title to the land, and shall include in the order the list of claimants referred to in section 4A and shall state-</p> <p>(a) whether any land claimed by any such claimant has been identified as being included in the land which is the subject of the reference,</p> <p>(b) the costs incurred under section 3, section 4, sub-section (1), section 4A, sub-section (1), and the cost of preparation of the reference made under this sub-section,</p> <p>(c) the value of the land, and</p> <p>(d) the names of any persons who have filed statements of claim under section 4A and whose names are not included in the list of claimants.</p> <p>In the case of any land referred to in section 3, sub-section (1a), the reference shall be made to the principal Civil Court of original jurisdiction in the district in which, in the opinion of the Collector, the major portion of the attached land is situated.</p> <p>⁴⁴ [(1a) In making such reference the Collector shall advance the court-fees payable under the <u>Court-fees Act, 1870</u>, on a plaint in a suit for determination of title to land and such process-fees as may be required for service of notices on the parties to the reference. The Collector may make such advance from the balance of the receipts at credit in his accounts of the attached land, or, if this is not practicable, may at any time recover such advance or any part thereof from such balance.]</p> <p>(2) On receipt of a reference made under sub-section (1), the principal Civil Court of the district may either proceed to determine the matter or may transfer the matter for determination to any other Civil Court subordinate to such Court competent to try or dispose of a suit for the determination of title to the land.</p> <p>The said Court shall issue notices to all the persons mentioned in the list of claimants referred to in section 4A to appear and file statements of their respective claims. No other person shall be made a party to the reference unless the said Court is satisfied that for some reason not due to willful default or negligence on the part of such person he was unable to file a statement of claim referred to in section 4A, sub-section (1), in due time or that the Collector has without sufficient reason held that such person's claim was not bona fide. A</p>

⁴⁴ Sub-section (1a) was inserted by the [Bengal Abolition of Feudal Tenures Amendment Act, 1954](#) (Act No. V of 1954).

	<p>person pleading ignorance of the issue of the notice under that sub-section shall not be made a party to the reference unless he proves to the satisfaction of the said Court that he had no knowledge that the land had been attached. The said Court shall also determine which of the claimants has the right to begin at the hearing of the reference.</p> <p>(3) Save as otherwise provided in this Act, a reference made under sub-section (1), shall be deemed to be a suit for all the purposes of the <u>Code of Civil Procedure, 1908</u>, and every decision by a Civil Court under sub-section (2), shall be deemed to be a decree within the meaning of that Code and appealable as such.</p> <p>(4) The said Court shall decide to whom and in what proportions the net receipts, if any, from the land during attachment shall be paid. The net receipts shall be calculated by deducting from the gross receipts the costs incurred under section 3, section 4, sub-section (1), section 4A, sub-section (1), and the costs incurred by the Collector in the proceedings under this section including the cost of preparation of the reference made under sub-section (1).</p> <p>(5) The said Court shall also decide by whom and in what proportions the costs incurred under section 3, section 4, sub-section (1), section 4A, sub-section (1), and the costs incurred by the Collector and by the other parties in the proceedings under this section including the cost of preparation of the reference made under sub-section (1), are payable.</p> <p>(6) If the costs referred to in sub-section (4) exceed the gross receipts the Court shall decide by whom and in what proportions the amount of such excess shall be payable, and such amount shall be recoverable by the Collector, in accordance with the decision of the Court, from the persons liable, as arrears of a public demand.</p> <p>(7) The person entitled to the net receipts may apply to the Court for the recovery from the persons liable of any amount deducted from the gross receipts in excess of the amount, so deducted, for which he is himself liable. If Government are entitled to the net receipts or to any part thereof the Collector may recover as arrears of a public demand any amount due to Government or may apply to the Court for the recovery of the same.</p> <p>(8) A reference made under sub-section (1) shall not be dismissed for default but the said Court shall decide the same after taking the evidence of such of the claimants mentioned by the Collector in the order of reference or added by the Court under section 5, sub-section (2), as it may think necessary.</p>
<p>Taking possession of land by person</p>	<p>6. Whenever the Court makes an order under section 5, sub-section (2), it shall certify to the Collector its decision, and the Collector shall thereupon put the person stated in such order to be entitled to the land in possession thereof.</p>

entitled to it	
Appeal	⁶² 6A. Any person aggrieved by an order making settlement or re-settlement of any land under sub-section (2) of section 3 may, within one month of the date of such order, prefer an appeal to the Commissioner.]
Costs	7(1) Every order under section 3, sub-section (3), shall state the amount of costs incurred under section 3, section 4, sub-section (1), section 4A, sub-section (1), and the cost of preparation of the reference to be made under section 5, sub-section (1), if any, and by what persons and in what proportions they are to be paid, and such costs shall be recoverable as arrears of a public demand. (2) Any person against whom an order has been made with regard to such costs, may, within one month of the date of such order, prefer an appeal to the ⁶³ Commissioner] in respect of such costs.
Revision	⁶⁴ 7A.(1) The Commissioner may, either of his own motion or on application, call for the records of any case at any time, and may, after examining such records and making such inquiry, if any, as he thinks fit, revise any order of the Collector under this Act, other than an order against which an appeal lies under section 6A or section 7. (2) The ⁶⁵ Board of Land Administration] may, either of its own motion or on application call for the records of any case at any time, and may, after examining such records and making such inquiry, if any, as it thinks fit, revise any order of the Collector or of the Commissioner under this Act: Provided that neither the Commissioner nor the ⁶⁶ Board of Land Administration] shall, after a reference has been made under sub-section (1) of section 5, pass any order under this section affecting the order of attachment made by the Collector under sub-section (1) or sub-section (1a) of section 3.]
Control by the Government	⁶⁷ 7B. In the exercise of the powers and discharge of duties under this Act, the Collector ⁶⁸ or the Commissioner, as the case may be,] shall be guided by such orders and instructions as he may, from time to time, receive from the ⁶⁹ Government].

⁶² Section 6A was substituted, for the former section 6A by section 2 and Schedule of the Bangladesh Laws (Amendment) Ordinance, 1976 (Ordinance No. IX of 1976)

⁶³ The word "Commissioner" was substituted, for the word "Government" by section 2 and Schedule of the Bangladesh Laws (Amendment) Ordinance, 1976 (Ordinance No. IX of 1976)

⁶⁴ Section 7A was substituted, for section 7A by section 2 and Schedule of the Bangladesh Laws (Amendment) Ordinance, 1976 (Ordinance No. IX of 1976)

⁶⁵ The words "Board of Land Administration" were substituted, for the word "Government" by section 4 and Schedule of the Laws (Amendment) Ordinance, 1982 (Ordinance No. XI of 1982)

⁶⁶ The words "Board of Land Administration" were substituted, for the word "Government" by section 4 and Schedule of the Laws (Amendment) Ordinance, 1982 (Ordinance No. XI of 1982)

⁶⁷ Section 7B was inserted by section 4 of the Bangladesh Lands (Amendment) Act, 1972 (Act No. IV of 1972)

⁶⁸ The words and comma "or the Commissioner, as the case may be," were inserted by section 2 and Schedule of the Bangladesh Laws (Amendment) Ordinance, 1976 (Ordinance No. IX of 1976)

⁶⁹ The word "Government" was substituted, for the word "Board of Revenue" by the Schedule of the Bangladesh Laws (Amendment and Amendment) Ordinance, 1973 (Ordinance No. IX of 1973)

Indemnity	9. No suit or other legal proceedings shall lie against ⁴⁸ [the Collector ⁴⁹] , the Commissioner) or the Government) or any person acting under their direction, for any act done or ordered to be done in good faith under this Act.
Bar to jurisdiction of Civil Court	<p>⁵⁰[9A. No Civil Court shall entertain any suit or other legal proceeding concerning any matter relating to settlement or re-settlement of any land under sub-section (2) of section 3 and any such suit or proceeding, if pending before a Civil Court, shall not be further proceeded with and shall abate; and any decree or order passed by a Civil Court in any such suit or proceeding after the 31st March, 1951, shall be void and inoperative.</p> <p>Explanation- For the purpose of this section-</p> <p>(i) 'Civil Court' means a Civil Court within the meaning of the ⁵¹[⁵²Civil Courts Act and includes any Court exercising appellate or revisional jurisdiction over any such Court; and</p> <p>(ii) 'Suit' includes appeal.]</p>

THE ALLUVION (AMENDMENT) ACT, 1968
(ACT NO. IV OF 1968).

The long title [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).]

WHEREAS it is expedient to amend the provisions of Act IX of 1947; it is enacted and declared as follows:-

Section: Short Title	Descriptions
Newly thrown up islands to be assessed	<p>3. Whenever it shall appear to the local revenue-authorities that an island has been thrown up in a large and navigable river liable to be taken possession of by Government (under clause 3, section 4, of Regulation XI of 1825), the local revenue-authorities shall take immediate possession of the same for Government, and shall assess and settle the land according to rules in force in that behalf, reporting their proceedings forthwith ⁵³[for the approval of the Board of Land Administration], whose order thereupon, in regard to the assessment, shall be final.</p> <p>Provided, however, that any party aggrieved by the act of the revenue-authorities in taking possession of any island as aforesaid shall be at liberty to contest the same by</p>

⁴⁸ The words 'the Collector or the Government' was substituted, for the words and phrases 'the Collector, the Commissioner, the Board of Revenue or the Provincial Government' by the Schedule of the [Bangladesh Laws \(Revision and Declaration\) Act, 1973](#) (President's Order No. 124 of 1973).

⁴⁹ The comma and words 'the Commissioner' were inserted by section 2 and Schedule of the [Bangladesh Laws \(Amendment\) Ordinance, 1976](#) (Ordinance No. IX of 1976).

⁵⁰ Section 9A was inserted by the [East Bengal \(Repealing and Amending\) Act, 1952](#) (Act No. XI of 1952).

⁵¹ The words 'East Bengal' were replaced by section 2 and 2nd Schedule of the [Bangladesh Laws \(Revision and Declaration\) Act, 1973](#) (Act No. VIII of 1973).

⁵² The words 'for the approval of the Board of Land Administration' were substituted, for the words 'for the approval of the Government' by Schedule of the [Law Commission Ordinance, 1962](#) (Ordinance No. XI of 1962).

	a regular suit in the Civil Court.
Subsequent junction to mainland not to affect Government right	4. Any island of which possession may have been taken by the local revenue authorities on behalf of Government under section 3 of this Act shall not be deemed to have become an accession to the property of any person by reason of such channel becoming fordable after possession of such island shall have been so taken.
Power to apply for ways across islands	5. Whenever an island, of which possession shall have been taken by Government under section 3 of this Act, shall become attached to the mainland, any person having an estate or interest in any part of the riparian mainland to which such island may become attached while it is in the possession of Government may apply to the Collector to take measures for the construction of ways, paths and roads on the island: the costs thereof to be equally divided between the applicant and the "[Government].
Applicant for ways to deposit money, and ways to be made	6. Thereupon the Collector may require the applicant to make such deposit of money as to the Collector shall seem sufficient, and, on such deposit being made, the Collector shall proceed to lay out and construct such ways, paths and roads in and through the island as he may deem necessary for securing access to the river or sea from the land to which the island may have become attached.
Costs of ways how borne	7. In every case the applicant shall be liable to pay and make good to the "[Government] one-half of the costs of laying out and constructing such ways, paths and roads as aforesaid, and any moneys due from the applicant under the provisions of this section may be deducted and retained by the Collector out of the deposit so made by the applicant as aforesaid.
Ways to be public	8. Every way, road and path, which shall be laid out or appointed under the provisions aforesaid, shall be deemed a public highway.

THE DESTRUCTION OF RECORDS ACT, 1917
(ACT NO. V OF 1917).

An Act to consolidate and amend the law providing for the destruction or other disposal of certain documents in the possession or custody of Courts and Revenue and other public officers.

WHEREAS it is expedient to consolidate and amend the law providing for the destruction or other disposal of certain documents in the possession or custody of Courts and Revenue and other public officers, It is hereby enacted as follows:-

Section/ Short Title	Descriptions
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¹⁰ The word "Government" was substituted, for the words "Provincial Government" by section 7 and 2nd Schedule of the [Bangladesh Legal \(Revision and Delegation\) Act, 1971 \(Act No. 58 of 1971\).](#)

¹¹ The word "Government" was substituted, for the words "Provincial Government" by section 7 and 2nd Schedule of the [Bangladesh Legal \(Revision and Delegation\) Act, 1971 \(Act No. 58 of 1971\).](#)

Power to certain authorities to make rules for disposal of documents	<p>3(1) The authorities hereinafter specified may, from time to time, make rules for the disposal, by destruction or otherwise, of such documents as are, in the opinion of the authority making the rules, not of sufficient public value to justify their preservation.</p> <p>(2) The authorities shall be:-</p> <p>(a) in the case of documents in the possession or custody of ⁴⁸[the Supreme Court] or of the Courts of Civil or Criminal jurisdiction subordinate thereto, ⁴⁹[the Supreme Court];</p> <p>(b) in the case of documents in the possession or custody of Revenue Courts and officers, The ⁵⁰[Board of Land Administration]; and</p> <p>⁵¹[(c) in the case of documents in the possession or custody of any other public officer, the Government or any officer specially authorized in that behalf by the Government.]</p> <p>(3) Rules made under this section by ⁵²[the Supreme Court] or by an officer specially authorized in that behalf by ⁵³[the Government] shall be subject to the previous approval of the ⁵⁴[the Government] ⁵⁵[* * *].</p>
Saving of certain documents	<p>5. Nothing in this Act shall be deemed to authorize the destruction of any document which, under the provisions of any law for the time being in force, is to be kept and maintained.</p>

THE EASEMENTS ACT, 1882
(ACT NO. V OF 1882)

An Act to define and amend the Law relating to Easements and Licences.
WHEREAS it is expedient to define and amend the law relating to easements and licences; It is hereby enacted as follows:-

Section	Descriptions
Short Title	

⁴⁸ The words "the Supreme Court" were substituted, for the words "a High Court" or "the High Court" by section 1 and 2nd Schedule of the [Bengal Law Revision Act, 1937](#) (Act No. VIII of 1937).

⁴⁹ The words "the Supreme Court" were substituted, for the words "a High Court" or "the High Court" by section 1 and 2nd Schedule of the [Bengal Law Revision Act, 1937](#) (Act No. VIII of 1937).

⁵⁰ The words "Board of Land Administration" were substituted, for the word "Government" by section 4 and Schedule of the Law (Amendment) Ordinance, 1962 (Ordinance No. XX of 1962).

⁵¹ Clause (c) was substituted for clause (c) by section 3 and 2nd Schedule of the [Bengal Law Revision and Delegation Act, 1977](#) (Act No. VIII of 1977).

⁵² The words "the Supreme Court" were substituted, for the words "any High Court" by section 1 and 2nd Schedule of the [Bengal Law Revision and Delegation Act, 1977](#) (Act No. VIII of 1977).

⁵³ The words "the Government" were substituted, for the words "any Provincial Government" or "the Provincial Government" by section 3 and 2nd Schedule of the [Bengal Law Revision and Delegation Act, 1977](#) (Act No. VIII of 1977).

⁵⁴ The words "the Government" were substituted, for the words "any Provincial Government" or "the Provincial Government" by section 3 and 2nd Schedule of the [Bengal Law Revision and Delegation Act, 1977](#) (Act No. VIII of 1977).

⁵⁵ The words "and" and "and also" made by an officer specially authorized in that behalf by the Government shall be subject to the previous approval of the Government, were omitted by section 1 and 2nd Schedule of the [Bengal Law Revision and Delegation Act, 1977](#) (Act No. VIII of 1977).

Savings	<p>2. Nothing herein contained shall be deemed to affect any law not hereby expressly repealed, or to derogate from-</p> <p>(a) any right of the Government to regulate the collection, retention and distribution of the water of rivers and streams flowing in natural channels, and of natural lakes and ponds, or of the water flowing, collected, retained or distributed in or by any channel or other work constructed at the public expense for irrigation;</p> <p>(b) any customary or other right (not being a license) in or over immovable property which the Government, the public or any person may possess, irrespective of other immovable property; or</p> <p>(c) any right acquired, or arising out of a relation created, before this Act comes into force.</p>
"Easement" defined	<p>4. An easement is a right which the owner or occupier of certain land possesses, as such, for the beneficial enjoyment of that land, to do and continue to do something, or to prevent and continue to prevent something being done, in or upon, or in respect of, certain other land not his own.</p> <p>The land for the beneficial enjoyment of which the right exists is called the dominant heritage, and the owner or occupier thereof the dominant owner; the land on which the liability is imposed is called the servient heritage, and the owner or occupier thereof the servient owner.</p> <p>Explanation.-In the first and second clauses of this section, the expression "land" includes also things permanently attached to the earth; the expression "beneficial enjoyment" includes also possible convenience, remote advantage, and even a mere amenity; and the expression "to do something" includes removal and appropriation by the dominant owner, for the beneficial enjoyment of the dominant heritage, of any part of the soil of the servient heritage or anything growing or subsisting thereon.</p> <p style="text-align: center;"><i>Illustrations</i></p> <p>(a) A, as the owner of a certain house, has a right of way thither over his neighbour B's land for purposes connected with the beneficial enjoyment of the house. This is an easement.</p> <p>(b) A, as the owner of a certain house, has the right to go on his neighbour B's land, and to take water for the purposes of his household out of a spring therein. This is an easement.</p> <p>(c) A, as the owner of a certain house, has the right to conduct water from B's stream to</p>

	<p>supply the fountains in the garden attached to the house. This is an easement.</p> <p>(d) A, as the owner of a certain house and farm, has the right to graze a certain number of his own cattle on B's field, or to take, for the purpose of being used in the house, by himself, his family, guests, lodgers and servants, water or fish out of C's tank, or timber out of D's wood, or to use, for the purpose of manuring his land, the leaves which have fallen from the trees on E's land. These are easements.</p> <p>(e) A dedicates to the public the right to occupy the surface of certain land for the purpose of passing and re-passing. This right is not an easement.</p> <p>(f) A is bound to cleanse a water course running through his land and keep it free from obstruction for the benefit of B, a lower riparian owner. This is not an easement.</p>
<p>Acquisition by prescription</p>	<p>13. Where the access and use of light or air to and for any building have been peaceably enjoyed therewith, as an easement, without interruption, and for twenty years,</p> <p>and where support from one person's land or things affixed thereto has been peaceably received by another person's land subjected to artificial pressure or by things affixed thereto, as an easement, without interruption, and for twenty years,</p> <p>and where a right of way or any other easement has been peaceably and openly enjoyed by any person claiming title thereto, as an easement, and as of right, without interruption, and for twenty years,</p> <p>the right to such access and use of light or air, support or other easement shall be absolute.</p> <p>Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contented.</p> <p>Explanation I.—Nothing is an enjoyment within the meaning of this section when it has been had in pursuance of an agreement with the owner or occupier of the property over which the right is claimed, and it is apparent from the agreement that such right has not been granted as an easement, or, if granted as an easement, that it has been granted for a limited period, or subject to a condition on the fulfilment of which it is to cease.</p> <p>Explanation II.—Nothing is an interruption within the meaning of this section unless where there is an actual cessation of the enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction is submitted to or acquiesced in for one year after the claimant has notice thereof and of the person making or authorizing the same to be made.</p> <p>Explanation III.—Suspension of enjoyment in pursuance of a contract between the dominant</p>

and servient owners is not an interruption within meaning of this section.

Explanation IV.—In the case of an easement to pollute water, the said period of twenty years begins when the pollution first prejudices perceptibly the servient heritage.

When the property over which a right is claimed under this section belongs to the Government, this section shall be read as if, for the words "twenty years" the words "sixty years" were substituted.

Illustrations

(a) A suit is brought in 1883 for obstructing a right of way. The defendant admits the obstruction, but denies the right of way. The plaintiff proves that the right was peaceably and openly enjoyed by him, claiming title thereto as an easement and as of right, without interruption, from 1st January, 1862, to 1st January, 1882. The plaintiff is entitled to judgment.

(b) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that for a year of that time the plaintiff was entitled to possession of the servient heritage as lessee thereof and enjoyed the right as such lessee. The suit shall be dismissed, for the right of way has not been enjoyed "as an easement" for twenty years.

(c) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff on one occasion during the twenty years had admitted that the user was not of right and asked his leave to enjoy the right. The suit shall be dismissed, for the right of way has not been enjoyed "as of right" for twenty years.

THE PREVENTION OF TRANSFER OF PROPERTY AND REMOVAL OF DOCUMENTS AND RECORDS ACT, 1952

(EAST BENGAL ACT NO. V OF 1952.)

⁴⁴⁵ An Act to provide against certain difficulties in the way of speedy acquisition of interest in land under the ⁴⁴⁶ [" "] State Acquisition and Tenancy Act, 1950.

WHEREAS it is expedient to provide against certain difficulties created or sought to be created by certain classes of persons in the way of speedy acquisition of estates, taluks, tenures and other interests in land, under the provisions of the ⁴⁴⁷ [" "] State Acquisition and Tenancy Act, 1950;

It is hereby enacted as follows:-

⁴⁴⁵ Throughout the Act, and as otherwise provided, the words "Bengal" and "Government" were substituted for the words "East Pakistan" or "the Province of East Pakistan" and "Provincial Government" respectively by section 7 and the Second Schedule of the [Bengal \(East and West\) Act, 1971](#) (Act No. VIII of 1971).

⁴⁴⁶ The words "East Bengal" were changed by Article 6 of the [Constitution of Bangladesh, 1972](#) (President's Order No. 49 of 1972).

⁴⁴⁷ The words "East Bengal" were changed by Article 6 of the [Constitution of Bangladesh, 1972](#) (President's Order No. 48 of 1972).

Section/ Short Title	Description
Definitions	(b) "cutchery building" means a building or part of a building which, on the 16th May, 1951, or thereafter, was or is used primarily as office or cutchery for the management including collection of rents and cesses of any estate, taluk, or tenure or as the residence of staff employed in such management, with the land under it and necessary adjuncts thereto; (c) "transfer" means transfer by private sale, exchange, lease, gift, mortgage or charge; and
Prohibition against transfer of cutchery buildings and certain lands contiguous thereto	3. (1) Notwithstanding anything contained in any other law for the time being in force or in any contract, no person shall transfer, without the previous permission of the Collector in writing,- (i) any cutchery building; or (ii) any land contiguous to any cutchery building which, on the 16th May, 1951, is vacant and was not used for agricultural purposes; or (iii) any vacant land situated within any hat or bazar. (2) Every transfer made in contravention of sub-section (1) shall be null and void.
Provision regarding transfer made between the 16th May, 1951, and the 21st day of July, 1951	4. (1) Any cutchery building or land as is referred to in sub-section (1) of section 3, if transferred by any person between the 16th day of May, 1951, and the 21st day of July, 1951, shall, notwithstanding anything contained in any other law for the time being in force or in any contract, be deemed to have been re-transferred to such person on the 21st day of July, 1951. (2) The transferor in respect of such transfer shall be liable to refund to the transferee or his successor-in-interest, the consideration of such transfer; and the amount or value of such consideration shall, on an application of the transferee or his successor-in-interest to the Collector within two years from the 21st day of July, 1951, be recoverable from such transferor as a public demand.
Safeguards against removal of records	5. (1) No rent-receiver shall, after the coming into force of this Act, remove or cause to be removed any document or record relating to any estate, taluk, or tenure, to any place outside Bangladesh, or destroy or cause to be destroyed such document or record. (2) If any document or record as aforesaid has been removed by any rent-receiver before the commencement of this Act to any place outside the Bangladesh, the Collector may serve an order on such rent-receiver directing him to bring back such document or record to Bangladesh within the time specified in such order. (3) For the purpose of inspection of any document or record relating to any estate, taluk, or tenure, it shall be lawful for the Collector or any officer authorised by him in writing, to

	<p>enter into or upon any cutchery building or premises, where the Collector or such officer has reason to believe that such document or record has been kept:</p> <p>Provided that no such entry shall be made between sunset and sunrise and without giving two hours' notice to the rent-receiver concerned of his intention to do so.</p> <p>(4) Before entering into or upon any cutchery building or premises under the provisions of sub-section (3), the Collector or any officer authorised by him may issue a direction upon the rent-receiver to inform him in writing, within the time specified in such direction, the place where such document or record has been kept.</p>
Penalty	<p>6. (1) If any person has transferred any cutchery building or land in contravention of sub-section (1) of section 3, the Collector may impose on him a fine which may extend to twice the value or amount of the consideration for such transfer and may also pass an order forfeiting such Cutchery building or land to the Government.</p> <p>(2) If any rent-receiver has removed or destroyed or caused to be removed or destroyed any document or record in contravention of sub-section (1) of section 5, or fails to comply with an order under sub-section (2) of that section, the Collector may impose on him a fine which may extend to ten thousand ¹⁰⁰ rupees.</p> <p>(3) The fine imposed under this section shall be recoverable as a public demand.</p> <p>(4) When the Collector has passed an order under sub-section (1) forfeiting any cutchery building or land to the Government, it shall be lawful for him to take actual possession thereof, and in doing so, he may use or cause to be used such force as may be necessary.</p>
Appeal and revision	<p>7. (1) An appeal against any order passed by the Collector under sub-section (1) or sub-section (2) of section 6, if presented within thirty days from the date of the order appealed against, shall lie to the ¹⁰¹ Commissioner of Division.</p> <p>¹⁰² (2) If no appeal has been preferred under sub-section (1), the Government may, at any time, of its own motion, revise any order passed by the Collector under sub-section (1) or sub-section (2) of section 6.]</p> <p>¹⁰³ (2a) The Government may, of its own motion or on application of the aggrieved person</p>

¹⁰⁰ The word "rupee" was substituted for the word "paise" by section 7 and the Second Schedule of the [Bangladesh Laws \(Revision And Deletion\) Act, 1973](#) (Act No. VII of 1973).

¹⁰¹ The words "Commissioner of Division" were substituted for the word "Government" by section 2 and the Schedule of the Bangladesh Laws (Amending) Ordinance, 1976 (Ordinance No. IX of 1976).

¹⁰² Sub-section (2) was substituted by Article 3 and the Schedule of the [Bangladesh Laws \(Amendment And Deletion\) Ordinance, 1977](#) (President's Order No. 12 of 1977).

¹⁰³ Sub-section (2a) was inserted by section 7 and the Schedule of the [Bangladesh Laws \(Amending\) Ordinance, 1976](#) (Ordinance No. IX of 1976).

	made within thirty days from the date of the order, revise any order passed by the ⁴⁰ [Board of Land Administration] on appeal under sub-section (1).]
	⁴¹ [(3) An order of the Government passed under sub-section (2) or sub-section (2a) shall be final.]

⁴⁰ The words "Board of Land Administration" were substituted by the words "Government of Odisha" by section 6 of the Schedule to the Laws (Amendment) Ordinance, 1982 (Ordinance No. 32, dt. 17.1982)

⁴¹ Sub-section (3) was substituted by section 2 and the Schedule of the Bangladesh Laws (Amendment) Ordinance, 1974 (Ordinance No. IX of 1974)

বাংলাদেশ স্বর্ণ সার্টিফি আইন, ১৯৮৯
(১৯৮৯ সনের ১৫ নং আইন)

মহাজনী স্বর্ণের কলা হইতে কুমলাগকে রক্ষা করার উদ্দেশ্যে প্রণীত আইন।
যেহেতু মহাজনী স্বর্ণের কলা হইতে কুমলাগকে রক্ষা করার উদ্দেশ্যে বিধন কর সমিটীন ও প্রয়োজনীয়
সেহেতু এতদ্বারা নিম্নরূপ আইন করা হইল :-

ধারা/শিরোনাম	বর্ণনা
সংজ্ঞা	<p>২। বিপর বা প্রসংহার পরিপন্থী কোন কিছু না থাকিলে, এই আইনে,-</p> <p>(ক) "কুমলা" অর্থ এমন ব্যক্তি যিনি নিজের জমি ব্যক্তিগতভাবে বা পরিবারের সদস্যদের সাহায্যে বা প্রক্রিয়ার সাহায্যে চাষাবাদ করেন বা যিনি অতের জমি বণ্যমূল্য চাষ করেন বা পরিপ্রক্রিয়ার বিধিমাতে অতের জমিতে কৃষি প্রক্রিয়ার কাজ করেন;</p> <p>(খ) "কৃষি জমি" বলিতে কৃষকের বসত বাড়ী ও ইহার অন্তর্ভুক্ত;</p> <p>(গ) "ব্যবস্থাসী কুমলা" অর্থ State Acquisition and Tenancy Act, 1950 (E. B. Act XXVIII of 1951) এর section 2(6) এ সংজ্ঞায়িত "recomplete usufructuary mortgage";</p> <p>(ঘ) "স্টোরহাউস" অর্থ বোর্ডের স্টোরহাউস;</p> <p>(ঙ) "পরিধি" অর্থ এই আইনের অধীন প্রণীত বিধি;</p> <p>(চ) "বোর্ড" অর্থ ধার ১৩ এর অধীন গঠিত স্বর্ণ সার্টিফি বোর্ড;</p> <p>(ছ) "মহাজনী স্বর্ণ" অর্থ নিম্নিত বা প্রক্রিয়ার ভুক্তি-কল্প, আমদানিকর বা আমদানিকর ব্যতিরেকে, টাকার বা শস্য বা শস্যবীজের পরিষেবা এমন স্বর্ণ বস্তু;</p> <p>(জ) টাকায় পরিষেবার ক্ষেত্রে, আসল স্বর্ণের উপর বার্ষিক শতকর বিশ টকা বা তদুল্ল স্বর্ণের অতিরিক্ত অর্থের পরিষেবা; এবং</p> <p>(ঝ) শস্য বা শস্যবীজের পরিষেবার ক্ষেত্রে, আসল স্বর্ণের উপর বার্ষিক এক-শতমাংশ বা তদুল্ল পরিমাণ অতিরিক্ত শস্য বা শস্যবীজের পরিষেবা।</p>

আইসেৰ প্ৰবেশ	৩) আশুপ্ৰৱেশ বন্দৰত অণু কোন আইসে বাহা কিছুই ধাৰুক না কোন, এই আইন ৩ তম ধীন ক্ৰীত বিধিৰ বিধানানুসী কৰ্ম কৰ ধাৰিকো
মহাশ্বত বা ষিপসংযুক্ত অধিনিত শিশুশ কসংগ্ৰহেৰ নিৰ্দিষ্ট	৪) কোন বৰ্ত্ত মহাশ্বতী স্বাধাৰ ভাষনতে বিসারে কোন কৃষকেৰ নিৰ্দ্ধত হইতে তহাৰ শব্বত বা ষিপসংযুক্ত অধিনিত শিশুশ কসংগ্ৰহেৰ নিৰ্দ্ধত
মহাশ্বতী স্বাধাৰ শৰ্ত হিনাবে কল স অধিন কৰ হতালি নিৰ্দিষ্ট	৫) কোন বৰ্ত্ত মহাশ্বতী স্বাধাৰ শৰ্ত হিনাবে কণ গ্ৰহীতাৰ জাৰিৰ উপপালিত কল কোন কৰকৰেৰ অধিম কৰ কৰিতে পাৰিলে না বা তহাৰ নিৰ্দ্ধাৰিত কোন জ্বান উঠাইতে পাৰিলে না
কৰ্তিশৰ জাৰিৰ বিকৰ শাৰ্থাংশালী বন্ধক যোগা	৬) (১) এই আইন বলবত হইবাৰ পৰ অৰ্ধক দিন এপৰ কৃষি জাৰিৰ মালিক কোন কৃষক প্ৰাকৃতিক দুৰ্গতো তপতিগ্ৰহ হ গাৰ না জীবন ধাৰো অতপতাৰ্জমিত অসহাৰগাৰ কাৰো কোন কৃষি জাৰি বিকৰ কৰিলে, এৰং (ক) উক্ত জাৰিৰ বিকৰমুগা অৰ্ধক বিশ হাৰাৰ টকা হইলে অথবা সমগ্ৰীৰ জাৰিৰ কৰকালীন সমহ স্থানীয় বাজাৰতৰে য়ে কম হইলে, এৰং (খ) বিক্ৰীত জাৰিৰ পৰিমাণ অৰ্ধক এক একৰ হইলে, উক্ত কৃষক বোৰ্গ গঠিত হইবাৰ হয় মসে, বা বিকৰ মালিক বেচিষ্টি হইবাৰ হয় মসে, যাহাই পৰে হয়, এৰ মখে উক্ত বিকৰে শাৰ্থাংশালী বন্ধক হিনাবে যোগা কৰিৰ জ্বা বোৰ্গে নিৰ্দ্ধ বিধি ধাৰ নিৰ্দ্ধাৰিত পদ্ধতিৰে দৰখাষ্ কৰিতে পাৰিলে এৰং বোৰ্গ, দৰখাষ্টি বিধি ধাৰ নিৰ্দ্ধাৰিত পদ্ধতিৰে তনানীৰ পৰ, দৰখাষ্ৰ বখাৰ্গা সম্পৰ্কে সঙ্কট হইলে, উক্ত বিকৰকে সাত বলৰ য়োনী শাৰ্থাংশালী বন্ধক হিনাবে যোগা কৰিবে : তৰে শৰ্ত ধাৰে যে, উক্ত জাৰি ১গা জানুৱাৰী, ১৯৯৬ তৰিবেৰ পূৰ্ণে পুনৰায় হজাৰ্জাৰিৰ হইয়া ধাৰিলে বা ঐ তৰিখেৰ পূৰ্ণে উহাৰ উপ কোন শিল্প কাৰনা, বাণিজ্যিক গ্ৰতিষ্ঠান বা ইমাৰত স্থাপনাৰ বা অন্য কোন কাৰো উহাৰ প্ৰকৃতি স্বাভাৱে পৰিৱৰ্তিত হইয়া ধাৰিলে, উক্ত জাৰিৰ ক্ষেত্ৰে এই উপ-ধাৰাৰ অধীন কোন ম স্ৰাষ্ৰ গ্ৰহণযোগ্য হইবে না। (২) উপ-ধাৰা (১) এৰ অধীন কোন বিকৰ শাৰ্থাংশালী বন্ধক হিনাবে যোগিত হইলে বোৰ্গ, তফৰ্দ্ধক নিৰ্দ্ধাৰিত সময়েৰ মখে, যাহা তিন মসেৰ অৰ্ধক হইবে না, বিক্ৰীত জাৰিৰ মৰল বিক্ৰেতাৰ নিৰ্দ্ধ গ্ৰহণৰ্গ কৰিৰেৰ অন্য কেতাকে নিৰ্দেশ দান কৰিবে। (৩) যদি উপ-ধাৰা (২) এৰ অধীন নিৰ্দ্ধাৰিত সময়েৰ মখে কেতা জাৰি গ্ৰহণৰ্গ না কৰে বা কৰিতে

	<p>বর্ধিত হলে, তাহা হইলে ধারা ৮ এর বিধান অনুযায়ী উক্ত প্রচারণা কার্যকর করা হইবে</p> <p>(৪) যে ক্ষেত্রে গোর্ড উপ-ধার (২) এর অধীন কোন বিরুদ্ধকে বাধ্যকারী বন্ধক বিহীন গণ্য করে সে ক্ষেত্রে বিরুদ্ধমূল্য স্বীকৃত অর্থ বলিয়া গণ্য হইবে এবং বিরুদ্ধে কর্তৃক পরিশোধ স্বীকৃত অর্থের পরিমাণ গোর্ড কর্তৃক নির্ধারিত হইবে</p> <p>(৫) উপ-ধার (৪) এর অধীন পরিশোধ স্বীকৃত অর্থের পরিমাণ নির্ধারণের সময় গোর্ড বিরুদ্ধমূল্য হইতে এক-দশমাংশ পৃথক করিয়া কেবল উক্ত জমি যত বৎসর কোণ করিয়া উহার প্রতি বৎসরের জন্য উক্ত এক-দশমাংশ হইতে উহার এক-সত্তমাংশ হারে বাস দিবে এবং বাকী অংশ বিরুদ্ধমূল্যের অবশিষ্ট নয়-দশমাংশের সমিত কোণ করিয়া মোট পরিশোধ অর্থের পরিমাণ নির্ধারণ করিবে :</p> <p>তবে শর্ত থাকে যে, যদি কেবল উক্ত জমি সার বৎসরের অধিক কাল কোণ করিয়া থাকেন, তাহা হইলে উক্ত এক-দশমাংশ সম্পূর্ণরূপে বিরুদ্ধ মূল্য হইতে বাস দিয়া পরিশোধ অর্থের পরিমাণ নির্ধারণ করিতে হইবে</p> <p>(৬) উপ-ধার (৫) এর অধীন নির্ধারিত পরিশোধ অর্থ অনধিক ন-শি বার্ষিক নিরূপিত শতকর বার্ষিক বিশ টাকা হারে সল সুদসহ কেবলকে পরিশোধের জন্য গোর্ড বিরুদ্ধকে নির্দেশ দিবে</p> <p>(৭) উপ-ধার (৬) এর অধীন নির্ধারিত কোন কিছু অননুমোদিত থাকিলে অননুমোদিত অর্থ নির্দেশ দানী (public demand) বলিয়া গণ্য হইবে এবং তদনুসারে ইহা আদায়যোগ্য হইবে :</p> <p>তবে শর্ত থাকে যে, কেবল যদি অনধিক দুই একর জমির মালিক হন অথবা কেবল যদি অনধিক তিন একর জমির মালিক হন এবং জীবন ধারণে অত্যাবশ্যকীয়ত অসহায় হন তবে উক্ত উপ-ধার ৬ প্রযোজ্য হইবে না</p>
<p>সর্বশেষ বিরুদ্ধ বার্ষিক</p>	<p>৭। (১) এই আইন বলতে হইবার পর অনধিক দুই একর জমির মালিক কোন কৃষক প্রকৃতিক পুষ্টিগত কারণে হওয়ার বা জীবন ধারণে অত্যাবশ্যকীয়ত অসহায় হলে অনধিক বিশ একর জমি মূল্যে অনধিক এক একর পরিমাণে কৃষি জমি বিরুদ্ধ করিবে এবং উক্ত জমির বিরুদ্ধ মূল্য বিরুদ্ধমূল্যের সমস্ত অর্থের সমিত হইবে এবং উক্ত জমি বার্ষিক, উক্ত কৃষক এই বিরুদ্ধ বার্ষিক যোগ্য করে অন্য গোর্ড কর্তৃক হইবার হইবে বা বিরুদ্ধ মালিক প্রকৃতিক হইবার হইবে বাস, এর মধ্যে গোর্ডের নিম্ন নিম্ন নির্ধারিত পদ্ধতিতে দখল করিতে পরিবেন এবং গোর্ড, দখলার নিম্ন নিম্ন নির্ধারিত পদ্ধতিতে দখলার পর, দখলার স্বার্থের সম্পর্কে সন্তুষ্ট হইলে, উক্ত বিরুদ্ধকে বার্ষিক যোগ্য করিতে পরিবে :</p> <p>তবে শর্ত থাকে যে, উক্ত জমি ১৫ আগস্ট, ১৯৯৬ তারিখের পূর্বে পুনরায় হস্তান্তরিত হইয়া</p>

	<p>থাকিলে বা ঐ তারিখের পূর্বে উহার উপর কোন শিল্প কারখানা, বাণিজ্যিক প্রতিষ্ঠান বা ইমারত স্থাপনের বা অন্য কোন কারণে উহার প্রকৃতি স্থায়ীভাবে পরিবর্তিত হয়। যাকিলে উক্ত জমির ক্ষেত্রে এই উপ-ধারার অধীন কোন দফায় প্রযোজ্য হইবে না।</p> <p>(২) উপ-ধারা (১) এর অধীনে কোন বিক্রয় বাতিল ঘোষিত হইলে কোর্ট, তৎকর্তৃক নির্ধারিত সময়ের মধ্যে, যাহা যিনি মালিক আনিক হইবে না, বিক্রিত জমির দখল বিক্রয়ের নিকট প্রত্যর্পণ করার জন্য ক্রেতাকে নির্দেশ দান করিবে।</p> <p>(৩) যদি উপ-ধারা (২) এর অধীন নির্ধারিত সময়ের মধ্যে ক্রেতা জমি প্রত্যর্পণ না করেন বা করিতে ব্যর্থ হন, তাহা হইলে ধারা ৮ এর বিধান অনুযায়ী উক্ত প্রত্যর্পণ কার্যকর করা হইবে।</p> <p>(৪) যে ক্ষেত্রে উপ-ধারা (১) এর অধীন কোন বিক্রয় বাতিল ঘোষিত হয় সে ক্ষেত্রে বিক্রয়মূল্য সুদভুক্ত মূল্য নির্ধারণ করা হইবে।</p> <p>(৫) কোর্ট বিক্রয় মর্শাল রেকর্ডের তারিখ হইতে উপ-ধারা (২) এর অধীন জমি প্রত্যর্পণের তারিখ পর্যন্ত সময়ের ক্রেতা উক্ত জমি হইতে যে পরিমাণ আয় করিয়াছেন তাহার সমপরিমাণ অর্থ বিক্রয়মূল্য হইতে বাস দিয়া পরিশোধ্য সুদভুক্ত মূল্যের পরিমাণ নির্ধারণ করিবে এবং উহা আননিক দশটি বার্ষিক বিস্তারে ক্রেতাকে পরিশোধের জন্য বিক্রয়ক্রেতাকে নির্দেশ দান করিবে।</p> <p>(৬) উপ-ধারা (৫) এর অধীন কোন বিক্রয় অনাদারী থাকিলে অনাদারী বিক্রয় অর্থ সরকারী দাবী (public demand) বর্ণিত্য গণ্য হইবে এবং তদনুসারে উহা আদায়যোগ্য হইবে।</p> <p>তবে শর্ত থাকে যে, ক্রেতা যদি আননিক দুই একর জমির মালিক হন এবং প্রাকৃতিক মূর্শালো তৎকর্তৃক বা সীমেন দ্বারা অক্ষতজনিত অসহায় হন তবে উক্ত ধারা 'খ' প্রযোজ্য হইবে না।</p>
জমি প্রত্যর্পণের নির্দেশ কার্যকরকরণ	<p>৮। ক্রেতা বেতারের নিম্নোক্ত শর্তসাপেক্ষে জমির দখল প্রত্যর্পণ বা করিতে ব্যর্থ হইলে, জমির দখল পণ্ডারর জন্য বিক্রয় উক্ত জমি যে উপজেলায় অবস্থিত সেই উপজেলার সহকারী কমিশনার (ভূমি) এর নিকট দস্তাভ করিতে পারিবে এবং উক্ত সহকারী কমিশনার ক্রেতাকে গোষ্ঠী প্রদান পূর্বক উক্ত বিক্রয়ক্রেতাকে জমির দখল প্রদান করিবে।</p>
প্রত্যর্পিত হস্তান্তরের উপর বিধি নিষেধ	<p>৯। কোন ক্রয়কার ৬ বা ধারা ৭ এর অধীন অর্থাৎ নিকট প্রত্যর্পিত কোন কৃষি জমি প্রত্যর্পণের তারিখ হইতে তিন মাসের মধ্যে হস্তান্তর করিতে পারিবে না :</p> <p>তবে শর্ত থাকে যে, ধারা ৬ বা ধারা ৭ এর অধীন পরিষেবা অর্থ বিলম্বী আনিক বার্ষিক বিস্তারে পরিশোধের নির্দেশ থাকিলে তিন মাসের অতিক্রম হওয়ার পর পরিশোধ্য বাকী অর্থ প্রদানযোগ্য না।</p>

	নির্ধারিত কিং অনসারে পরিশোধিত হইলে প্রত্যর্পিত কনি দস্তাভুক্ত করা যাইবে।
কৃষি জমির মূল্য ইচ্ছাসিদ্ধ উপর বিধি নিষেধ	১০। কোন ব্যক্তি ব্যাবসায়িক স্বাক্ষর ব্যতিরিক্ত অন্য কোন উপায়ে মহাজনী অথবা জামানত হিসাবে কোন কৃষকের কোন কৃষি জমির মূল্য গ্রহণ অথবা নিষ্কাশন বা অন্য কারণেও অনুরূপে উহা শাসক কর্তৃক পরিচালনা না।
মহাজনী স্বাক্ষর	১১। (১) কোন মহাজনী স্বাক্ষর প্রদান করিতে পারিবে এবং উহার উপর প্রদত্ত সুদের শাসনাবলি হার ও পরিমাণ, পরিশোধ্য স্বাক্ষর ও উহার উপর প্রদত্ত সুদের পরিমাণ নির্ধারণ এবং উক্তস্বাক্ষর নির্ধারিত স্বাক্ষর ও সুদ পরিশোধের জন্য শাসনাবলির বিস্তৃত নিয়মাবলি জমা বিধি স্বাক্ষর নির্ধারিত পদ্ধতিতে বোর্ডের নিম্নলিখিত দস্তাভুক্ত করিতে পরিবে। (২) উপ-ধারা (১) এর অধীন দস্তাভুক্তি বিধি স্বাক্ষর নির্ধারিত পদ্ধতিতে কনসীল পর, বোর্ডে। (ক) পূর্নিত অথবা পরিমাণ নির্ধারণ করিবে; এবং (খ) টাকার পরিশোধ্য অথবা প্রেরণ, অর্নিক শাসককে বর্ষিক বিশ টাকা হারে এবং শতাংশ বা শাসনাবলি পরিশোধ্য অথবা প্রেরণ, আসল অথবা বর্ষিক অর্নিক এক-পঞ্চাশ হারে সুদ নির্ধারণ করিবে। (গ) স্বাক্ষরীর সম্পদ, আয় ও সার্বিক আর্থিক অবস্থা বিবেচনা করিয়া বোর্ড স্বাক্ষর ও সুদ পরিশোধের কিং, যাহা দশটির অধিক হইবে না, নির্ধারণ করিয়া উহা স্বাক্ষরিত পরিশোধ করার জন্য স্বাক্ষরীকে নিদেশ দান করিবে। (৪) উপ-ধারা (৩) এর অধীন কোন কিং অনসারী থাকিলে অনসারী বিস্তারিত অর্থ সরকারি দাবী (public demand) বলিয়া গণ্য হইবে এবং তদনুসারে উহা আশ্রয়যোগ্য হইবে।
মন্ত্রক বা সিপিএসবি/সিপি সিপিএসবি/সিপি সিপিএসবি/সিপি	১২। (১) কোন মহাজনী স্বাক্ষরী অথবা জামানত হিসাবে প্রদত্ত বা টিপসবিহীন অর্নিক উপস্থাপন করিয়া স্বাক্ষরিত কনি জমা দিয়া থাকিলে, তিন মাসের মধ্যে উহা ফেরত পাইবার জন্য বোর্ডের নিম্নলিখিত স্বাক্ষর নির্ধারিত পদ্ধতিতে দস্তাভুক্ত করিতে পরিবে এবং বোর্ডে, দস্তাভুক্তি বিধি স্বাক্ষর নির্ধারিত পদ্ধতিতে কনসীল পর দস্তাভুক্তি যথার্থতা সম্পর্কে সন্তুষ্ট হইলে, উক্ত টিপস কাগজ বোর্ড কর্তৃক নির্ধারিত তারিখে মনে প্রত্যর্পণ করিবার জন্য স্বাক্ষরীকে নিদেশ প্রদান করিবে। (২) মহাজনী স্বাক্ষরী উপ-ধারা (১) এর অধীন নির্ধারিত তারিখের মধ্যে উক্ত অর্নিক উপস্থাপন করিয়া গ্রহণ না করিলে বা করিলে পর হইবে, উক্ত টিপস কাগজ বর্ষিক গণ্য হইবে এবং উহা হার যে কোন সময়ে সম্পাদিত বা প্রেরিত হইতে পারে তাহা নির্ধারিত পদ্ধতিতে পরিচালনা গণ্য

	হইবে
কম সালিসি বোর্ড পঠিন	<p>১৩৮(১) এই আইনের উদ্দেশ্য পূরণকল্পে সরকার, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা, প্রত্যেক বা যে কোন উপজেলায় একটি অথ সালিসি বোর্ড গঠন করিবে।</p> <p>(২) প্রত্যেক বোর্ড একজন চেয়ারম্যান এবং অন্তত দুই এবং অর্ধকিক চার সদস্য সমন্বয়ে গঠিত হইবে।</p> <p>(৩) বোর্ডের চেয়ারম্যান ও সদস্যগণ সরকার কর্তৃক তিন মাসের জন্য নিযুক্ত হইবে :</p> <p>তবে শর্ত থাকে যে, সরকার, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা, যে কোন সময় চেয়ারম্যান বা সদস্য বা যে কোন সদস্যকে অপসারণ করিতে পারিবে।</p> <p>(৪) চেয়ারম্যান বোর্ডের অধিবেশনে সভাপতিত্ব করিবে।</p> <p>(৫) বোর্ডের চেয়ারম্যানের পদ শূন্য হইলে কিংবা অনুপস্থিতি, অসুস্থতা বা অন্য কোন কারণে তিনি তাঁর দায়িত্ব পালন অসমর্থ হইলে, চেয়ারম্যান, মৃত্যু পূর্বে পদে নিযুক্ত মৃত চেয়ারম্যান কার্যকর গ্রহণ না করা পর্যন্ত কিংবা চেয়ারম্যান পুনরায় বীর দায়িত্ব পালনে সমর্থ না হওয়া পর্যন্ত সরকার, বা সরকারের নিকট হইতে এতদুদ্দেশ্যে গ্রাহ্য করণকল্পে তেজগুটি কমিশনার কর্তৃক মনোনীত বোর্ডের কোন সদস্য চেয়ারম্যানরূপে কার্য করিবে।</p> <p>(৬) চেয়ারম্যান এবং অপর একজন সদস্য সমন্বয়ে বোর্ডের অধিবেশনের জন্য কোরাম গঠিত হইবে।</p> <p>(৭) বোর্ডের সকল সিদ্ধান্ত সংখ্যাগরিষ্ঠ ভোটে গৃহীত হইবে।</p> <p>(৮) বোর্ডের অধিবেশন উপজেলা সমরে পরিবে, তবে প্রয়োজনবোধে মহকমাশক্তির ই উদ্দেশ্যে ও উহার অধিবেশন বসিতে পারে এবং চেয়ারম্যান বোর্ডের অধিবেশনের স্থান, তারিখ ও সময় নির্ধারণ করিবে।</p>
সেজানী আদালতের অধুনিশি প্রেক্ষ ইত্যাদি	<p>১৩৯(১) এই আইনের অধীন কোন মন্বায় বোর্ডের নিকট পেশ কর হইবে, বোর্ড অধিবেশনে উক্ত মন্বায়ের একটি অধুনিশি নর্শী উপজেলায় সংকর্তী আডের আদালতে প্রেণ করিবে।</p> <p>(২) উপ-পার (১) এর অধীনে কোন মন্বায়ের অধুনিশি আড হইলে সর্শী আদালত মন্বায়ের উক্তিক বিচার বিষয় সম্পর্কিত কোন নিজ রবীন মান্বায় উক্ত বিজ্ঞ বিচার কোন পরর্তী অবক্রম গ্রহণ করিবে না।</p>

	<p>(৩) বোর্ডের নিকট এই আইনের অধীন কোন দরকারে লেশ করার পর যে কোন সময়ে দরকারে উল্লিখিত বিচার্য বিষয় সম্পর্কিত কোন মামলায় কোন আসলত উক্ত বিচার্য বিষয়ে সিদ্ধান্ত প্রদান করিলে সেই সিদ্ধান্ত বলিষ্ঠ পণ্য হইবে এবং উক্ত বিধিতে বোর্ডের সিদ্ধান্ত কার্যকর থাকিবে।</p> <p>(৪) উপ-ধার (১) এর অধীন প্রায় কোন দরকারে উল্লিখিত বিচার্য বিষয় সম্পর্কিত কোন মামলা কোন আসলতে গ্রহণযোগ্য হইবে না।</p>
বোর্ডের সিদ্ধান্তের অসুবিধি প্রেরণ	<p>১৭ এই আইনের অধীন কোন দরকারের বিচার সমাপ্ত হইলে, বোর্ডের সিদ্ধান্তের একটি অসুবিধি সর্বোচ্চ উপস্থাপন সহকারী জজের আদেশতে এবং সর্বোচ্চ সহকারী কমিশনার (স্থানি) এর নিকট প্রেরণ করা হইবে।</p>
সাক্ষীর উপস্থিতি এবং দলিল উপস্থাপন	<p>১৮(১) বোর্ড কর্তৃক বিচার্য কোন বিষয়ের প্রয়োজনে বোর্ড কোন সাক্ষী বা কোন ব্যক্তির উপস্থিতি বা কোন দলিল অনুস্থান বা উপস্থাপনের প্রয়োজন হইলে, উক্ত উপস্থিতি, অনুস্থান বা উপস্থাপন নির্দেশ করার জন্য বোর্ড Code of Civil Procedure, 1908 (Act V of 1908) এর বিধান অনুসারে এতদসমতায় বিচার্য কোন যে ওয়াসী আদেশের যে ক্ষমতা প্রয়োগ করিতে পারে সেই ক্ষমতা প্রয়োগ করিতে পারিবে।</p> <p>(২) বোর্ডে কোন দরকারে নিষ্পত্তির জন্য প্রয়োজনীয় কোন দলিল বা কাগজপত্র কোন ব্যক্তির নিয়ন্ত্রণ বা হেফাজতে থাকিলে ইহা বোর্ডের নিকট উপস্থাপনের জন্য বোর্ড উক্ত ব্যক্তিকে নির্দেশ দান করিতে পারিবে।</p>
আপীল	<p>১৯(১) বোর্ডের সিদ্ধান্তের বিরুদ্ধে প্রেরণ করিলে বোর্ডের সিদ্ধান্তের নিকট বিধি দ্বারা নির্ধারিত পদ্ধতিতে আপীল দায়ের করা যাইবে এবং এই আপীলের উপর প্রেরণ সিদ্ধান্ত চূড়ান্ত হইবে।</p> <p>(২) বোর্ডের সিদ্ধান্তের তারিখ হইতে বিশ দিনের মধ্যে আপীল দায়ের করিতে হইবে।</p> <p>(৩) আপীল নিষ্পত্তি না হওয়া পর্যন্ত বোর্ডের সিদ্ধান্তের বাস্তবায়ন স্থগিত থাকিবে।</p>
সরকারের নিয়ন্ত্রণ	<p>২০(১) এই আইনের আওতায় বোর্ডের সকল কার্যক্রম সরকারের নিয়ন্ত্রণাধীন থাকিবে।</p> <p>(২) সরকার কর্তৃক প্রত্যক্ষভাবে নিয়ন্ত্রিত কোন কর্মচারী বোর্ডের সম্পদ, দলিলপত্র, প্রেক্ষিতীয় ও প্রকর্তৃপত্র পরিদর্শন করিতে পারিবে এবং সরকার সময় সময় বোর্ডের নিকট হইতে যে কোন প্রকার তথ্য বা বিবরণী তুলন করিতে পারিবে।</p>
কেন্দ্রস্থান	<p>২১ বোর্ডের কেন্দ্রস্থান ও সদরদপ্তর Penal Code (Act XLV of 1860) এর section 21 এ সরকারের কর্মচারী (public servant) আভিভুক্তিই যে অর্থে বর্ণিত হইয়াছে সেই অর্থে জনসেবক বলিয়া গণ্য হইবে।</p>
বিচার	<p>২২ এই আইনের অধীন বোর্ডের কার্যক্রম Penal Code (Act XLV of 1860) এর section 228</p>

কার্যক্রম	এর আবেদনাদিহীন বিচার বিতর্কীয় কার্যক্রম (judicial proceeding) বসিয়া গণ্য হইবে
শক্তি	৩।(১) কোন শক্তি- (ক) এই আইনের কোন বিধান লঙ্ঘন করিলে, (খ) পোর্টার কোন আদেশ অমান্য করিলে, (গ) পোর্ট বা আপীল কর্তৃপক্ষের নিকট ইচ্ছাকৃতভাবে কোন মিথিত বা মৌখিক মিথ্যা বিবৃতি দান বা তুল তথ্য সরবরাহ করিলে, (ঘ) ইচ্ছাকৃতভাবে পোর্ট বা আপীল কর্তৃপক্ষের নিকট জাল দলিল উপস্থাপন করিলে, বা (ঙ) অন্য ব্যক্তির পরিচয় দিয়া কোন বক্তব্য পেশ বা সাক্ষ্য দান করিলে, তিনি অনধিকার ভিন্ন বন্দর সশ্রম কারাগারে যথেষ্ট আর্থিক দশ হাজার টাকা অর্থদণ্ড বা ঊর্জ্জ্ববিধসহে দণ্ডনীয় হইবে। (২) কোনো প্রশাসকের লিখিত পূর্ব অনুমতি ব্যতিরেকে কোন ব্যক্তিকে এই ধারায় অভিযুক্ত করা হইবে না।
কর্তৃপক্ষ অধ্যক্ষ	২৪। এই আইনে বিহীন বিধান না থাকিলে, Evidence Act, 1872 (I of 1872) এবং Code of Civil Procedure, 1908 (Act V of 1908) এর বিধানবলী পোর্টার কার্যক্রমের ক্ষেত্রে প্রযোজ্য হইবে না।
বিবিধ ক্ষেত্রের ক্ষমতা	২৫। (১) এই আইনের উদ্দেশ্য পূরণকল্পে সরকার, সরকারি গেজেটে প্রজ্ঞাপন দ্বারা, বিবিধ প্রকরণ করিতে পারিবে। (২) বিশেষ কর্ত্তা এবং উপ-নির্ভর ক্ষমতার সাময়িকভাবে তত্ত্ব না করিয়া, অন্তর্গত বিধিতে নিম্নলিখিত সকল বা যে কোন বিষয়ে বিধান করা হইতে পারে, যথা:- (ক) এই আইনের অধীন সরকারের ক্ষমতা; (খ) সরকারের পক্ষিত প্রসেস হিস ও প্রসেস হিস; (গ) পোর্টার সিদ্ধান্তের ক্ষমতা; (ঘ) পোর্টার মোদরমান ও সদস্যদের বিরোধ এবং রাসের অপসারণ।

	(৪) পোর্টের স্যোম্যান ও সঙ্গসম্পদের জাভা ও সম্মানী; (৫) পোর্টের দলি, বেঁচীদার, কেবলপার; (৬) জেলা প্রশাসক ও সরকারের নিকট প্রেরিতব্য তথ্য ও বিবরণী; (৭) পোর্টের কার্যপদ্ধতি; (৮) এই আইনের বিধানবলী বাস্তবায়নের জন্য প্রয়োজনীয় অন্যান্য বিষয়।
সরকার বিশেষে কৃত সাক্ষরকর্তৃত্ব	২৬। এই আইন বা তদনুযায়ী বিধির অধীনে সরকার বিশেষে কৃত কোন কার্যের ক্ষেত্রে কোন ব্যক্তি কর্তৃক হইলে বা তাহার ক্ষতিগ্রস্ত হইবার সম্ভাবনা থাকিলে, তখনই সরকার বা পোর্টের স্যোম্যান বা সঙ্গস্য বা পোর্ট বা সরকারের কোন কর্মকর্তা বা কর্মচারীর দিক হইতে কোন লেওয়ানী বা স্টোজমারি মামলা বা অন্য কোন আইনপত্র কর্তৃক দায়ের বা শুরু করা যাইবে না।

পাওয়ার অব অ্যাটর্নি আইন, ২০১২
(২০১২ সনের ৩৯ নং আইন)

Powers of Attorney Act, 1982 হইতে রূপান্তরিত একটি মূল পাওয়ার অব অ্যাটর্নি আইন প্রণয়নের উদ্দেশ্যে প্রণীত আইন
যেহেতু Powers of Attorney Act, 1982 বিহীনভাবে, পাওয়ার অব অ্যাটর্নির মাধ্যমে কার্য সম্পাদনের জন্য ক্ষমতা অর্পণ, উইথ প্রোভিশন এবং অবসানসহ অন্যান্য অনুরূপ বিধান সূচ্যের, একটি নূতন আইন প্রণয়ন কর সমীচীন ও প্রয়োজনীয়; সেহেতু একদমের নিম্নলিখিত আইন করা হইল:

ধারা/শিরোনাম	কর্ম
সংজ্ঞা	<p>২। "নিয়ম বা রাসদানের পরিপন্থা" কোন কিছু না থাকিলে, এই আইনে,-</p> <p>(১) "পাওয়ার অব অ্যাটর্নি" অর্থ এমন কোন দলিল যাহারমাধ্যমে কোন ব্যক্তি তাহার পক্ষে উক্ত দলিলে বর্ণিত কার্য সম্পাদনের জন্য আইনসুপারানে অন্য কোন ব্যক্তির নিকট ক্ষমতা অর্পণ করিলে;</p> <p>(২) "পূর্ণ মূল্য" অর্থ কোন ভূমি উন্নয়নের নির্দিষ্ট অঙ্গভাগেরমাধ্যমে পাওয়ার প্রেরিত্য যে অংশ বিক্রয় বা হস্তান্তরের ক্ষমতাস্বত্ব হইলে উইথ প্রোভিশন বা পাওয়ার দাতা কর্তৃক পূর্ণিত কোন অর্থ যদি থাকে, যাহা দলিলের মূল্য হিসাবে গণ্য হয়;</p> <p>(৩) "ব্যক্তি" অর্থ যে কোন ব্যক্তি, অংশীদারী কারবার, সমিতি, কোম্পানী, সর্বধিকারক সন্থা এবং সমবায় সমিতিও উহার অন্তর্ভুক্ত হইবে;</p>

	<p>(৪) "অজ্ঞাতব্যরযোগ্য পাওয়ার অব আর্টস" অর্থ স্থানীয় সম্পত্তি বিক্রয়ের উদ্দেশ্যে, বিক্রয় তুলি সম্পাদনের বা স্বয়ংক্রিয় বিপণনে স্থানীয় সম্পত্তির বন্ধন সম্পাদনের জন্য প্রাপ্য কোন পাওয়ার অব আর্টস অথবা স্থানীয় সম্পত্তির বিপণনে পণ্য মুদ্রা গ্রহণের নিমিত্তে স্থানীয় উন্নয়নমূলক উচ্চ দলিল সম্পাদনের ক্ষমতা প্রদান সম্পর্কিত কোন পাওয়ার অব আর্টস;</p> <p>(৫) "বিধি" অর্থ এই আইনের অধীন প্রণীত কোন বিধি;</p> <p>(৬) "স্থানীয় উন্নয়ন" অর্থ ব্যবস্থাপনা ও বিক্রয়ের নিমিত্ত অর্থনৈতিক বা বাণিজ্যিক উদ্দেশ্যে, অথবা এপার্টমেন্ট বা মিশ্র প্রকল্পের ক্ষেত্রে বা ট্রাস্ট নির্মাণের মাধ্যমে কোন ট্রাস্ট বা স্থানীয় উন্নয়ন;</p> <p>(৭) "সাধারণ পাওয়ার অব আর্টস" অর্থ দ্বারা (৪) এ উল্লিখিত বিষয়ে সম্পাদিত অজ্ঞাতব্যরযোগ্য পাওয়ার অব আর্টস বিক্রয় অথবা কোন বিষয়ে সম্পাদিত পাওয়ার অব আর্টস;</p> <p>(৮) "রেজিস্ট্রেশন আইন" অর্থ (Registration Act, 1908 (Act XVI of 1908))</p>
<p>অজ্ঞাতব্যরযোগ্য পাওয়ার অব আর্টসের মাধ্যমে ক্ষমতা অর্পণ, ইত্যাদি</p>	<p>৪। (১) পণ্য মুদ্রা গ্রহণের নিমিত্তে স্থানীয় উন্নয়ন সক্রিয় অজ্ঞাতব্যরযোগ্য অর্টস পাওয়ার অব আর্টসের একটি নির্দিষ্ট সোয়ান থাকিবে এবং উচ্চ সোয়ানে উহা অজ্ঞাতব্যরযোগ্য শর্তে বহাল থাকিবে।</p> <p>(২) উপ-ধারা (১) এ বর্ণিত কিছুই বাতুল না হইলে, স্থানীয় উন্নয়ন সক্রিয় পাওয়ার অব আর্টসের সোয়ান অতিক্রম্য হইবার পরও পাওয়ার অব আর্টসের অধীনে বিক্রয়, বিক্রয় তুলি সম্পাদন বা স্বয়ংক্রিয় বিপণনে বন্ধনী দলিল সম্পাদনের ক্ষমতা বাধ্যতায় হইবে না এবং উচ্চ ক্ষমতা প্রদান না হওয়ার পর্যন্ত স্থানীয় উন্নয়ন অব আর্টস বহাল আছে মর্মে গণ্য হইবে।</p> <p>(৩) উপ-ধারা (১) ও (২) এর বিধান সত্ত্বেও, পাওয়ার অব আর্টসের উদ্দেশ্য বা শর্ত ব্যতীত বা কোন পক্ষ কর্তৃক সম্মুখীন হইলে রেজিস্ট্রার্স ডাকের মাধ্যমে পাওয়ার দাতা বা গ্রহীতা ৩০ (ত্রিশ) দিনের নোটিশ প্রদানপূর্বক উচ্চ দলিলে প্রাপ্য ক্ষমতার অবসান পরিচালনা এবং উচ্চ দলিলের একটি কপি সর্বশ্রেষ্ঠ সাবে রেজিস্ট্রার্স অফিসে নথিভুক্তকরণের নিমিত্ত প্রেরণ করিতে হইবে।</p> <p>তবে শর্ত থাকে যে, ধারা ১৩ এর বিধান মোতাবেক কোন পক্ষের পুঁজি হইলে উহা চূড়ান্ত নিশ্চিত না হওয়া পর্যন্ত উচ্চ দলিলে প্রাপ্য ক্ষমতার অবসান ঘটিতে পারে না।</p> <p>(৪) উপ-ধারা (৩) এর অধীন প্রাপ্য নোটিশ জারীর সঙ্গে সঙ্গে ধারা ১৩ এর বিধান মোতাবেক</p>

<p>পওয়ার অব অ্যাটর্নি সম্পাদন</p>	<p>চুক্তির সম্পত্তি না হওয়া পর্যন্ত উক্ত পওয়ার অব অ্যাটর্নির কার্যকরতা স্থগিত হইয়া থাকিবে।</p> <p>(১) পওয়ার অব অ্যাটর্নির মেয়াদ শেষ হইবার পূর্বে পাওরাকারতা ও পাওয়ারস্বীকার সম্বন্ধিত ক্ষিত্রিতে প্রক্রিয়াকৃত চুক্তি সম্পাদনের মাধ্যমে উহার মেয়াদ বর্ধিত করিতে পরিবে।</p> <p>(২) অত্রহারায়েযোগ্য পওয়ার অব অ্যাটর্নির মেয়াদ অকাল হইবার পূর্বে পাওরাকারতা বা পাওয়ারস্বীকার হইবে বা তাহারা আইনপত্রসমূহে দলিল সম্পাদনে অক্ষম হইবে উক্ত মৃত বা অক্ষম ব্যক্তির ষ্টম ওয়ারিশ বা ফুন্ডটীর উপর দলিল হইতে উদ্ধৃত নয় বা অধিকার পরিক্রমকারে অধিক হইবে।</p> <p>অন্যে শর্ত থাকে যে, ধারা ৯ এর বিধান সাপেক্ষে, একক প্রতীকার ক্ষেত্রে এ বিধান প্রযোজ্য হইবে না।</p> <p>৬। (১) রেজিস্ট্রেশন আইনে যাহা কিছুই থাকুক না কেন, এই আইনের অধীন সম্পাদিত অত্রহারায়েযোগ্য পওয়ার অব অ্যাটর্নির রেজিস্ট্রেশন বাবতাসুলক এবং রেজিস্ট্রেশন আইনের section 52A এর নিবন্ধনকী প্রযোজ্য হইবে।</p> <p>(২) উপ-ধার (১) এর অধীন সম্পাদিতবা পওয়ার অব অ্যাটর্নি দলিলে অবশ্যই পাওরাকারতার উদ্দেশ্য এবং পাওরাকারীতারনয়িত্ব, ক্ষমতা ও কর্নিলসীরসংশ্লিষ্ট বিবরণ থাকিতে হইবে।</p> <p>(৩) উপ-ধার (১) এর অধীন সম্পাদিতবা পওয়ার অব অ্যাটর্নি দলিলে পাওরাকারতা ও পাওয়ারস্বীকার ১ (এক) অংশ করিয়া ছবি স্থাপনকারে সযুক্ত এবং জাতীয় পরিচয়পত্রের অনুলিপি সযুক্ত করিতে হইবে।</p> <p>(৪) উপ-ধার (৩) এ যাহা কিছুই থাকুক না কেন, বাংলাদেশের বাহিরে বসবাসরত পওয়ার সাজার ক্ষেত্রে, উপ-ধার (১) এর নিবন্ধন সাপেক্ষে, রেজিস্ট্রেশন আইনের section 33 এর sub-section (1)(c) এর বিধান প্রযোজ্য হইবে।</p> <p>(৫) পাওরাকারতা বাংলাদেশের বাহিরে বসবাস করিলে, পওয়ার অব অ্যাটর্নি দলিল সম্পাদনের সময়ে পওয়ারস্বীকার উপ-ধার (৩) এর অধীন সযুক্তকৃত পওয়ার প্রতীকার ছবি, স্বাক্ষরপূর্বক সনাক্ত করিবে।</p> <p>(৬) বিশেষে সম্পাদিত অত্রহারায়েযোগ্য পওয়ার অব অ্যাটর্নি দলিল বাংলাদেশে প্রথম প্রবেশের পর পরৱ্তী মত্বালয় কর্তৃক প্রমাণিকরণ (Authentication) অত্রঃইহা Stamp Act, 1899 (Act II of 1899) এর section 18 অনুযায়ী সংশ্লিষ্ট কালেক্টর কর্তৃক প্রমাণীকরণসে</p>
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	<p>শীতগণপুত্র করিতে হইবে।</p> <p>৬) উপ-ধার (৬) এর অধীন পাওয়ার অব অ্যার্টসি শীতগণপুত্র হওয়ার পর উহার একটি কপি কান্ট্রোল কর্তৃক সন্থিট সাং-রেজিস্ট্রেশনে নিকট প্রেরণ করিতে হইবে, এবং উক্ত রূপে কোন কপি প্রেরণ কর হইলে উহা, রেজিস্ট্রেশন আইনের section ৪৭ এ যথা বিদ্যুই ধারক না হলে, সন্থিট সাং-রেজিস্ট্রেশন ১ নং খণ্ডে নথিভুক্ত করিয়া সংক্রান্ত ব্যবস্থা গ্রহণ করিবেন।</p>
পাওয়ারহোল্ডার কর্তৃক সম্পাদিত কর্তার আইনগত স্বত্বসম্বল	<p>৭) পাওয়ারহোল্ডার কর্তৃক সম্পাদিত বা কৃত বা উদ্ভূত কোন বাধ্যবাধকতা এমনভাবে সন্থকং হইবে যেন যোগ্য পাওয়ারহোল্ডার কর্তৃক সম্পাদন করিয়াছেন।</p>
পাওয়ার অব অ্যার্টসি অবসান	<p>১১) (১) নিম্নলিখিত ক্ষেত্রে পাওয়ার অব অ্যার্টসি অবসান ঘটবে, যথা:-</p> <p>(ক) কোন নির্দিষ্ট কার্য-সম্পাদনের উদ্দেশ্যে পাওয়ার অব অ্যার্টসি সম্পাদিত হইলে উক্ত কার্য সম্পাদিত হইবার পর বা কোন বিশেষ উদ্দেশ্য সাধনের জন্য উহা সম্পাদিত হইলে উক্ত বিশেষ উদ্দেশ্য অর্জিত বা হাদিস হইবার পর;</p> <p>(খ) ধারা ৪ এর উপ-ধার (১) এর বিধান সাপেক্ষে, কোন নির্দিষ্ট মেয়াদের জন্য পাওয়ার অব অ্যার্টসি সম্পাদিত হইলে, উক্ত মেয়াদ অতিক্রান্ত হইবার পর;</p> <p>(গ) যে বিষয়বস্তুর উপর পাওয়ার অব অ্যার্টসি সম্পাদন করা হয় সেই বিষয়বস্তুর নিশাশ বা অস্তিত্বের বিলুপ্ত ঘটিলে;</p> <p>(ঘ) অস্বাভাবিকভাবে পাওয়ার অব অ্যার্টসি বর্জিত অন্যান্য পাওয়ার অব অ্যার্টসি ক্ষেত্রে পাওয়ারহোল্ডার দেউলিগা বা অস্বাভাবিক হইলে বা মৃত্যুর কারণে বা পাওয়ারহোল্ডার আইনী স্বত্ব (legal entity) বিলুপ্ত হইলে।</p> <p>(২) যাদারা পাওয়ার অব অ্যার্টসি দাতা উক্ত পাওয়ার অব অ্যার্টসির মাধ্যমে পাওয়ারহোল্ডারকে প্রেসিডেন্ট হওয়ার মাধ্যমে ৩০ (ত্রিশ) দিনের নোটিশ প্রদানপূর্বক, প্রস্তুত কমতার অবসান ঘটাইতে পারিবেন।</p> <p>তবে শর্ত থাকে যে, এইরূপে অবসান ঘটাইবার নোটিশ জারির পূর্ব পর্যন্ত উক্ত পাওয়ার অব অ্যার্টসি বসে কৃত সকল কার্যনির্ভেধ বলিষ্ঠ গণ্য হইবে।</p> <p>(৩) পাওয়ারহোল্ডার উপ-ধার (২) এর অনুরূপভাবে পাওয়ারহোল্ডারকে প্রেসিডেন্ট হওয়ার মাধ্যমে ৩০ (ত্রিশ) দিনের নোটিশ প্রদানপূর্বক পাওয়ার অব অ্যার্টসির দায়িত্ব পরিচালনা করিতে পারিবেন।</p>

বিহিতকরণ সংক্রান্ত	26। (১) Powers-of-Attorney Act, 1882 (Act VII of 1882) এতদ্বারা বিহিত করা হইল। (২) উপ-শার (১) এর অধীন বিহিতকরণ সাপেক্ষে, বিহিত আইনের অধীনস্থিত কাজকর্ম বা গৃহীত সাবস্থা এই আইনের অধীনস্থিত বা গৃহীত হইয়াছে বলিয়া গণ্য হইবে।
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ভূমি সংস্কার বোর্ড আইন, ১৯৮৯

(১৯৮৯ সনের ১৩ নং আইন)

ভূমি সংস্কার বোর্ড গঠনের জন্য বিধান করার উদ্দেশ্যে প্রণীত আইন।

যেহেতু ভূমি সংস্কার কর্মসূচি বাস্তবায়ন এবং সৃষ্টি ভূমি ব্যবস্থাপনা নিশ্চিত করার উদ্দেশ্যে ভূমি সংস্কার বোর্ড গঠনের জন্য বিধান করা সমীচীন ও প্রয়োজনীয়;

সেহেতু এতদ্বারা নিম্নরূপ আইন করা হইল :-

ধারা/শিরোনাম	কর্ম
ভূমি সংস্কার বোর্ড গঠন	৪।(১) এই আইন বলবত হইবার পর সরকার, যথাশীঘ্র সড়ক, ভূমি সংস্কার বোর্ড নামে একটি বোর্ড গঠন করিবে। (২) একজন চেয়ারম্যান এবং অন্যান্যক দুইজন সদস্য সমন্বয়ে বোর্ড গঠিত হইবে। (৩) বোর্ডের চেয়ারম্যান ও সদস্যগণ সরকার কর্তৃক নিযুক্ত হইবেন এবং তাহাদের চাকুরীর শর্তাবলী সরকার কর্তৃক স্থিরীকৃত হইবে।
বোর্ডের কার্যবলী	৫। বোর্ডের কার্যবলী হইবে নিম্নরূপ, যথা:- (ক) সরকার কর্তৃক অর্পিত ভূমি সংস্কার ও ভূমি ব্যবস্থাপনা সম্পর্কিত ক্ষমতা প্রয়োগ ও দায়িত্ব পালন। (খ) কোন আইনের ছত্র বা আইনের অধীন অর্পিত ক্ষমতা প্রয়োগ ও দায়িত্ব পালন।

ভূমি আপীল বোর্ড আইন, ১৯৮৯

(১৯৮৯ সনের ১৪ নং আইন)

ভূমি আপীল বোর্ড গঠনের জন্য বিধান করার উদ্দেশ্যে প্রণীত আইন।

যেহেতু ভূমি আপীল বোর্ড গঠনের জন্য বিধান করা সমীচীন ও প্রয়োজনীয়;

সেহেতু এতদ্বারা নিম্নরূপ আইন করা হইল :-

ধারা/শিরোনাম	কর্ম
ভূমি আপীল বোর্ড গঠন	৪।(১) এই আইন বলবত হইবার পর সরকার, যথাশীঘ্র সড়ক, ভূমি আপীল বোর্ড নামে একটি বোর্ড গঠন করিবে। (২) একজন চেয়ারম্যান এবং অন্যান্যক দুইজন সদস্য সমন্বয়ে বোর্ড গঠিত হইবে। (৩) বোর্ডের চেয়ারম্যান ও সদস্যগণ সরকার কর্তৃক নিযুক্ত হইবেন এবং তাহাদের চাকুরীর শর্তাবলী সরকার কর্তৃক স্থিরীকৃত হইবে।

বোর্ডের এখতিয়ার	৫। বোর্ড উহার উপর সরকার কর্তৃক অথবা কোন আইনের দ্বারা কিংবা আইনের অধীন অর্পিত ক্ষমতা প্রয়োগ ও দায়িত্ব পালন করিবে।
সুবিধেবন্দা	৬। (১) বোর্ডের কোন আবেদনের ক্ষেত্রে বোর্ড সন্তোষ হইলে তিনি আবেদনটি মারি নিতবে যথেষ্ট ইচ্ছা সুবিধেবন্দার জন্য বোর্ডের নিকট বিধি দ্বারা নির্ধারিত পদ্ধতিতে আবেদন করিতে পারিবে। (২) বোর্ডের বিবেচনার সংগত কোন মনে হইলে আবেদনকারীর প্রার্থনার পরিপ্রেক্ষিতে বোর্ড উহার সিদ্ধান্তের বাস্তবায়ন উপ-ধারা (১) এর অধীন লেপসকৃত আবেদনটি নিশ্চিতি বা হওরা পর্যন্ত স্থগিত রাখিতে পারিবে।
স্বীকৃতি ও বেবাজাত	৭। (১) Board of Land Administration Act, 1980 (XIII of 1981) এর অধীন স্থগিত কর হইল। (২) উপ-ধারা (১) এ উল্লিখিত স্থগিতকরণের তফাৎতে স্থগিত Act এর অধীন গঠিত ভূমি প্রশাসন বোর্ডের নিকট কোন বিষয় অসিদ্ধ থাকিলে উহা, অন্য কোন আইনে যাহা কিছুই থাকুক না কেন, সরকারের নিকট হস্তান্তর হইবে এবং সরকার হয় সিদ্ধ হইলে উহা নিশ্চিত করিবে নতুবা নিশ্চিত করিবে উহা ভূমি সঞ্চয় বোর্ড বা ভূমি অধিদপ্তর বোর্ডের নিকট প্রেরণ করিবে এবং সে বোর্ডের নিকট প্রেরিত হইবে সেই বোর্ডই উহা নিশ্চিত করিবে। (৩) ভূমি অধিদপ্তর বোর্ড অধিদপ্তর, ১৯৬৯ (অধ্যাদেশ নং ২, ১৯৬৯) এর অধীন স্থগিত করা হইল। (৪) উপ-ধারা (৩) এর অধীন স্বীকৃতি সত্ত্বেও, স্থগিত আবেদনের অধীন ভূমি কালক্রমে বা গৃহীত পরে এই আইনের অধীন ভূমি বা গৃহীত হইয়া যাবে কিংবা গণ্য হইবে।

অর্থনৈতিক অঞ্চল আইন, ২০১০
(২০১০ সনের ৪২ নং আইন)

ক্রমত অর্থনৈতিক উন্নয়ন তথা শিল্পায়ন, কর্মসংস্থান, উৎপাদন এবং রপ্তানী বৃদ্ধি ও বহুমুখীকরণে উপকার প্রদানের জন্য পঞ্চাশতম ও অনগ্রসর এলাকাসহ সজ্জাবন্দায় সকল এলাকায় অর্থনৈতিক অঞ্চল প্রতিষ্ঠা এবং উহার উন্নয়ন, পরিচালনা, ব্যবস্থাপনা ও নিয়ন্ত্রণের আনুষ্ঠানিক অঙ্গানুষ্ঠান বিধানের লক্ষ্যসমূহে প্রণীত হইবে।

সেহেতু, ক্রমত অর্থনৈতিক উন্নয়ন তথা শিল্পায়ন, কর্মসংস্থান, উৎপাদন এবং রপ্তানী বৃদ্ধি ও বহুমুখীকরণে উপকার প্রদানের জন্য পঞ্চাশতম ও অনগ্রসর এলাকাসহ সজ্জাবন্দায় সকল এলাকায় অর্থনৈতিক অঞ্চল প্রতিষ্ঠা এবং উহার উন্নয়ন, পরিচালনা, ব্যবস্থাপনা ও নিয়ন্ত্রণের আনুষ্ঠানিক অঙ্গানুষ্ঠান বিধান করা সমীচীন ও প্রয়োজনীয়;

সেহেতু, একদ্বার নিয়ন্ত্রণ আইন করা হইল :-

ধারা/শিরোনাম	কর্ম
অর্থনৈতিক অঞ্চল	৪। এই আইনের উদ্দেশ্য পূরণকল্পে দেশের পঞ্চাশতম ও অনগ্রসর এলাকাসহ সজ্জাবন্দায় সকল এলাকায় ক্রমত

৬। ধারা ৬ ভূমি অধিদপ্তর বোর্ড (অধ্যাদেশ) আইন, ১৯৬৯ (১৯৬৯ সনের ০০ নং আইন) এর ২ ধার কর্তৃক পরিষ্কারিত।
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<p>প্রতিষ্ঠা</p>	<p>অর্থনৈতিক উন্নয়ন তথা শিল্পায়ন, কৃষি-প্রসার, উৎপাদন এবং, তত্ত্বাবধি সৃষ্টি ও ক্ষমতায়িতকরণ উভয়ই প্রদানের সামাজিক ও অর্থনৈতিক অঙ্গীকারবদ্ধ কর্মসূচির মাধ্যমে সরকার নিম্নলিখিত যে কোন শ্রেণীর অর্থনৈতিক অঙ্গল প্রতিষ্ঠা করিতে পারিবে, যথা:</p> <p>(ক) দেশী বা বিদেশী ব্যক্তি, গোষ্ঠি বা প্রতিষ্ঠান কর্তৃক সরকারি ও কোম্পানি অংশীদারিত্বে প্রতিষ্ঠিত অর্থনৈতিক অঙ্গল;</p> <p>(খ) দেশী বা প্রকৃষ্টী ব্যবসায়ী বা বিদেশী বিনিয়োগকারী, গোষ্ঠি, ব্যবসায়িক সংস্থা বা গ্রুপ কর্তৃক, একক বা যৌথভাবে, প্রতিষ্ঠিত কোম্পানি অর্থনৈতিক অঙ্গল;</p> <p>(গ) সরকারি উদ্যোগ ও মালিকানাধীন প্রতিষ্ঠিত সরকারি অর্থনৈতিক অঙ্গল;</p> <p>(ঘ) একই ধরনের বিশেষায়িত কোন শিল্প বা পরিষেবার প্রতিষ্ঠান প্রতিষ্ঠার জন্য, কোম্পানি বা সরকারি ও কোম্পানি অংশীদারিত্বে বা সরকারি উদ্যোগ, প্রতিষ্ঠিত বিশেষ অর্থনৈতিক অঙ্গল।</p>
<p>অর্থনৈতিক অঙ্গলের জন্য ভূমি নিবন্ধন এবং অর্থনৈতিক অঙ্গল খোলা</p>	<p>৪। (১) এই আইনের উদ্দেশ্য পূরণকল্পে, সরকার, সরকারি গোয়েটে প্রমাণন দ্বারা, কোন নির্দিষ্ট ভূমি এলাকায় অর্থনৈতিক অঙ্গল স্থাপন নিষিদ্ধকরণে অর্থনৈতিক অঙ্গল খোলা করিতে পারিবে।</p> <p>(২) উপ-ধারা (১) এর অধীন অর্জিত প্রমাণনের ভিত্তিতে অর্থনৈতিক অঙ্গল স্থাপনের যোগ্য ভূমির সুনির্দিষ্ট বিবরণ থাকিতে হইবে।</p> <p>(৩) উপ-ধারা (১) এ বর্ণিত কিছুই ধরুক না কেন, নির্দিষ্ট অঞ্চলে, পৌরসভা এবং, কমিউনিটি কোর্সের আওতাধীন, কোন ভূমিতে এই আইনের উদ্দেশ্য পূরণকল্পে অর্থনৈতিক অঙ্গল স্থাপন যোগ্য কর যাইবে না।</p>
<p>অর্থনৈতিক অঙ্গলের জন্য ভূমি অধিগ্রহণ</p>	<p>৫। (১) এই আইনের উদ্দেশ্য পূরণকল্পে, কোন অর্থনৈতিক অঙ্গল স্থাপন অথবা উক্ত অঙ্গল অবকাঠামো তৈরীকরণ, স্থায়ী ইত্যাদি নির্মাণের জন্য কোন ভূমি প্রয়োজন হইলে, সরকার উক্ত ভূমি Acquisition and Requisition of Immoveable Property Ordinance, 1982 (Ordinance No. II of 1982) এর অধীন অধিগ্রহণ করিতে পারিবে।</p> <p>(২) উপ-ধারা (১) এর অধীন অধিগ্রহণকৃত ভূমির অধিকারস্বত্ব অথবা যে কোন বিষয় নিশ্চিতকরণের উপ-ধারা (১) এ উল্লিখিত Ordinance এর বিধানমালী প্রযোজ্য হইবে।</p> <p>(৩) এই ধারার অধীন অধিগ্রহণকৃত ভূমি, অন্যভাবে, প্রয়োজনীয় খরচা গণ্য হইবে।</p>
<p>ক্রিয়াকার আইনের প্রয়োগ হইতে অব্যাহতি প্রদানের ক্ষমতা</p>	<p>৬। (১) সরকার, সরকারি গোয়েটে প্রমাণন দ্বারা, কোন অঙ্গল বা অঙ্গলের কোন প্রতিষ্ঠানকে নিম্নলিখিত সকল বা যে কোন আইনের সকল বা যে কোন বিধান হইতে অব্যাহতি দিতে পারিবে, অথবা এই মর্মে নির্দেশ দিতে পারিবে যে, উক্ত সকল বা যে কোন আইনের বিধানমালী, উক্ত প্রমাণনে বিধৃত পরিবর্তন বা সংশোধন সাপেক্ষে কোন অঙ্গল কর প্রযোজ্য হইবে, যথা:</p> <p>(ক) Municipal Taxation Act, 1881 (Act No. XII of 1881);</p> <p>(খ) Expropriation Act, 1884 (Act No. IV of 1884);</p>

	<p>(গ) Stamp Act, 1899 (Act No. II of 1899) ;</p> <p>(ঘ) Electricity Act, 1910 (Act No. IX of 1910) ;</p> <p>(ঙ) Boilers Act, 1923 (Act No. V of 1923) ;</p> <p>(চ) Foreign Exchange Regulation Act, 1947 (Act No. VII of 1947) ;</p> <p>(ছ) Income-tax Ordinance, 1984 (Ordinance No. XXXVI of 1953) ;</p> <p>(জ) Building Construction Act, 1952 (E. B. Act No. II of 1953) ;</p> <p>(ঝ) Land Development Tax Ordinance, 1976 (Ordinance No. XLII of 1976);</p> <p>(এ০) স্থানীয় সরকার (ইউনিয়ন পরিষদ) আইন, ২০০৯ (২০০৯ সনের ৬১ নং আইন);</p> <p>(ঐ) অগ্নি প্রতিরোধ ও নির্বাণ আইন, ২০০০ (২০০০ সনের ৭ নং আইন);</p> <p>(ঊ) মৃগা সংরক্ষণ আইন, ১৯৯১ (১৯৯১ সনের ২২ নং আইন);</p> <p>(ঋ) বাংলাদেশ প্রায় আইন, ২০০৬ (২০০৬ সনের ৪২ আইন);</p> <p>(ঋ) স্থানীয় সরকার (সিটি কর্পোরেশন) আইন, ২০০৯ (২০০৯ সনের ৬০ নং আইন);</p> <p>(ঌ) স্থানীয় সরকার (পৌরসভা) আইন, ২০০৯ (২০০৯ সনের ৫৮ নং আইন);</p> <p>(঍) সরকার কর্তৃক সরকারি গেজেটে প্রজ্ঞাপন দ্বারা নির্ধারিত অন্য কোন আইন।</p>
ভূমি, বন্য, ইত্যাদি	<p>১৬। ধার ১৫ এর অধীন কোন অতিরিক্ত অঞ্চল কোন বক্তি শিল্প বা বাণিজ্যিক প্রতিষ্ঠান স্থাপনের অনুমতিপ্রাপ্ত হইলে কর্তৃপক্ষ তৎকর্তৃক নির্ধারিত শর্তে, উক্ত বাড়িতে ভূমি, জল বা স্থান বন্য প্রদান করিতে অথবা জাতীয় ভিত্তিতে বা অন্য কোনভাবে ইজার প্রদান করিতে।</p>
কর্তৃপক্ষ প্রতিষ্ঠা	<p>১৭। (১) এই আইন কার্যকর হইবার পর, যতশীঘ্র সম্ভবে, সরকার, এই আইনের উদ্দেশ্য পূরণকল্পে, সরকারি গেজেটে প্রজ্ঞাপন দ্বারা বাংলাদেশে অতিরিক্ত অঞ্চল কর্তৃপক্ষ নামে একটি কর্তৃপক্ষ প্রতিষ্ঠা করিবে।</p> <p>(২) কর্তৃপক্ষ একটি সংবিধিবদ্ধ সংস্থা হইবে এবং ইহার স্থায়ী ধার ব্যতিক্রম ও একটি সাধারণ সীল মোহর থাকিবে এবং ইহার স্থান ও অস্থায়ী উভয় প্রকার সম্পত্তি অর্জন করিবার, অধিকারে রাখিবার এবং হস্তান্তর করিবার ক্ষমতা থাকিবে এবং ইহার নামে মামলা দায়ের করা যাইবে এবং ইহার বিরুদ্ধে ও মামলা দায়ের করা যাইবে।</p> <p>(৩) উপ-ধার (১) এর অধীন কর্তৃপক্ষ প্রতিষ্ঠিত না হওয়া পর্যন্ত সরকার উহার নিয়ন্ত্রণাধীন কোন সংস্থাকে কর্তৃপক্ষ হিসাবে, সার্বিকভাবে, উহার কার্য-সম্পাদন করিবার দায়িত্ব অর্পণ করিতে পারিবে।</p>
কর্তৃপক্ষের দায়িত্ব	<p>১৯। কর্তৃপক্ষের সাধারণ দায়িত্ব ও কার্যবলী হইবে নিম্নরূপ, যথা:</p>

কার্যবিধী	<p>(১) অবকাঠামোগত স্থানীয় সম্পদের প্রাপ্যতা, সড়ক ও যোগাযোগ সুবিধা, জল ও ব্যক্তিগত সুবিধা এবং দক্ষ জনবলের প্রাপ্যতার চিত্রিত ও কর্মসূচির আলোকে ভূমির অধিকার দক্ষ ব্যবহার নিশ্চিত করার নিমিত্তে শিল্প এলাকার বা অন্য ব্যবহারের তরুণ এলাকার জন্য ভূমি নির্বাণ ও চিহ্নিতকরণ।</p> <p>(২) নিজ স্ব উদ্যোগ বা সরকারি ও বেসরকারি অংশীদারিত্বমূলক উদ্যোগে চিহ্নিত, অধিগত অঞ্চলের জন্য ভূমি অধিগ্রহণ করা ও সরকারের পক্ষ হইতে অধিগ্রহণকৃত ভূমির দখল গ্রহণ।</p>
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পার্বত্য উন্নয়ন ভূমি-বিরোধ নিষিদ্ধি কমিশন আইন, ২০০১
(২০০১ সনের ৪৩ নং আইন)

পার্বত্য উন্নয়ন অঞ্চলের ভূমি সংক্রান্ত কর্তৃপক্ষ নিম্নে ক্রম নিশ্চিত করা একটি কমিশন গঠন ও আনুষ্ঠানিক বিধানে প্রধান প্রধানকল্পে প্রণীত হইবে।

যেহেতু পার্বত্য উন্নয়ন অঞ্চলের উপজাতি অধ্যুষিত অঞ্চল এবং জনবলের অঞ্চলের উন্নয়নের জন্য বিশেষ ব্যবস্থা গ্রহণ করা বিধে; এবং

যেহেতু এই অঞ্চলের উপজাতীয় অধিবাসীদের সকল দাবিরের রাজনৈতিক, সামাজিক, সাংস্কৃতিক, শিক্ষা ও অর্থনৈতিক অবিকার সমূহের এবং আর্থসামাজিক ক্ষয়ক্ষতি ত্বরান্বিত করা প্রয়োজন; এবং

যেহেতু উপর্যুক্ত লক্ষ্যসহ বাংলাদেশের সকল দাবিরের সার্বিক উন্নয়নের লক্ষ্যে গণপ্রজাতন্ত্রী বাংলাদেশের সংবিধানের আওতায় বাংলাদেশের স্থায়ী সার্বভৌমত্ব ও অখণ্ডতার প্রতি পূর্ণ অবিসম অনুপ্রাণ প্রাপিয়া পার্বত্য অঞ্চল সংক্রান্ত জাতীয় কর্মসূচি এবং পার্বত্য জনসংহতি সমিতি গঠিত ১৯৮৫ অহুয়েৎ, ১৯০৪ বঙ্গাব্দ মেঘালয়কে ২৯ ডিসেম্বর, ১৯৯৭ খৃস্টাব্দ তারিখে একটি সুষ্ঠু সংগঠন করিবার; এবং

যেহেতু উক্ত সুষ্ঠু গঠন করণের জন্য হিচাবে পার্বত্য উন্নয়নের জায়গামনি সংক্রান্ত কর্তৃপক্ষ বিরোধের ক্রম নিশ্চিত করা একটি কমিশন গঠন ও আনুষ্ঠানিক বিধানে প্রধান প্রধানকল্পে প্রণীত হইবে; এবং

যেহেতু এতদ্বারা নিম্নরূপ আইন করা হইবে:

ধারা/শিরোনাম	বর্ণনা
সংজ্ঞা	<p>(১) "পুনর্বাণিত শব্দার্থী" অর্থ ১৯ই মার্চ ১৯৯৭ ইং তারিখে ভারতের আগরতলা সরকারের সমিত উপজাতীয় শব্দার্থী নেতৃত্বের সংগঠিত সুষ্ঠু ও আওতায় তালিকাভুক্ত শব্দার্থী;</p> <p>(২) "প্রাণিক আঁটা" বলিতে পার্বত্য উন্নয়নে এই আইন বলবৎ হইবার পূর্বে যে সমস্ত আইন, প্রবিধান, নির্দেশ, প্রজ্ঞাপন প্রচলিত ছিল সেবন্মত্রে সেইগুলিকে বুঝাইবে;</p> <p>(৩) "ভূমি" বলিতে পার্বত্য জেলাবাসিন পাহাড় এবং জলে কাষসহ সমুদ্রসম জমি বুঝাইবে।</p>
কমিশনের গঠন	<p>৩। (১) এই আইনের উদ্দেশ্য পূরণকল্পে, পার্বত্য উন্নয়ন ভূমি বিরোধ নিষিদ্ধি কমিশন নামে একটি কমিশন থাকিবে।</p> <p>(২) নিম্নবর্ণিত সদস্যগণ সমন্বয়ে কমিশন গঠিত হইবে, যথা:-</p> <p>(ক) বাংলাদেশ সুপ্রীম কোর্টের একজন অবসরপ্রাপ্ত বিচারপতি, নিম্ন উচ্চায় প্রোগ্রামসমূহ</p>

	<p>হইবে।</p> <p>(৬) আঞ্চলিক পরিসরের প্রয়োজনে বা তদ্বিষয়ে প্রতিনিধি হিসাবে তদকর্তৃক মনোনীত উক্ত পরিসরের একজন সদস্য।</p> <p>(৭) সর্বশ্রেষ্ঠ পার্বত্য জেলা পরিষদের প্রয়োজনে, পদাধিকারবলে;</p> <p>(৮) সর্বশ্রেষ্ঠ সার্কেল টিম, পদাধিকারবলে;</p> <p>(৯) চট্টগ্রাম বিভাগের বিভাগীয় কমিশনার বা তদকর্তৃক মনোনীত একজন অতিরিক্ত বিভাগীয় কমিশনার।</p> <p>ব্যাখ্যা: দফা (৭) এবং (৮) এর উদ্দেশ্য পূরণকল্পে "সর্বশ্রেষ্ঠ" অর্থ বিধিগতীয় ভূমি খণ্ডের মতে সর্বশ্রেষ্ঠ জেলা এবং সর্বশ্রেষ্ঠ সার্কেল টিম, পদাধিকারবলে।</p> <p>(১০) কমিশনের প্রয়োজনে সরকার কর্তৃক নিম্নলিখিত হইবে এবং তাহার চতুর্দিক শর্তাধীন সরকার কর্তৃক নির্ধারিত হইবে।</p> <p>(১১) সরকারে উদ্দেশ্যে ব্যবস্থাপক পরামর্শে প্রয়োজনীয় বিধি পত্র প্রণয়ন করিতে পারিবে।</p> <p>(১২) যদি সরকার এই আর্ডার সত্ত্বেও হয় যে, প্রয়োজন হইলে অসম্মত বিধি বা শর্তাধীন বা মাসিক অক্ষমতার কারণে তদ্বিষয়ে পদে স্থলাভিষিক্ত হইয়া পড়িয়াছে, তদ্বিষয়ে হইলে সরকার যে কোন সময়ে প্রয়োজনে তাহার পদ হইতে অপসারণ করিতে পারিবে।</p> <p>তবে শর্ত থাকে যে, তদন্বিত ভূমিসংলগ্ন সুযোগ গ্রহণ না করিয়া এই উপ-শারের অধীনে প্রয়োজনে তাহার পদ হইতে অপসারণ কর যাইবে না।</p>
<p>কমিশনের কার্যবিধি ও ক্ষমতা</p>	<p>৯। (১) কমিশনের কার্যবিধি নিম্নলিখিত হইবে যথা:-</p> <p>(ক) পূর্ণাঙ্গিত শাসনাবলীর ভূমি সংক্রান্ত বিধিগত পার্বত্য চট্টগ্রামের প্রসিদ্ধ আইন ও বিধি অনুযায়ী নিশ্চিত করা;</p> <p>(খ) আবেদনে উল্লিখিত ভূমিতে আবেদনকারী, বা কেবলমাত্র সর্বশ্রেষ্ঠ প্রতিপক্ষের, স্বত্ব বা অন্যবিধ অধিকার পার্বত্য চট্টগ্রামের প্রসিদ্ধ আইন ও বিধি অনুযায়ী নির্ধারিত এবং প্রয়োজনবোধে মত পূরণ করিবে।</p> <p>(গ) পার্বত্য চট্টগ্রামে প্রসিদ্ধ আইন পরিদৃষ্টকালে কোন ভূমি বন্দনমত প্রণয়ন করা হইয়া থাকিলে উহা বাতিলকরণ এবং উক্ত বন্দনমতজনিত কারণে কোন বিধি মাসিক ভূমি হইতে</p>

	<p>কোন ধরন হইয়া থাকিলে তাহা হইয়া দখল পূর্বকঃ-</p> <p>তবে শর্ত থাকে যে, প্রয়োজ্য আইনের অধীন অধিগ্রহণকৃত ভূমি এবং রক্ষিত (Reserved) কামান্দন, কাঠাই অথবা বিদ্যুৎ প্রকল্প এলাকা, বেতননিয়া কৃষ্ণ-ইপ-গ্রহ এলাকা, রাষ্ট্রীয় মালিকানাধীন শিল্প কারখানা ও সরকার বা স্থানীয় কর্তৃপক্ষের নামে জেরকৃত ভূমি ক্ষেত্রে এই উপ-ধার প্রযোজ্য হইবে না।</p> <p>(২) উপ-ধার (১) এ বর্ণিত কার্যকরী পূর্ণতা অধীনে সীমিত থাকিবে।</p> <p>(৩) উক্ত কার্যকরী পূর্ণতা সাধনে সংশ্লিষ্ট ভূমি ও কমিশন যে কোন সরকারি বা স্বতন্ত্র সংস্থার কর্তৃপক্ষকে প্রয়োজনীয় তথ্য, উপাত্ত বা কাগজাদি সরবরাহে এবং প্রয়োজন উক্ত কর্তৃপক্ষকে যে কোন কর্মকর্তাকে স্থানীয় ক্ষমতা পরিচালনা বা আইনের বিধিতে প্রতিবেদন দাখিলের নির্দেশ দিতে পারিবে এবং উক্ত কর্তৃপক্ষ বা কর্মকর্তা উহা পালনে বাধ্য থাকিবেন।</p> <p>(৪) কমিশন বা প্রয়োজন বা স্বতন্ত্র কর্তৃক ক্ষমতা প্রদান কোন সদস্য কোন বিত্তীয় ভূমি সংক্রমণে পরিচালনা করিতে পারিবে।</p>
আর্থিক ব্যবস্থা	<p>১৪। (১) কমিশনের ব্যয় নির্ধারণের জন্য সরকার থেকে বরাদ্দ হিসাবের প্রয়োজনীয় অর্থ সরকার করিবে এবং এজন্যেই কমিশন সংশ্লিষ্ট বছরে আর্থিক বিবরণী সরকারের নিকট প্রেরণ করিবে।</p> <p>(২) সচিব, স্ট্রোরম্যানের তত্ত্বাবধানে, কমিশনের ব্যয় নির্ধারণের দায়িত্ব পালন করিবে।</p> <p>(৩) কমিশনের ব্যয় নির্ধারণের ক্ষেত্রে প্রয়োজন ও সচিব সংশ্লিষ্ট আইন-কানুন ও সরকারি নির্দেশাবলী অনুসরণ করিবে।</p>
কমিশনের সিদ্ধান্তের আবেদন প্রক্রিয়া	<p>১৫। ধার ৬(১)-এ বর্ণিত কোন বিষয়ে দায়িত্বকৃত আবেদনের উপর কমিশন প্রদত্ত সিদ্ধান্ত প্রত্যক্ষভাবে আবেদনকারীকে বা অন্য কোন কর্তৃপক্ষের নিকট আদালত বা বিতর্কিত দায়ের বা উহার বিরুদ্ধে বা যথার্থতা সম্পর্কে কোন প্রস্তাব উপস্থাপন করিবে না।</p>
কমিশনের সিদ্ধান্ত বাস্তবায়ন	<p>১৬। (১) অন্য কোন আইনে যাহা কিছুই থাকুক না কেন কমিশনের সিদ্ধান্ত প্রত্যক্ষভাবে আবেদনকারীকে বা অন্য কোন কর্তৃপক্ষের নিকট আদালত বা বিতর্কিত দায়ের বা উহার বিরুদ্ধে বা যথার্থতা সম্পর্কে কোন প্রস্তাব উপস্থাপন করিবে না।</p> <p>(২) উপ-ধার (১) এর উদ্দেশ্য পূরণকল্পে সকল কর্তৃপক্ষ কমিশনের নির্দেশ পালনে বাধ্য থাকিবে।</p>
কমিশনের	১৭। Penal Code, 1860 (Act XXV of 1860) এর section 220 এর Code of Criminal

অবমাননা অঙ্গসংলগ্ন অবমাননার শাস্তি	Procedure, 1898 (Act V of 1898) এর section 480 এর উদ্দেশ্য পূরণকল্পে কমিশন উক্ত ধারাসমূহের উল্লিখিত যে গোামী আদালত বন্দিয়া গয়া হইবে এবং তদুপাত্রে কমিশন উহার অবমাননা করিবার বিধি জ্ঞ বাবস্থা গ্রহণ করিতে পারিবে।
সরকারি বিদ্যালয় কৃত কাজ-কর্মের প্রত্যক্ষ	২০। এই আইন বা প্রবিধানের অধীন সকল বিদ্যালয়ে কৃত কোন কাজের মধ্যে কোন ব্যক্তি অধিগ্রহণ হইলে বা কাজের অধিগ্রহণ হইবার সম্ভাবনা থাকিলে তদন্ত করিবার প্রয়োজনে, সদস্য বা উহার বা কোন কর্মকর্তা বা কর্মচারীর বিরুদ্ধে কোন যে গোামী বা বৌদ্ধিমারি মাফিয়া বা অন্য কোন আইনগত কার্যক্রম গ্রহণ করা যাইতে না।

ফুনি-খতিয়ান (পার্বত্য চট্টগ্রাম) অধ্যাদেশ ১৯৮৪

পার্বত্য চট্টগ্রাম এলাকার ফুনি-খতিয়ান প্রকল্পের নিয়ম কবর করা অধ্যাদেশ।
যেহেতু পার্বত্য চট্টগ্রাম এলাকার ফুনি-খতিয়ান প্রকল্পের ও তৎসংক্রান্ত বিষয়টির ব্যাপারে বিধান কর সন্যতীন ও প্রয়োজনীয়।
সেহেতু, এতদ্বারা, রাষ্ট্রপতির ১৯৮২ শকাব্দ ২২৪ নং মার্চ তারিখের ফরমান এবং এই ক্ষেত্রে উহার অন্যান্য সকল ফরমানসমূহ রূপ
অধ্যাদেশ প্রণয়ন ও জারি করিলেন:-

বিষয়/শিরোনাম	বর্ণনা
সংজ্ঞা	২। বিদ্যালয় বা প্রসঙ্গের পরিপন্থী কোন ক্ষেত্রে, এই অধ্যাদেশে, (ক) "পার্বত্য চট্টগ্রাম" বলিতে পার্বত্য চট্টগ্রাম, বান্দরবান ও খাগড়াছড়ি জেলাসমূহের অন্তর্গত সকল এলাকাকে বুঝাইবে; (খ) "ফুনি" বলিতে পানি বা জলাশয় অন্তর্ভুক্ত হইবে; (গ) "সরকারি অফিসার" বলিতে সরকারি সেবাসম্পন্ন অফিসার অথবা এই অধ্যাদেশ বা তদনুযায়ী প্রণীত বিধি অনুযায়ী সরকারি অফিসারের সকল বা যে কোন দায়িত্ব পালনের জন্য সরকার কর্তৃক নিয়োজিত অন্য কোন অফিসারকে বুঝাইবে।
৩। ফুনি-খতিয়ান প্রকল্প	৩। সরকার, যোগ্যিত্ত মনে করিলে, এই অধ্যাদেশের বিধানবলী প্রত্যেকের প্রধান অফিসার যাত্র পার্বত্য চট্টগ্রাম এলাকা বা উহার যে কোন অংশে জটিল এবং ফুনি-খতিয়ান প্রকল্প বা সত্বশোধন করার নিশ্চয় নিয়া সরকারী গেজেটে বিজ্ঞপ্তির মাধ্যমে আদেশ জারি করিতে পারিগন।
৪। ফুনি-খতিয়ানে যে সকল বিবেক নিষিদ্ধ করা হইবে	৪। (১) ও ধারার অধীন কোন আদেশ জারি করা হইলে, সরকারি অফিসার প্রতিটি মৌজাকে জটিলে একটি একক পরিমাণ উহার অন্তর্গত রক্তা-খাট, সন্দী-নাঙ্গা, খাজী-গর, মার্ত ও অন্যান্য প্রাকৃতিক বৈশিষ্ট্য প্রকাশ করা বৃত্ত অঞ্চলের একটি মাগ প্রকল্প করিলে এবং প্রকল্প বা সত্বশোধন ফুনি-খতিয়ান প্রকল্পের যে সকল বিবেক নিষিদ্ধ করার নিশ্চয় হইবে তাহা সেই সকল বিবেক নিষিদ্ধ করিলে। (২) যে ক্ষেত্রে কোন মৌজার পূর্ব-নির্ধারিত সীমানাক্রম কোন এলাকা জটিল ও খতিয়ানের একক হিসেবে অনুপযুক্ত, সেই ক্ষেত্রে সরকারি অফিসার যতদূর সম্ভব স্থানীয় জনসাধারণের সহায়ত

	এবং প্রোগ্রাম প্রকাশকের অতিক্রমত ঘাড়াই করিবার পর জরিপের একক হিসাবে প্রোগ্রামের উদ্দেশ্য এলাকা নির্ধারণের জন্য সরকারের নিকট, ভূমি সেক্টর ও জরিপের মহা পরিচালকের মাধ্যমে, প্রস্তাব পেশ করিবেন এবং সরকারের দলি একটি অনুমোদন করেন তাহা হইলে উহাকে মাপ ও ভূমি-খতিয়ান গ্রন্থত ও সংশোধনের জন্য একটি সীমা হিসাবে দেখাও এবং করা হইবে।
৫। খসড়া ভূমি-খতিয়ান প্রকাশন	৫। ১) ৫ ধারার অন্যান্যী খসড়া ভূমি-খতিয়ান গ্রন্থত বা সংশোধিত হওয়ার পর, রাজস্ব অফিসার অনুমতি বিহীন দিন পর্যন্ত অনস্বাক্ষরে পরিদর্শনের উদ্দেশ্যে খসড়াটি প্রকাশ করিবেন এবং এইরূপ প্রকাশের মেয়াদের মধ্যে উক্ত খতিয়ান লিখিত অথবা হাতে হইতে বাস পড়িয়া যাওয়া কোন কিছু সম্পর্কে কোন আপত্তি দায়ের করা হইলে, রাজস্ব অফিসার তাহা গ্রহণ করিবেন এবং বিরোধনা করিয়া দেখিবেন।
৬। আপীল	৬। (১) ৫ ধারার অধীন দায়কৃত আপত্তির উপর রাজস্ব অফিসারের কোন আপত্তির ছাড়া সন্তুষ্ক কোন ব্যক্তি আপত্তির জারি হইতে বিতর্ক নিবন্ধন মধ্যে স্টেটমেন্ট অফিসারের নিকট আপীল দায়ের করিতে পারিবেন। (২) এইরূপ প্রত্যেকটি আপীল লিখিত হইতে হইবে এবং উহাতে আপীলের কারণ সম্বন্ধে বর্ণনা থাকিতে হইবে এবং যে আপত্তির বিরুদ্ধে আপীল দায়ের করা হইবে উহার একটি প্রত্যাখিত নকল উক্ত আপীলের সহিত সন্দ্বন্ধন করিতে হইবে। (৩) স্টেটমেন্ট অফিসার কর্তৃক এইরূপ আপীল নিষ্পন্ন করিতে পারিলে অথবা উহা নিষ্পত্তির জন্য তাহার অধীন এইরূপ কোন সংক্রান্ত স্টেটমেন্ট অফিসারের নিকট হস্তান্তর করিতে পারিলে নিনী নিজে উক্ত ভূমি-খতিয়ান গ্রন্থত বা সংশোধন করেন নাই।
৭। আপত্তি ও আপীল নিষ্পত্তির পদ্ধতি	৭। (১) যে ব্যক্তি ৫ ধারার অধীন আপত্তি অথবা ৬ ধারার অধীন আপীল জানিলে, তিনি পরিত্যাগ চিঠির মাধ্যমে সেরাসনী বিষয়ের পরিচালনা কার্তা নিয়োজিত কোন অফিসার কর্তৃক প্রোগ্রামের সকল ক্ষমতা এবং ১৮-৭২ সনের সার্ভে এন্ট্রি (১৮-৭২ সালের ৫ নং সেশন এন্ট্রি) এর অধীন কালোঁরে সমস্ত ক্ষমতার অধিকারী হইবেন। (২) আপত্তি বা আপীল সন্দ্বন্ধে নিষ্পন্ন করা হইবে এবং নথিতে সাক্ষ্য প্রমাণের সারসংক্ষেপ ও প্রস্তাব বৈচিত্রকতার সারসংক্ষেপ লিপিবদ্ধ করা হইবে। (৩) সর্বশেষ পক্ষগণের মুক্তিসংঘাত ভনামীর সুযোগ প্রদান না করিয়া কোন আপত্তি বা আপীল নিষ্পন্ন করা হইবে না।
৮। ভূমি-খতিয়ানের চুক্তি প্রকাশন	৮। (১) দায়কৃত বা বিতর্কিত আপত্তি ও আপীল নিষ্পত্তির পর, রাজস্ব অফিসার চুক্তি-খতিয়ান গ্রন্থত করিবেন এবং উহা চুক্তির বাস্তবতা গ্রহণ করিবেন। (২) ভূমি-খতিয়ান মুদ্রণের পর রাজস্ব অফিসার উহা অনুমতি বিহীন দিনের জন্য চুক্তি-খতিয়ান প্রকাশন করিবেন এবং এইরূপ প্রকাশন খতিয়ানটি যে এই অফিসারের অধীনে খণ্ডিতভাবে গ্রন্থত বা সংশোধিত হইয়াছে তাহার তুল্য প্রমাণ হিসাবে গণ্য হইবে।

৯। চূড়ান্ত প্রকাশনার প্রত্যয়ন পর	৯। কুমি-খতিয়ান চূড়ান্তভাবে প্রকাশিত হইবার পর, কুমি কোর্ট ও জরিপের মহা-পরিচালক কর্তৃক এতদনুসারে নির্ধারিত সময়ের মধ্যে প্রায় অর্ধ সাত উত্তরপ চূড়ান্ত প্রকাশনার বিষয় ও উহার তারিখ উল্লেখ করিয়া একটি প্রত্যয়ন প্রস্তুত করিবেন এবং উহাতে তাঁহার নাম ও সরকারি পদবী উল্লেখপূর্বক তাহিবেস্ব স্বাক্ষর দান করিবেন।
১০। কুমি-খতিয়ানের তত্ত্বাবধায়ক সম্পর্কে অনুমতি	১০। এই অধ্যাদেশের অধীন প্রস্তুতকৃত বা সংশোধিত কুমি-খতিয়ানে বিপরীত প্রত্যয়ন তত্ত্বাবধায়ক বিধায়ের প্রমাণ হিসাবে গণ্য হইবে এবং তথা সাব্যস্ত প্রমাণ ছাড়া অতঃ পরে এমনিভাবে না হওয়া পর্যন্ত তত্ত্ব করিয়া বিবেচিত হইবে।
১১। কোর্টের সম্পর্কে সার্ভিসের ক্ষমতা	১১। সেটোসেট অফিসার, কোন দরখাস্তের প্রেরিত বা স্বীয় উদ্যোগে, তাঁহার অধীন কোন কোর্টের অফিসারকে নিষিদ্ধ হইতে এই অধ্যাদেশের অধীন নিষেধকৃত যে কোন কোনকর্ম প্রত্যয়ন করিয়া নিষিদ্ধ করিতে পারিবেন এবং নিষিদ্ধি হইয়া তদা তদা অধীন অধিকৃত অন্য কোন কোনকর্ম অফিসারের নিকট করা যাইতে পারিবেন।
১২। সরকারদ্বারা নিষিদ্ধি করিয়া দেওয়া হইবে	১২। (১) সেটোসেট অফিসার, কোন দরখাস্তের প্রেরিত বা স্বীয় উদ্যোগে, সর্ভেই কোর্টসমূহে পশ্চিমবঙ্গ এবং তাঁহার নিয়ন্ত্রণে প্রয়োজনীয় তদন্তের পর যদি এই সর্বত্রই হই যে কোন কুমি-খতিয়ান প্রত্যয়নের মাধ্যমে কোন তথ্য বিপরীত করা হইয়াছে, তথা হইতে তিনি কুমি-খতিয়ানটির চূড়ান্ত প্রকাশনের পূর্বে উহার সংশোধন করিবার জন্য নিষিদ্ধি দান করিতে পারিবেন। (২) সেটোসেট অফিসার সর্ভেই পক্ষগণকে জনানীর জন্য প্রতিসংগত সুরোশ প্রদান না করিয়া এই ধারার অধীন কোন আদেশ দান করিবেন না। (৩) এই ধারার অধীন প্রস্তুত আদেশ চূড়ান্ত করিয়া গণ্য হইবে।
১৩। সেটোসেট অফিসারের বিশেষ ক্ষমতা	১৩। চূড়ান্ত কুমি-খতিয়ান প্রকাশনের পূর্বে যে কোন সময়ে সেটোসেট অফিসার কোন এলাকা সম্পর্কে এই অধ্যাদেশের অধীন গৃহীত কার্যাবলীর যে কোন অংশ বাস্তবের নিষিদ্ধি দান করিতে পারিবেন এবং কোন পর্যায় হইতে উক্ত কার্যাবলীর পুনরায় আশ্রয় করা হইবে তাহাও নিষিদ্ধি করিয়া দিতে পারিবেন।
১৪। এই অধ্যাদেশের অধীন মহা-পরিচালকের তত্ত্বাবধায়ক ও নিয়ন্ত্রক ক্ষমতা	১৪। সরকারের সাধারণ তত্ত্বাবধায়ক সাপেক্ষে, এই অধ্যাদেশের অধীন গৃহীত কার্যাবলীর কুমি কোর্ট ও জরিপের মহা-পরিচালকের তত্ত্বাবধায়ক ও নিয়ন্ত্রক করিতে হইবে এবং তিনি এই অধ্যাদেশের অধীন প্রায় অফিসারের ব্যবহারি ক্ষমতা প্রদান ও নিষিদ্ধি পালন করিতে পারিবেন।
১৫। কোর্ট প্রকাশনের নিকট মাপ ও কুমি-খতিয়ান প্রকাশের	১৫। (১) এই অধ্যাদেশের অধীন কোন কোর্টের কুমি-খতিয়ান চূড়ান্তভাবে প্রস্তুত বা সংশোধনের পর, প্রায় অফিসার এলাকাগুলোর ব্যবহারি কার্যাবলীর সকল মুদ্রিত মাপ ও কুমি-খতিয়ান সর্ভেই কোর্ট প্রকাশনের নিকট প্রস্তুত করিবেন। (২) কোর্ট প্রকাশক মুদ্রিত মাপ ও কুমি-খতিয়ান সরকার কর্তৃক নির্ধারিত মূল্যে বিক্রয়ের

ধারাবাহিক করিলেন	
১৬। অঙ্গ সন্তানের অধিকারের প্রতিশ্রুতি	১৬। কুমিল্লিয়ারাম প্রস্তুত বা সন্তানোপলব্ধির নির্দেশ সত্ত্বেও কোন আবেদন বা কুমিল্লিয়ারাম প্রস্তুত বা সন্তানোপলব্ধির নির্দেশ সত্ত্বেও কোন আবেদনকে মোকদ্দমার মাধ্যমে বা অন্যভাবে গণ্য করা হবে না।
১৭। পার্শ্বীয় আইন ১৯৭৫ সনের ৫ নং অধ্যাদেশ প্রয়োগ	১৭। ১৯৭৫ সনের সার্ভে আইন (১৯৭৫ সনের ৫ নং অধ্যাদেশ) এবং অধিকাংশ প্রযুক্ত সনের ৫ নং অধ্যাদেশ প্রয়োগ করা হবে।

THE COURT OF WARDS ACT, 1879
(ACT NO. IX OF 1879)

⁴⁰An Act to amend the law relating to the Court of Wards.
WHEREAS it is expedient to amend the law relating to the Court of Wards in ⁴¹[Bangladesh];
It is enacted as follows:-

Section	Short Title	Descriptions
PART I PRELIMINARY		
Interpretation	3.	In this Act, unless there be something repugnant in the subject or context,- "Civil Court" includes the ⁴² [High Court Division] in the exercise of its ⁴³ [* * *] extraordinary original civil jurisdiction or its civil appellate or revisional jurisdiction; "Collector" includes a Deputy Commissioner and any officer in-charge of the revenue-jurisdiction of a district; "the Court" means the Court of Wards; or, when the Court of Wards has delegated any of its powers to a ⁴⁴ [* * *] ⁴⁵ [Commissioner or Collector] or any other person, it means, in respect of such powers, the ⁴⁶ [* * *] ⁴⁷ [Commissioner or Collector] or person to whom they are delegated. "estate" means all lands which are borne on the revenue-roll of a Collector as liable for the payment of one and the same demand of land-revenue and includes a share in or of an estate other than an undivided share held in coparcenary or the property of a

⁴⁰ Throughout this Act, except otherwise provided the word "Government" was substituted, for the words "Provincial Government" by section 3 and 2nd Schedule of the [Bangladesh Laws \(Revision And Delegation\) Act, 1973](#) (Act No. VIII of 1973).

⁴¹ The word "Bangladesh" was substituted for the words "East Pakistan" by section 3 and 2nd Schedule of the [Bangladesh Laws \(Revision And Delegation\) Act, 1973](#) (Act No. VIII of 1973).

⁴² The words "High Court Division" were substituted for the words "High Court of East Pakistan" by section 3 and 2nd Schedule of the [Bangladesh Laws \(Revision And Delegation\) Act, 1973](#) (Act No. VIII of 1973).

⁴³ The words " * * * " were omitted by section 3 and 2nd Schedule of the [Bangladesh Laws \(Revision And Delegation\) Act, 1973](#) (Act No. VIII of 1973).

⁴⁴ The words "Commissioner or Collector" were substituted, for the word "Collector" by section 2 and Schedule of the [Bangladesh Laws \(Amending\) Ordinance, 1976](#) (Ordinance No. IX of 1976).

⁴⁵ The words "Commissioner or Collector" were omitted by Article 4 and Schedule of the [Bangladesh Laws \(Revision And Delegation\) Act, 1973](#) (Act No. VIII of 1973).

⁴⁶ The words "Commissioner or Collector" were substituted, for the word "Collector" by section 2 and Schedule of the [Bangladesh Laws \(Amending\) Ordinance, 1976](#) (Ordinance No. IX of 1976).

	<p>Hindu joint family governed by the Mitakshara or Mitthila law:</p> <p>"minor" means a person who has not completed his age of ¹⁸eighteen years);</p> <p>"section" means a section of this Act;</p> <p>"ward" means any person who is under the charge of the Court of Wards, or whose property is under such charge.</p>
<p>PART II CONSTITUTION, JURISDICTION AND POWERS OF THE COURT OF WARDS</p>	
Constitution and general duties of Court of Wards	<p>5. The ¹⁸Board of Land Administration shall be the Court of Wards for the territories to which this Act extends. It shall deal with every person and every property of which it may take or retain charge under this Act, or which may be placed under its charge by order of a competent Court, in accordance with the provisions of this Act.</p>
Disqualified proprietors	<p>6. Proprietors of estates shall be held disqualified to manage their own property when they are-</p> <p>(a) females declared by the Court incompetent to manage their own property;</p> <p>(b) persons declared by the Court to be minors;</p> <p>(c) persons adjudged by a competent Civil Court to be of unsound mind, and incapable of managing their affairs;</p> <p>(d) persons adjudged by a competent Civil Court to be otherwise rendered incapable by physical defects or infirmities of managing their own property;</p> <p>(e) persons as to whom the Court has declared that they are disqualified, and that it is expedient in the public interest that their estates should be managed by the Court.</p>
Jurisdiction of Court over disqualified	<p>7. Whenever the sole proprietor of an estate, or all the joint proprietors of an estate are disqualified as provided in the last preceding section, the Court shall have power to take charge of all the property of every such proprietor or joint proprietor within</p>

¹⁸ The words "eighteen years" were substituted for the words "twenty-one years" by section 2 of the [Court of Wards \(Amendment\) Act 2016](#) (Act No. 11 of 2016).

¹⁹ The words "Board of Land Administration" were substituted for the word "Governor" by section 4 and Schedule 6 of the [Bangladesh Laws \(Amendment\) Ordinance, 1982](#) (Ordinance No. 311 of 1982).

proprietors	<p>its jurisdiction, and of the person of any such proprietor or joint proprietor who is resident within its jurisdiction; and also of the person and property of any minor member of the family of any such proprietor or joint proprietor who has an immediate or reversionary interest in the property of such proprietor or joint proprietor:</p> <p>Provided that the Court shall not be empowered to take charge of the person of a proprietor disqualified under clause (e) of section 6.</p>
Court when bound to give up charge	8. Whenever the circumstances of any ward become such that the Court could not take charge of him or of his property if he were not under its charge already, the Court shall be bound to release from its charge such person and his property
Charge of Court in case of acquisition under E. B. Act XXVIII of 1951	<p>[18A. If the net-receiving interests of a ward in any estate under the charge of the Court are acquired under the provisions of the "[18 + *] State Acquisition and Tenancy Act, 1950, then, notwithstanding anything contained elsewhere in this Act, the remaining properties of such ward including khas lands under the charge of the Court shall continue to remain under its charge and shall be managed in accordance with the provisions of this Act, as if such ward were a disqualified proprietor of an estate.</p> <p>Explanation - In this section "khas land" has the same meaning as in clause (15) of section 2 of the "[18 + *] State Acquisition and Tenancy Act, 1950]</p>
Discretion of Court as to taking and keeping charge	<p>9. The Court may in its discretion, in any case in which it is empowered by this Act to take charge of the person and property of any disqualified proprietor,</p> <p>(a) take charge of such property without taking charge of such person;</p> <p>(b) refrain from taking charge of any such person or property;</p> <p>(c) at any time withdraw from such charge, if taken;</p> <p>(d) at any time resume such charge, after having withdrawn from it.</p>
Effect of withdrawal from	[18A. When the Court of Wards withdraws from the charge of such property it shall publish, in the manner provided in section 64A, a notice of the termination of

⁴⁵ Section 8A was inserted by section 2 of the East Bengal Court of Wards (Amendment) Act, 1952 (Act No. X of 1952).

⁴⁶ The words "East Bengal" were omitted by section 1 and 2nd Schedule of the [Amendment] Law Revision and Declaration Act, 1973 (Act No. VIII of 1973).

⁴⁷ The words "East Bengal" were omitted by section 1 and 2nd Schedule of the [Amendment] Law Revision and Declaration Act, 1973 (Act No. VIII of 1973).

charge	<p>the charge and thereupon subject to the provisions of clause 3 of section 23:-</p> <p>(a) such charge shall terminate with effect from the date fixed in accordance with the provisions of section 65;</p> <p>(b) the owner of the said property shall be restored to the possession thereof from the said date subject to any order made by a Civil Court and to any contracts entered into by the Court of Wards for the preservation or benefit of such property.]</p>
Application by Civil Court to Court of Wards to take charge	<p>10. Whenever a Civil Court is satisfied that an order should be made under section 7 of the <u>Guardians and Wards Act, 1890</u>, appointing a guardian of the person or property of a minor, or both:</p> <p>Whenever a Civil Court removes, under section 39 of the same Act, the guardian of minor,</p> <p>or whenever a person has been adjudged, under the <u>Lunacy Act, 1912</u>, to be of unsound mind and incapable of managing his affairs,</p> <p>if the property of such minor or disqualified proprietor consists, in whole or in part, of land or any interest in land, the Civil Court may apply to the Court of Wards to take charge of the person and property of such minor or disqualified proprietor, and it shall be at the discretion of the Court of Wards to take charge of such person or property, or to refuse to do so.</p> <p>Nothing contained in sections 73 to 81 (both inclusive) of the <u>Lunacy Act, 1912</u>, shall be held to apply to persons or properties under the charge of the Court of Wards.</p>
Notice to creditors	<p>11. 10A.(1) Whenever the Court of Wards assumes charge of any person or property under section 7 or section 10, it shall publish, in the manner provided in section 65A, a notice calling upon all creditors having claims against the ward of his immovable property to submit the same in writing to the Court, at a place to be named in the notice, within six months from the date of the publication of the notice aforesaid:</p> <p>Provided that if a suit or proceeding in respect of a claim is pending in any Civil</p>

⁴⁸ Section 5A was inserted by section 2 of the Bengal Court of Wards (Amendment) Act, 1933 (Act No. 1 of 1933).

⁴⁹ Sections 10A, 10B, 10C, 10CC and 10D were substituted, for sections 10A, 10B, 10C, 10CC and 10D by section 3 of the Bengal Court of Wards (Amendment) Act, 1935 (Act No. 31 of 1935).

	<p>Court at the date of the publication of such notice, intimation of that facts shall be given by the creditor concerned to the Court of Wards within the period aforesaid and notice of the decision of the Civil Court in respect of such claim shall also be given to the Court of Wards within three months after the final disposal of such suit or proceeding.</p> <p>(2) Every such claim (other than a claim on the part of the Government) not submitted to the Court in compliance with the provisions of sub-section (1), shall, notwithstanding any law, contract, decree or award to the contrary, cease to carry interest from the date of the expiry of the period for submission of the claim or in any case where a suit or proceeding in respect of a claim is pending in any Civil Court, the period of three months after the final disposal of such suit or proceeding referred to in the said sub-section:</p> <p>Provided that, if the Court is satisfied that the creditor was prevented by any sufficient cause from complying with the provisions of sub-section (1), it may consider and allow, either wholly or in part, his claim for interest at any time after the date of the expiry of the period aforesaid.</p>
Creditor to furnish full particulars and documents	<p>10C.(1) Every creditor submitting his claim in compliance with the provisions of sub-section (1) of section 10A shall furnish, along with his written statement of claim, full particulars thereof; and shall, within such time as the Court may appoint, produce all documents which are in his possession, power or control, including entries in books of account, on which he relies to support his claims, together with a true copy of every such document.</p> <p>(2) The Court shall, after marking, for the purpose of identification, every original document so produced, and verifying the correctness of the copy, retain the copy and return the original to the creditor.</p> <p>(3) If any document, which to the knowledge of the creditor is in his possession, power or control, is not produced by him as required by sub-section (1), the document shall not be admissible in evidence against the ward, whether during the continuance of the management or afterwards, in any suit brought by the creditor or by any person claiming under him in respect of such claim, unless good cause be shown, to the satisfaction of the Civil Court entertaining the suit for the non-production of the document as required by sub-section (1).</p>
Bar to certain proceedings	<p>10C.(1) [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]</p> <p>(2) Except as provided in section 23A, no property in charge of the Court of Wards shall be sold by any revenue authority under any law so long as the Court remains in</p>

	charge thereof.
Special limitation for suits against wards	10CC. In calculating the period of limitation applicable to a suit against a ward, a period of four years shall be added to the period of limitation allowed by law.
Adjudication of claims	<p>10D.(1) On receipt of all claims submitted in compliance with the provisions of sections 10A and 10B, the Court shall proceed to investigate such claims, and shall decide which of them are to be wholly or partly admitted or wholly or partly rejected, as the case may be, and shall communicate its decision in writing to each claimant concerned.</p> <p>(2) When the Court has admitted any claim under sub-section (1), it may make to the creditor a proposal in writing for the reduction of the claim, or of the rate of interest to be paid in future, or of both; and, if such proposal, or any modification of it, is accepted by the creditor and his acceptance is finally recorded and attested by the Court, it shall be conclusively binding upon the creditor and upon the ward.</p> <p>(3) Subject to the provisions of sub-section (2), nothing in this section shall be construed to bar the institution of a suit in a Civil Court for the recovery of a claim against a ward or his property which has been submitted to the Court of Wards.</p> <p>Provided that no decision of the Court of Wards under this section shall be proved in any such suit as against the defendant.</p> <p>(4) In calculating the period of limitation applicable to suits for the recovery of a claim which has been submitted to the Court of Wards the period from the date of submission of the claim up to the date of the communication of the Court's decision thereon to the creditor shall be excluded.]</p>
Procedure when any of the joint proprietors ceases to be disqualified or any person becomes entitled to property jointly with a disqualified proprietor	<p>11. The Court of Wards may retain charge of the whole of the property of any joint proprietors disqualified under section 6 of which the Court has taken charge under section 7, or of any property of which the Court has taken charge under section 10, notwithstanding the fact that a joint proprietor, or some joint proprietors, of such property has or have ceased to be subject to the jurisdiction of the Court or that any person has become entitled to such property or any part thereof jointly with any disqualified proprietor:</p> <p>Provided that if the share of such proprietor or person is duly partitioned the Court shall, subject to the provisions of section 13A, release such partitioned share:</p> <p>Provided further that if the disqualified joint proprietor be the manager of a Mitakshara joint family the Court shall, on his ceasing to be so disqualified and on</p>

	application being made by him in this behalf, release the property.
Withdrawal from charge by Court	12. The Court of Wards may at any time withdraw from the charge of any person and property taken under section 10 ⁴⁸ or under any other enactment for the time being in force: Provided that it shall give notice of its intention to withdraw to the Civil Court concerned, and that such notice shall be given not less than two months before the Court of Wards shall so withdraw.
Procedure when succession to property of ward disputed	13. Whenever, on the death of any ward, the succession to his property or any part thereof is in dispute, the Court may either direct that such property or part thereof be made over to any person claiming such property, or may retain charge of the same until the right to possession of the claimant has been determined under Act VII of 1876 or under the Assam Land and Revenue Regulation, 1886, as the case may be, or until the dispute has been determined by a competent Civil Court.
Power of Court to take charge of property of disqualified proprietor until discharge of debt	14. Subject to the provisions of this Act, the Court- (a) may, through its manager, do all such things requisite for the proper care and management of any property of which it may take or retain charge under this Act, or which may be placed under its charge by order of a competent Civil Court, as the proprietor of any such property, if not disqualified, might do for its care and management, and (b) may, in respect of the person of any ward, do all such things as might be lawfully done by the legal guardian of such ward.
Exercise through others of powers conferred on Court	15. The Court may exercise all or any powers conferred on it by this Act ⁴⁹ [through the Commissioners of the Divisions and the Collectors] of the districts in which any part of the property of the disqualified proprietor may be situated, or through any other person whom it may appoint for such purpose.
Delegation of powers	The Court may, from time to time delegate any of its powers ⁵⁰ to such Commissioners or Collectors] or other person as aforesaid, and may at any time, revoke such delegation.
Establishments and expenses	16. The Court may from time to time order such establishments to be entertained and expenses to be incurred as it shall consider requisite for the care and management of the persons and properties under its charge, for superintendence for

⁴⁸ The words, "figures, commas and letters" and from the charge of any person or property which either before or after the commencement of the Ordinance by a Civil Court under section 12, section 14 or section 21 of Act XL of 1858 or under section 11 of Act XXXV of 1857 were omitted by section 1 and 2 of Schedule VIII of the Assam (Amendment) Ordinance No. 1970 (Act No. VIII of 1971).

⁴⁹ The words, "through the Commissioners of the Divisions and the Collectors" were substituted, for the words "through the Collectors" by the Schedule VIII of the Assam (Amendment) Ordinance No. 1970 (Act No. VIII of 1971).

⁵⁰ The words "to such Commissioners or Collectors" were substituted, for the words "to such Collectors" by the Schedule VIII of the Assam (Amendment) Ordinance No. 1970 (Act No. VIII of 1971).

	the audit of accounts, and generally for all purposes of this Act; and may order that such expenses, inclusive of all salaries, gratuities and payments on account of the leave-allowances of such establishments, be charged against any one or more properties for the purposes of which such establishments are, or have been, entertained or such expenses have been incurred
Power to manage property	18. The Court may sanction the giving of leases or farms of the whole or part of any property under its charge, and may direct the mortgage, sale or transfer by way of gift the whole or part of such property, and may direct the doing of all such other acts as it may judge to be most for the benefit of the property and the advantage of the ward.
Delivery of possession of property and bar to interference by Civil Courts	<p>18A.(1) When the Court directs the mortgage, sale or transfer by way of gift the whole or part of any property under its charge, it may require any person including any ward in occupation of such property, to deliver vacant possession of such property to the Court within such time as may be specified in the order.</p> <p>(2) If any person who has been required under sub-section (1) to deliver the vacant possession of any property to the Court refuses or fails to deliver vacant possession of such property in his occupation within the time fixed by the Court, then, notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the Court to enter upon such property and to recover possession of the same by evicting the person in occupation of such property.</p> <p>(3) For the purpose of recovering khas possession of any property under sub-section (2), the District Magistrate may use or cause to be used such force as may be necessary for the purpose of evicting any such person at the request of the Court.</p> <p>(4) No Civil Court shall entertain any suit or legal proceedings concerning any matter relating to the recovery of khas possession of any property under this section or pass in any such suit or proceeding an order granting temporary or interim injunction restraining the Court from taking possession of any such property.]</p>
When Court may order property to be formed into separate estate	19. If the Court thinks it expedient to direct the sale or mortgage of any part of an estate of which the ward is the sole proprietor, it may order the Collector to partition off such part into a separate estate, and the demand of land-revenue and of the cesses for which the original estate was liable shall be assessed upon and divided between the two separate estates so formed, respectively, in such manner as the Court, with the sanction of the Government, may direct.
Appointment of managers and	20. The Court may appoint one or more managers for the property of any ward, and one or more guardians for the care of the person of any ward, under the charge of

guardians	<p>the Court, and may control and remove any manager or guardian so appointed.</p> <p>On any disqualified proprietor becoming a ward, the Court may, at its discretion, confirm or refuse to recognize any appointment of a person to be guardian of such disqualified proprietor which may have been made by a will.</p>
Custody, education and residence of wards	<p>21. The Court may make such orders as to it may seem fit in respect of the custody, education and residence of a minor ward, and such minor members of the ward's family as are under its charge, and in respect of the custody and residence of any ward, not being a minor, whose person is under the charge of the Court.</p>
Allowance for ward and his family	<p>22. The Court shall allow, for the support and Education of each ward and for the support of his family such monthly sum as it thinks fit (if any) with regard to the rank and circumstances of the parties and the financial condition of the property of the ward under its charge.</p>
<p>PART III PROTECTION FROM SALE OF CERTAIN ESTATES</p>	
Clause 1- Estate under charge of Court exempt from sale, due at the time when property ceases to be under charge of Court	<p>23. Clause 1-Except as hereinafter provided by section 23A, every estate, and, subject to the provisions of section 14 of Act XI of 1859, every share or part of an estate for which a separate account has been opened under section 10 or section 11 of the said Act, or under section 70 of Act VII of 1876, and also subject to the provisions of the proviso (2) to section 70 of the Assam Land and Revenue Regulation, 1886, every share or part of an estate for which a separate account has been opened under section 65 of the said Regulation, shall be exempt from sale for arrears of Government revenue which have accrued whilst such estate, share or part has been under the charge of the Court.</p> <p>Provided that all such arrears of revenue shall be the first charge upon the sale-proceeds of any estate, share or part which may be sold for any other cause than for such arrears of revenue.</p> <p>Clause 2- If at the time when any property ceases to be under the charge of the Court of Wards, any liabilities enumerated in this clause are outstanding in respect of any part of property, the Collector may attach the whole or any part of such property whether consisting of estates, or shares or parts of estates, or tenures or holdings and collect the rents, cesses and other demands due and all arrears thereof, managing the property so attached either directly or through a manager or by farming as he may think fit.</p> <p>Provided that such attachment shall not remain in force for a period exceeding five years.</p>

	<p>The Collector shall from the proceeds of such property discharge the liabilities of the whole property in the following order of priority:-</p> <ol style="list-style-type: none"> (1) cost of management, (2) arrears of Government revenue and interest, (3) current revenue, (4) cesses due to Government, (5) arrears of rent and cess due to the superior landlords and interest thereon, (6) other sums due to Government, including the principal of and interest on any loans advanced by any Government, and (7) current rent. <p>After satisfaction of the above liabilities the Collector shall, subject to any order of the Civil Court in this behalf, release the property to the proprietor, and pay to him or his duly constituted agent any surplus that remains in the hands of the Collector, and shall furnish such proprietor with an account of the receipts and expenditure expending over the time when the property was under attachment</p>
<p>Class 3— Administration of property by trustees on withdrawal from charge by the Court of Wards</p>	<p>Clause 3 (1)—When the Court of Wards decides to withdraw from the charge of any property on the ground that in its opinion, the property is insufficient to pay the liabilities of the proprietor, secured and unsecured, within a reasonable period, it shall give the proprietor and his creditors such opportunities as it thinks reasonable to come to an agreement regarding the release of the property from the charge of which it is about to withdraw and if any such agreement is reached, the Court of Wards, if it is of opinion that the agreement is valid, shall release the property to the proprietor.</p> <p>If the property is not so released, the Court of Wards may, upon notice to the proprietor, call a meeting of his creditors to elect not less than two trustees to administer the property. At such meeting the creditors shall have votes in proportion to the debts owing to them respectively. The opinion of creditors to whom three-fourths of the debts of the proprietor are owing shall prevail. The procedure relating</p>

to the holding of such meeting shall be laid down by the Court of Wards.

If the creditors fail to elect the trustees or if the trustees elected refuse to act within a time to be fixed by the Court of Wards, the Court of Wards may appoint the trustees. The trustees so elected or appointed shall be deemed to be appointed by the Civil Court.

(2) Upon the trustees, so elected or appointed, as the case may be, expressing their willingness to act as trustees the property shall, subject to the right of the Collector to attachment, collection and discharge of the liabilities mentioned in section 23, vest in them, in trust to administer it under the directions of such Civil Court as may be prescribed by rules for discharging the other liabilities of the proprietor and making over the residue, if any, to him. The Collector shall pay to the trustees, instead of to the proprietor or his agent, any surplus that remains in his hands. Notice of the withdrawal of the Court of Wards and the vesting of the property in the trustees shall be published in the manner provided in section 64A.

(3) Upon the vesting of the property in the trustees the charge of the Court of Wards shall be deemed to be withdrawn but the proprietor shall not become liable to arrest or imprisonment in execution of any decree or order for such liabilities.

(4) Any adjudication of claims by the Court of Wards or compromise under section 10D shall be binding in the same manner and to the same extent as if the Court of Wards had not withdrawn from charge of the property and as if the Civil Court had made such adjudication or recorded such compromise.

(5) The Civil Court shall have all the powers given by law, including the law of insolvency, for the administration of the said property and the trusts mentioned above and shall also have power to remove trustees and appoint new trustees.

(6) The proprietor or the creditors will be at liberty to apply to the Civil Court from time to time, as there may be occasion, for such removal or appointment, for the framing of a scheme of administration, or for the termination of the trust and discharge of the trustees.

(7) The form of notice, the manner of service thereof, the manner of signifying the willingness of trustees to act, the procedure for the election of trustees and the Civil Court under whose directions the trustees shall administer the property may be prescribed by rules to be framed by the Government.

Conditions under which estate may be sold for arrears of revenue accrued under Court	[1] 23A. Notwithstanding anything in clause 5, section 8, Regulation 1 of 1795, or in section 23 of this Act, contained, any estate, share or part of an estate on which an arrear of revenue has accrued while under the charge of the Court, may at any time be sold under the provisions of the law for the time being in force for the recovery of arrears of Government revenue, if the Court has certified in writing that the interests of the ward require that such estate, share or part be sold, and has stated in such writing the reasons upon which it has arrived at such conclusion.]
Restriction on sale for arrears of revenue of estate belonging to minor	24. No estate the sole property of a minor or of two or more minors, and descended to him or them by the regular course of inheritance, or by virtue of the will of, or some settlement made by, some deceased owner thereof, shall be sold for arrears of revenue accruing subsequently to his or their succession to the same, until such minor or one of such minors has completed his age of [1] eighteen years; but all arrears of revenue shall be the first charge upon the proceeds of such estate if the estate is sold for any other cause during such minority.
Power of Collector to attach such estate	The Collector may, on an arrear so accruing on any such estate, attach the estate and collect the rents and all arrears of rent due, managing the estate either directly or through a manager or by farming it, as he may think fit, for a period not exceeding ten years, nor extending beyond the time when such minor or one of such minors completes his age of [1] eighteen years.
Section 24 not to apply unless notice given	25. The exemption from sale for arrears of revenue given by section 24 shall only apply to cases in which a written notice of the fact that the estate is the sole property of one or more minors, and entitled to such exemption, has been served on the Collector before the sale.
Application of proceeds of estate farmed under section 24	26. When an estate has been farmed under the provisions of section 24, the proceeds of such farm shall be paid to the Collector, and the Collector, after deducting the amount of the claims of the Government for revenue and other public demands, and the charges of management, shall either pay the proceeds to the person authorized to receive them for the proprietor, or shall dispose of them in any of the modes mentioned in section 49 or in section 50.
PART IV ASCERTAINMENT OF DISQUALIFICATION	
Procedure for ascertaining and declaring disqualification	27. Whenever any Collector has reason to believe that any person residing in his district, or being the proprietor of an estate borne on the revenue-roll of his district, should be declared or adjudged to be a disqualified proprietor under section 6, he shall make such inquiry as he may deem necessary; and, if satisfied that such person should be so declared or adjudged, shall make a report of the same to the Court; and

⁶² Section 23A was inserted by East Pakistan Court of Wards (Amendment) Ordinance, 1958 (Ordinance No. LXVII of 1958).

⁶³ The words "at fifteen years" were substituted for the words "twenty-one years" by section 2 of the Court of Wards (Amendment) Act 2006 (Act No. 11 of 2006).

⁶⁴ The words "at fifteen years" were substituted for the words "twenty-one years" by section 2 of the Court of Wards (Amendment) Act 2006 (Act No. 11 of 2006).

	the Court shall, on receipt of such report, make such order consistent with this Act, as may seem to it expedient.
Power to enforce provisions of Act without report	28. Nothing in section 27 shall prevent the Court or the Government from putting the provisions of this Act in force without any report from the Collector.
Powers of Collector as to preservation of property on death of a proprietor whose heirs should be declared disqualified	29. Whenever any Collector receives information that the sole proprietor of an estate which is borne on the revenue roll of his district has died, or that the sole proprietor of any estate has died within his district, and such Collector has reason to believe that the heirs of such proprietor should be declared or adjudged to be disqualified under section 6, he may take such steps and make such orders for the safety and preservation of the movable property of such heirs, and of all deeds, or documents or papers relating to the property of such heirs, as to him may seem fit. Such Collector may call upon any other Collector in whose jurisdiction any such movable property, or any such deeds, documents or papers may be, to take charge of the same; and thereupon such other Collector shall have the same powers with respect to such property, deeds, documents and papers within his district as are conferred by this section on the first mentioned Collector.
Recovery of expenses if property, is not taken under charge of Court	If the property is not afterwards taken under the charge of the Court, all expenses incurred by a Collector acting under this section shall be recoverable as arrears of revenue from the owner of such property or the person or persons whom the collector shall find to be in possession of such property, and shall constitute a demand under Bengal Act No. VII of 1868, or any similar law for the time being in force.
Production of minor proprietor, and order for his temporary custody	30. A Collector acting under the last preceding section may direct that any person who has the custody of a minor heir of any such deceased proprietor shall produce such minor before such Collector or before any other Collector on a day fixed, and the Collector before whom the minor is so produced may make such order for the temporary custody and protection of such minor as to him may seem fit. If the minor is a female, she shall not be brought into the presence of the Collector, but the Collector may take such steps for her identification as he may think fit.
Application to Civil Court in case of lunatics	31. If a sole proprietor of an estate is reported by a Collector to be of unsound mind and incapable of managing his affairs, the Court may order the Collector making such report, or such other Collector as the Court may appoint, to apply, in pursuance of the provisions of the <u>Lunacy Act</u> , 1912, to the Civil Court of the district within the jurisdiction of which such proprietor may reside.

Application to Civil Court to make inquiry regarding disqualification on ground of physical defect or infirmity	32. If a sole proprietor of an estate is reported by a Collector to be incapable of managing his property on the ground of some physical defect or infirmity other than unsoundness of mind, the Court may order the Collector making such report, or such other Collector as the Court may appoint, to apply to the principal Civil Court of the district within which such person may be residing; and, upon such Collector so applying, such Civil Court shall inquire into and determine the question as to the alleged incapacity.
Powers and duties of Courts when inquiry is instituted under section 32	34. When any inquiry is instituted by a Civil Court under section 32, ⁽¹⁾ such Court shall, for the purposes of making such inquiry, have the powers conferred, and proceed in the manner prescribed, by the <u>Lumby Act, 1912</u> , with respect to the inquiries directed to be made by the said Act. The Civil Court shall transmit to the Court of Wards a copy of the order made on each such inquiry; and the Court of Wards shall thereupon in case the proprietor has been found by the Civil Court to be incapable as aforesaid, make such order, consistent with this Act, as it shall think fit. The Civil Court shall have, with reference to proprietors who have been adjudged to be incapable as aforesaid, the same powers as are conferred on a Civil Court by section 82 of the <u>Lumby Act, 1912</u> with reference to persons adjudged to be of unsound mind and incapable of managing their affairs.
Recovery of expenses incurred by Collector under section 31 to 33	⁽¹⁾ 34A. All expenses incurred by a Collector in taking action under section 31, section 32 in respect of any person shall, if the property of such person is not taken under the charge of the Court, be recoverable from such person or from the person whom the Collector finds to be in possession of such property, as if it were an amount of land revenue; or under the procedure provided by the ⁽¹⁾ <u>Public Demands Recovery Act, 1913</u> , for the recovery of public demands.]
PART V PROCEDURE AFTER ASCERTAINMENT OF DISQUALIFICATION	
Order declaring person or property to be under charge of Court	35. Whenever the Court has determined to take the person or property of a disqualified proprietor under its charge, whether in accordance with an order of the Civil Court or otherwise, the Court shall make an order declaring the fact and directing that possession be taken of such person and property or of such property on behalf of the Court; and the Court shall be held to be in charge of such property from the time when possession shall have been so taken.

⁽¹⁾ The words and figures 'or section 33' were omitted by section 3 and 2nd Schedule of the Benagal Act, Revision And Delegation Act, 1973 (Act No. VII of 1973).

⁽²⁾ Section 34 A was substituted, for section 34 A, by section 13 of the Benagal Court of Wards Amendment Act, 1935 (Act No. VI of 1935).

⁽³⁾ The word 'Bengal' was omitted by section 3 and 2nd Schedule of the Benagal Act, Revision And Delegation Act, 1973 (Act No. VII of 1973).

Collector to take possession of movable property	<p>36. As soon as conveniently may be after an order is made under the provisions of section 35, the Collector of every district within which any part of the ward's property may be situated, or some person authorized in writing by him in that behalf, shall take possession of all accounts, papers and movable property of the ward, and place under proper custody such portion thereof as he may think necessary.</p> <p>Any such Collector, or some person authorized as aforesaid may, in case he has reason to believe that any such account, paper or property is in any room, box or receptacle within any house in the actual possession of the ward, break open the same for the purpose of searching for such account, paper or property.</p>
Additional powers of Collector	<p>37. Any such Collector may also order all persons in the employ of the ward, or all persons who were in the employ of the deceased proprietor from whom the ward has derived his property, to attend before him;</p> <p>and may order any person to deliver up any accounts, papers or movable property belonging to the ward, or any accounts or papers relating to the ward's property, which the Collector has reason to believe are in such person's possession,</p> <p>and may order all holders of tenures and under-tenures on such property to produce their titles to such tenures and under-tenures.</p>
PART VI MANAGEMENT AND GUARDIANSHIP	
Collector who is to be deemed manager	<p>38. If no manager of the property of a ward is appointed by the Court, the Collector of the district in which the greater part of such property is situated, or any other Collector whom the Court may appoint in that behalf, shall be competent to do, under the orders of the Court, anything that might be lawfully done by the manager of such property.</p>
Powers of manager	<p>39. Every manager appointed by the Court shall have power to manage all property which may be committed to his charge, to collect the rents of the land entrusted to him, as well as all other money due to the ward, and to grant receipts therefor, and may, under the orders of the Court, grant or renew such leases and farms as may be necessary for the good management of the property.</p>
General duties of manager	<p>40. Every manager shall manage the property committed to him diligently and faithfully for the benefit of the proprietor, and shall, in every respect, act to the best of his judgment for the ward's interest as if the property were his own.</p>
Specific duties of manager	<p>41. Every manager appointed by the Court shall-</p> <p>(a) have the care of so much of the property of the ward as the Court may direct;</p>

	<p>(b) give such security (if any) as the Court thinks fit, to the Collector, duly to account for all such property and for what he shall receive in respect of such property;</p> <p>(c) continue liable to account to the Court, after he has ceased to be manager, for his receipts and disbursements during the period of his management;</p> <p>(d) pass his accounts at such periods and in such forms as the Court may direct;</p> <p>(e) pay the balance due from him thereon;</p> <p>(f) apply for the sanction of the Court to any act which may involve the property in expense not previously sanctioned by such Court;</p> <p>(g) sign all papers, deeds, documents and writings which may be executed by him by virtue of his office;</p> <p>(h) be entitled to such allowance, to be paid out of the property, as the Court may think fit, for his care and pains in the execution of his duties;</p> <p>(i) be responsible for any loss occasioned to the property by his wilful default or gross negligence.</p>
General duties of guardian	42. A guardian appointed to the care of a ward shall be charged with the custody of the ward, and must look to his maintenance, health, and, if he be a minor, to his education.
Specific duties of guardian	<p>43. Every guardian appointed by the Court shall:</p> <p>(a) give such security (if any) as the Court thinks fit, to the Collector for the due performance of his duty;</p> <p>(b) pass his accounts at such periods and in such form as the Court may direct;</p> <p>(c) pay the balance due from him thereon;</p> <p>(d) continue liable to account to the Court, after he has ceased to be guardian, for his receipts and disbursements during the period of his guardianship;</p>

	(e) apply for the sanction of the Court to any act which may involve expense not previously sanctioned by the Court; (f) be entitled to such allowance, to be paid out of the property of the ward, as the Court may think fit, for his care and pains in the execution of the duties.
Exclusion of or return to the vested persons from guardianship	44. No person who would be the next legal heir of a ward or would otherwise be immediately interested in outliving a ward, shall be appointed to be his guardian; but nothing in this section shall apply to the mother of a ward or to a testamentary guardian.
Who to be guardian of female ward	45. If the ward is a female, a female of the same religion shall, except in the case of a testamentary guardian, be appointed guardian, preference being given to female relatives if any such be eligible. But no guardian shall ordinarily be appointed or continued for a female ward if she has an adult husband.
Recovery of sums due to the Court	46. Every sum due to the Court from a manager or guardian or from the sureties of a manager or guardian, or from any officer or servant employed under the Court, or from the sureties of any such officer or servant, shall be recoverable as a demand under Act VII of 1868 or any similar law for the time being in force.
Court may order guardian or manager to make over property	47. The Court may order any past or present manager or guardian, or past or present officer subordinate to a manager or guardian, to deliver up his accounts or any property which may be in his possession within such time as may be fixed by the Court.
Application of moneys received by the manager	48. All moneys received by the manager shall be applied to the purposes hereinafter mentioned, in accordance with such instructions as the Court may, from time to time, give in that behalf. [Unless the Board of Land Administration] shall specially otherwise direct, priority shall be given to the purposes included in class I over those included in class II, to the purposes included in class II over those included in class III and to the purposes included in class III over those included in class IV. Class I

²³ The words "Unless the Board of Land Administration" were substituted, for the words "Unless the Government" by section 4 and Schedule of the Laws (Amendment) Ordinance, 1962 (Ordinance No. XLII of 1962)

(1) The payment of all charges necessary for the management and supervision of the property of the ward.

(2) the payment of the charges referred to in section 22, and

(3) the discharge of the instalments of Government revenue and of all cesses and other public demands from time to time due in respect of such property or any part of such property.

Class II

(1) The payment of all rents, cesses and other demands due to any superior landlords in respect of any land held on behalf of the ward, and

(2) the payment of interest at not more than four and half per centum per annum on all debts incurred by the Court in behalf of the ward or on all debts incurred by the ward which the Court has admitted in the following order of priority:

(a) debts incurred by the Court in order to consolidate or pay off previous debts incurred at a higher rate of interest,

(b) debts secured by immovable property of the ward,

(c) debts which the Court has reduced under sub-section (2) of section 10D, and

(d) other debts which the Court has admitted.

Class III

(1) The maintenance in an efficient condition of the estates buildings and other immovable property belonging to the ward, and

(2) the payment, on such scale as the Court may authorize, of such religious, charitable and other allowances not exceeding the amounts paid out of the proceeds of the property before it came under the charge of the Court, and such allowances and donations be fitting the position of the ward's family and such expenses for the education of the members of the ward's family as the Court may authorized to be paid.

Class IV

(1) The payment of the difference between interest at four and a half per centum per annum and interest at the rate contracted for all debts of the ward admitted by the

	<p>Court in the order specified in clauses (b), (c) and (d) of item (2) in class-II,</p> <p>(2) liquidation of the principal amount of the debts in reasonable instalments, and</p> <p>(3) improvement of the land property of the ward and the benefit of the ward and his property generally.</p>
Disposal of surplus moneys	<p>49. If the ward is a female of sound mind, who has completed her age of twenty-one years, or a male who has completed his age of twenty-one years, whose property is under the charge of the Court under clause (e) of section 6, any surplus which remains after providing, so far as the Court may think fit, for the objects mentioned in section 48, shall be paid to such ward:</p> <p>Provided that, before paying any portion of such surplus to such ward, the Court may deduct therefrom and retain at its disposal any sums which it may consider necessary to retain-</p> <p>(1) as a working balance for the management of the property and expenses incidental thereto;</p> <p>(2) in order to make provision for any special charges which are expected to become payable on account of the property, and which probably cannot be met from the expected surplus of the followings years.</p>
Power to invest surplus	<p>50. If the ward is not a female or male as aforesaid, and if any surplus remains after providing, so far as the Court may think fit, for the objects mentioned in section 48, the same shall be applied in the purchase of other landed property, or invested at interest on the security of-</p> <p>promissory notes, debentures, stock and other securities of the ^[1] Government;</p> <p>stock or debentures of or shares in railway or other companies, the interest whereon has been guaranteed by the ^[1] Government;</p> <p>debentures or other securities for money paid by or on behalf of any municipal body under the authority of any ^[2] Act; or</p>

^[1] The word "Government" was substituted, for the words "Central Government or any Provincial Government" or "Central Government" respectively by section 3 and 2nd Schedule of the [Bharatnagar Law \(Revision And Declaration\) Act, 1971](#) (Act No. VIII of 1971).

^[2] The word "Government" was substituted, for the words "Central Government or any Provincial Government" or "Central Government" respectively by section 3 and 2nd Schedule of the [Bharatnagar Law \(Revision And Declaration\) Act, 1971](#) (Act No. VIII of 1971).

^[3] The words "Central or Provincial" were omitted by section 3 and 2nd Schedule of the [Bharatnagar Law \(Revision And Declaration\) Act, 1971](#) (Act No. VIII of 1971).

	such other securities, stocks or shares, guaranteed by the "[Government] as to the Court shall seem fit or mortgages on immovable property.
PART VII SUITS	
Manager or Collector to be next friend or guardian in suits by or against ward	51. In every suit brought by or against any ward he shall be therein described as a ward of Court; and the manager of such ward's property, or, if there is no manager, the Collector of the district in which the greater part of such property is situated, or any other Collector whom the Court of Wards may appoint in that behalf, shall be named as next friend or guardian for the suit, and shall in such suit represent such ward, and no other person shall be ordered to sue or be sued as next friend or be named as guardian for the suit by any Civil Court in which such suit may be pending.
Power of Court of Wards to nominate another person to be next friend or guardian for suit	52. The Court of Wards may, by an order, nominate or substitute any other person to be next friend or guardian for any such suit; and, upon receiving a copy of any such order of substitution, the Civil Court in which such suit is pending shall substitute the name of the next friend or guardian for suit so appointed for the name of the manager or Collector.
Payment of costs	53. If in any such suit any Civil Court shall decree any costs against the next friend or guardian for the suit of the wards, the Court of Wards shall cause such costs to be paid out of any property of the ward which for the time being may be in its hands.
Service of process against wards	54. Every process which may be issued out of any Civil Court against any ward shall be served, through the Collector, upon the next friend or guardian for the suit as aforesaid of such ward.
Suits not to be brought on behalf of wards unless authorized by the Court of Wards	55. No suit shall be brought on behalf of any ward by a manager, unless the same be authorized by some order of the Court: Provided that a manager may authorize a plaint to be filed in order to prevent a suit from being barred by the law of limitation; but such suit shall not be after-wards proceeded with except under the sanction of the Court. Provided also that suits for arrears of rent may be brought on behalf of any ward if authorized by an order of the manager of the landed property on which such rents are due.
Indemnity	"1. 55A. No decree or order shall be made by a Civil Court against any person for anything done, honestly and with due diligence under this Act.]

⁴⁶ The word "Government" was substituted for the words "Central Government or the Provincial Government" by section 3 and 2a(5) of the [Bengal \(Amendment\) Act, 1973 \(Act No. VIII of 1973\)](#).

⁴⁷ Section 55A was inserted by section 19 of the [Bengal \(Amendment\) Act, 1978 \(Act No. VI of 1978\)](#).

PART VIII PENALTIES	
For disobeying certain orders of Collector	57. Any person who refuses to comply with an order of a Collector under sections 29, 30, 36 or 37 shall be liable, by order of the Collector, to a fine not exceeding five hundred taka.
For disobeying orders under section 47	58. Any person who refuses to comply with an order made under section 47 may be punished, by order of the Court, with simple imprisonment and attachment of his property until the order is complied with: Provided that the Collector may release any person who has been so imprisoned, on his furnishing sufficient security for his attendance and for the delivery of the accounts or property required within such time as the Collector shall think fit. The Collector may, at any time, rescind such order or release, and direct that effect shall be given to the previous order of imprisonment.
Penalty on farmer neglecting to furnish accounts, etc.	59. (1) A farmer, holding or having held lands under the Court, who, upon notice served upon him to that effect at any time during the currency of the lease or within six months after the expiry of the lease under which such land were held or after he has relinquished such lands, omits or refuses to furnish accounts or produce documents or papers required under such notice, and shall not show sufficient cause for such omission or refusal shall be liable to such fine as the Collector may think fit to impose, not exceeding one hundred taka for such omission; and the Collector may impose such further daily fine as he may think proper, not exceeding twenty taka for each day during which such farmer shall omit to furnish the accounts, documents or papers required after a date to be fixed by the Collector in a notice warning the farmer that such further daily fine will be imposed. Such notice shall be served by tendering to the person to whom it may be directed a copy thereof, attested by the Collector, or by delivering such copy at the usual place of abode of such person or to some adult male member of his family; or, in case it cannot be so served, by posting some copy upon such conspicuous part of the usual or last-known place of abode of such person; and, in case such notice cannot be served in any of the ways herein before mentioned, it shall be served in such a way as the Collector issuing the notice may direct. and the date fixed by such notice shall not be less than fifteen days after service thereof. The Collector may proceed from time to time to levy any amount which has become due in respect of any fine imposed under this section, notwithstanding that an appeal

	against the order imposing such fine may be pending:
	Provided that, whenever the amount levied under such order shall have exceeded five hundred taka, the Collector shall report the case specially to the ⁶⁰ [Commissioner of the Division] and no further levy in respect of such fine shall be made otherwise than by the authority of the ⁶¹ [said Commissioner].
For disobeying order of Court	59. Any person who disobeys any lawful order of the Court shall be liable, on conviction before a Magistrate, to a fine not exceeding five hundred taka and, if he is a manager or guardian appointed by the Court, to a fine not exceeding one thousand taka.
Persons employed by Court to be "public servants"	⁶² [59A. Every person employed by the Court under this Act shall, for the purposes of the ⁶³ [Penal Code], be deemed to be a public servant.]
PART IX MISCELLANEOUS	
Disabilities of wards	60. No ward shall be competent to create, without the sanction of the Court, any charge upon, or interest in, his property or any part thereof, or to assign over or charge any allowance to be received by him from the Court.
Exemption of wards' property from execution proceedings in certain cases	⁶⁴ [60A. No property which is or has been under the charge of the Court shall be liable at any time, except with the leave of the Court, to be taken in execution of a decree made in respect of any contract entered into by the ward without the leave of the Court while his property was under such charge.]
Certain persons to be deemed to be wards	⁶⁵ [60B. For the purposes of section 10C, Part VII and sections 60and 60A, a person whose property is under the charge of the Court of Wards under section 11 by reason of the fact that such person has become entitled to the property jointly with a disqualified proprietor, or charge of whose property has been retained under section 13A, shall be deemed to be a ward, but only so far as regards such property.]
Adoption by ward invalid without consent of	61. No adoption by any ward, and no written or verbal permission to adopt given by any ward, shall be valid without the consent of the Government, obtained either previously or subsequently to such adoption, or to the giving of such permission, on

⁶⁰ The words "Commissioner of the Division" were substituted, for the word "Court" by section 2 and Schedule of the Bangladesh Laws (Amending) Ordinance, 1970 (Ordinance No. XX of 1970).

⁶¹ The words "said Commissioner" were substituted, for the word "Court" by section 2 and Schedule of the Bangladesh Laws (Amending) Ordinance, 1970 (Ordinance No. XX of 1970).

⁶² Section 59A was inserted by section 7 of the Bengal Courts of Wards (Amendment) Act, 1906 (Act I of 1906).

⁶³ The words "Penal Code" were substituted for the words "Pakistan Penal Code" by sections 3 and 26 of Schedule of the Bangladesh Laws (Revision) Act, 1973 (Act No. VIII of 1973).

⁶⁴ Section 60A was inserted by section 13 of the Bengal Courts of Wards (Amendment) Act, 1932 (Act No. LV of 1932).

⁶⁵ Section 60B was inserted by section 7 of the Bengal Courts of Wards (Amendment) Act, 1906 (Act I of 1906).

Government	application made to it through the Court.
Recovery of interest on arrears of rent	63. Any amount of interest which has accrued due, on arrears of rent or other demand recoverable as rent payable to the manager of an estate which is in charge of the Court, may be recovered in any manner and by any process according to which such arrears may be recovered under any law for the time being in force; and any Court or officer who is competent to make and order or certificate in execution of which such arrears or other demand are recoverable may direct that any costs incurred by the manager in obtaining such order or certificate, and in executing the same, shall be recovered in the same manner and by the process as if the amount thereof had been included in the said order or certificate.
Record of reasons when penalty imposed under section 57 or 58	64. When any penalty is imposed by any order under section 57 or section 58, the Collector or Court passing such order shall make a formal record of the same, with the reasons or grounds there of.
Publication of notices	<p>“1. 64A. Any notice required to be published by the provisions of section 9A or of sub-section (1) of section 10A or clause 3 of section 23 and any order required to be published under section 65, shall be published—</p> <p>(a) in the official Gazette;</p> <p>(b) in at least three issues each of one English and one Vernacular newspaper published in Dacca;</p> <p>(c) in two issues of a newspaper (if any) published in the district or Division in which the ward ordinarily resides, or has last resided; and</p> <p>(d) by posting such notice on the notice-boards in the offices of the Collector and of the Judge of the district in which the place named in the notice is situate.]</p>
Procedure when Court's jurisdiction ceases	65. Whenever the Court has determined to release the property of a ward from its charge, it shall make an order that the jurisdiction of the Court over such property shall cease on a date not more than sixty and not less than fifteen days from the date of such order, and copies of such order shall be published in the manner provided in section 64A.
Recovery of expenses after release of	“1. 65A. Any expense incurred by the Court on account of any property under its charge may, after the release of such property, be recovered as a public demand under the “[* * *] Public Demands Recovery Act, 1913, from any person into whose possession such property or any part thereof may have passed immediately

⁴⁸ Section 64A was inserted by section 18 of the Bengal Court of Wards (Amendment) Act, 1930 (Act No. VI of 1930)

⁴⁹ Section 65A was inserted by section 11 of the Bengal Court of Wards (Amendment) Act, 1930 (Act No. III of 1930)

⁵⁰ The word 'Bengal' was omitted by section 3 and 2nd Schedule of the Bengal Court of Wards (Amendment) Act, 1973 (Act No. VII of 1973)

property	after the release by the Court of such property: Provided that the sum so recovered from any such person shall not be greater than the value of any such property which so passed into the possession of such person.]
Judicial powers of Collector in making inquiries	66. A Collector making any inquiry under this Act may exercise any power conferred by the Code of Civil Procedure, 1908 on a Civil Court for the trial of suits.
Appeals	⁶⁶ 67. An appeal shall lie from every order of a Collector under this Act to the Commissioner of the Division, and from every order of a Commissioner under this Act to the ⁶⁷ Court and the Order of the Court shall be final.]
Control by Court	68. All orders or proceedings ⁶⁸ of the Commissioner and] of the Collector under this Act shall be subject to the supervision and control of the Court: and the Court may, if it thinks fit, revise, modify or reverse any such order or proceeding, whether an appeal is presented against such order or proceeding or otherwise.
Power to Court to make rules	70. The Court may make rules, consistent with this Act:- ⁶⁹ (a) defining the powers of Commissioners and Collectors respectively when the property of a ward is situated in two or more districts or in two or more divisions;] (b) prescribing what reports shall be made from time to time by Collectors ⁷⁰ and Commissioners) on the condition of the ward and his property; (c) prescribing the periods at which and the mode in which accounts shall be submitted by managers and guardians respectively, and the mode in which such accounts shall be audited; (d) regulating the custody of securities and title deeds belonging to the estate or property of a ward; (e) regulating the procedure in appeals from orders of Collectors ⁷¹ and Commissioners respectively] under this Act;

⁶⁶ Section 67 was substituted, for the former section 67 by section 2 and Schedule of the Bangladesh Laws (Amending) Ordinance, 1976 (Ordinance No. XX of 1976).

⁶⁷ The words "Court and the Order of the Court shall be final" were substituted, for the word "Court" by Schedule of the Laws (Amendment) Ordinance, 1982 (Ordinance No. XXI of 1982).

⁶⁸ The words "and the Commissioner and" were inserted by the 5th Schedule of the Bangladesh Laws (Amending) Ordinance, 1976 (Ordinance No. IX of 1976).

⁶⁹ Clause (a) was substituted, for the former clause (a) by section 2 and Schedule of the Bangladesh Laws (Amending) Ordinance, 1976 (Ordinance No. IX of 1976).

⁷⁰ The words "and Commissioners" were inserted by section 2 and Schedule of the Bangladesh Laws (Amending) Ordinance, 1976 (Ordinance No. IX of 1976).

⁷¹ The words "and Commissioners respectively" were inserted by section 2 and Schedule of the Bangladesh Laws (Amending) Ordinance, 1976 (Ordinance No. IX of 1976).

	(f) prescribing the procedure to be observed when a property ceases to be under the charge of the Court; and
	(g) generally for the better fulfilment of the purposes of this Act.
	The Court may from time to time alter, add to or repeal such rules.

**THE HATS AND BAZARS (ESTABLISHMENT AND ACQUISITION)
ORDINANCE, 1959**

(EAST PAKISTAN ORDINANCE NO. XIX OF 1959).

An Ordinance to control the establishment of hats and bazars and acquire certain hats and bazars already established³⁰⁸.

WHEREAS it is expedient to make provisions for controlling the establishment of hats and bazars in Bangladesh and for the acquisition of the hats and bazars established after the final publication of the Compensation Assessment roll under section 42 of the ³⁰⁹[1959] State Acquisition and Tenancy Act, 1959;

NOW, THEREFORE, in pursuance of the Presidential Proclamation of the 7th day of October, 1958 and in exercise of all powers enabling him in that behalf, the Governor is pleased to make and promulgate the following Ordinance, namely:-

Section Short Title	Descriptions
Establishment of Hats and Bazars	<p>2. (1) No person shall establish any hat or bazar in Bangladesh.</p> <p>(2) Nothing in sub-section (1) shall prevent the Government or any local authority from establishing any hat or bazar:</p> <p>Provided that prior approval of the Deputy Commissioner shall, in the case of a local authority, be necessary.</p> <p>³⁰³ Explanation:- In sub-section (2), "local authority" shall have same meaning as defined in clause 28 of section 3 of the <u>General Clauses Act, 1897</u> (X of 1897), or any other authority legally entitled to, or entrusted by the Government with, the control or management of a local fund.]</p> <p>(3) Any hat or bazar established in contravention of the provisions of sub-sections (1) and</p>

³⁰⁸ Throughout this Ordinance the word "Bangladesh" and "Government" were substituted for the words "East Pakistan" and "Provincial Government" respectively by sections 3 and 4 of the Second Schedule of the Bangladesh (Laws) Ordinance Act, 1973 (Act No. VIII of 1973).

³⁰⁹ The words "East Bengal" were omitted by Article 6 of the Bangladesh (State Acquisition and Tenancy) Ordinance, 1972 (Provisional Order No. 48 of 1972).

³⁰³ The Explanation was substituted by section 2 of the Second Schedule of the Bangladesh (Laws) Ordinance Act, 1973 (Act No. VIII of 1973).

<p>Power of the Government to acquire Huts and Bazaars and determination of compensation</p>	<p>(2) including the land on which such hut or bazar is established and all interests therein shall be forfeited to the Government:</p> <p>Provided that where any hut or bazar has been so established on any land by a person or persons other than the owner of the land without the consent of such owner, the land shall not be forfeited, but it shall be lawful for the Deputy Commissioner:-</p> <p>(i) to remove the hut or bazar from the land, by using such force as may be necessary, or</p> <p>(ii) to take over the land on behalf of the Government on payment to the owner the market value of the land immediately before the establishment of the hut or bazar to be determined in the manner prescribed by the rules, or</p> <p>(iii) to issue a licence to the owner permitting him to continue the hut or bazar for such period and on payment of such fees and on such terms and conditions as may be prescribed by rules.</p> <p>3. (1) Notwithstanding anything contained in any other law for the time being in force, the Government may, by notification in the official Gazette, acquire with effect from such date as may be specified in that notification, any hut or bazar established in any area after the final publication of the Compensation Assessment-roll under section 42 of the ³⁰ "State Acquisition and Tenancy Act, 1950, in respect of that area, on payment of compensation at the rate provided for in clause (b) of sub-section (1) of section 39 of the said Act.</p> <p>(2) On and from the date specified in the notification under sub-section (1) in respect of any hut or bazar, such hut or bazar shall vest in the Government free from all encumbrances.</p> <p>(3) The compensation payable under sub-section (1) shall be determined and paid to person or persons interested by the Deputy Commissioner in such manner as may be prescribed by rules made under this Ordinance.</p> <p>(4) An appeal against the order of the Deputy Commissioner under sub-section (3), if preferred within 30 days of the date of the order, shall lie to the ³¹ Commissioner of the Division].</p>
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³⁰ The words "East Pakistan" were omitted by Article 5 of the [Bangladesh \(Adaptation of Existing Laws\) Ordinance, 1972](#) (President's Order No. 48 of 1972).

³¹ The words "Commissioner of the Division" were substituted for the words "Civil Court" by section 2 and the Schedule of the [Bangladesh Law \(Amendment\) Ordinance, 1971](#) (Ordinance No. 1 of 1971).

	<p>⁸⁶[(4a) An order of the Commissioner passed under sub-section (4) and, subject only to such order, an order of the Deputy Commissioner passed under sub-section (3) shall be final.]</p> <p>(5) [Omitted by the Schedule of the Bangladesh Laws (Repealing and Amendment) Order, 1973 (President's Order No. 12 of 1973).]</p>
Interpretation	<p>4. For the purpose of this Ordinance, the expression "Deputy Commissioner" shall include an Additional Deputy Commissioner and a Joint Deputy Commissioner and all other words and expressions used in this Ordinance and defined in the ⁸⁶[* * *] State Acquisition and Tenancy Act, 1950, shall have meanings respectively assigned to them by that Act.</p>

⁸⁶ Sub-section (4a) was inserted by section 2 and the Schedule of the [Bangladesh Laws \(Amending\) Ordinance, 1978](#) (Ordinance No. IX of 1978).

⁸⁶ The words "East Bengal" were omitted by Article 6 of the [Bangladesh Laws \(Repealing and Amendment\) Order, 1972](#) (President's Order No. 6 of 1972).

THE BANGLADESH TRANSFER OF IMMOVABLE PROPERTY (TEMPORARY PROVISIONS) ORDER, 1972
(PRESIDENTS ORDER NO. 142 OF 1972).

WHEREAS it is expedient to make provisions for restricting the transfer of immovable property in Bangladesh in public interest:

NOW, THEREFORE, in pursuance of the Proclamation of Independence of Bangladesh, read with the Provisional Constitution of Bangladesh Order, 1972, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:-

Section/ Short Title	Descriptions
2	<p>2. In this Order, unless there is anything repugnant in the subject or context, "transfer" includes transfer by sale, exchange, gift, lease, will, mortgage, lease, sub lease or any other manner of transfer or any agreement for such transfer or change of management through a power of attorney or otherwise, but does not include-</p> <p>(i) a mortgage to the Government or to a local authority or to a Scheduled Bank or to a statutory Corporation or to a Co operative Society, and</p> <p>(ii) any transfer by the Government or any local authority.</p>
3	<p>3. Notwithstanding anything contained in any other law for the time being in force or in any contract or agreement, no transfer of any immovable property made after the commencement of this Order shall be deemed to be valid and legal unless the provisions of this Order have been complied with.</p>
4	<p>4. No document of transfer of immovable property shall be submitted for registration unless it is accompanied by an affidavit stating the nationality of the transferor and affirming the following facts-</p> <p>(a) that the immovable property proposed to be transferred is not under attachment under the Bangladesh Collaborators (Special Tribunals) Order, 1972 (P.O. No. 8 of 1972);</p> <p>(b) that the immovable property proposed to be transferred is not an abandoned property within the meaning of the <u>Bangladesh Abandoned Property (Control) Management and Disposal</u> Order, 1972 (P.O. No. 16 of 1972);</p> <p>(c) that the immovable property proposed to be transferred has not vested in, or does not stand forfeited to, the Government under any law for the time being in force;</p>

	<p>(d) that the proposed transfer does not contravene any provision of any other law for the time being in force;</p> <p>(e) that the proposed transfer is not liable to be void under Article 5A of the <u>Bangladesh Land Holding (Limitation) Order, 1972</u> (P.O. No. 98 of 1972); and</p> <p>(f) that the immovable property proposed to be transferred has been correctly described and has not been undervalued and the applicant has transferable rights in such property.</p>
5.	5. No Registering Officer shall register any document of transfer of immovable property unless it is accompanied by the affidavit referred to in Article 4
6.	<p>6. No person shall, without joining the Government which shall be a necessary party, file or proceed with any suit-</p> <p>(a) for the specific performance of any contract relating to the transfer of any immovable property or for declaration of title to, or assertion of ownership of, any such property,</p> <p>(b) for enforcement of mortgage security in relation to any immovable property except where the mortgage is to the Government or a local authority or a scheduled Bank or a statutory Corporation or a Co-operative Society, or</p> <p>(c) for partition of immovable property where the total area or the property involved exceeds one hundred standard bighas.</p>
7.	<p>7. A transfer of immovable property in contravention of the provisions of this Order shall be null and void and the property so transferred shall stand forfeited to the Government.</p> <p>Explanation - Any wrong, incorrect or false statement made in the affidavit referred to in Article 4 or in the document of transfer or any other relevant document relating to the property shall be deemed to be a contravention of the provisions of this Order for the purpose of this Article.</p>
8.	8. Notwithstanding anything contained in any other law for the time being in force, if, in the opinion of the Government, any transfer of property was made under duress or was not a bona fide transfer for consideration, within the period from the 26th March, 1971, to the date of commencement of this Order, the Government may take such action in respect of such transfer (including the setting aside thereof) as it thinks fit and the action so taken shall not be called in question in any Court.
9.	9. Every officer acting under this Order shall be deemed to be acting judicially within the meaning of the Judicial Officers' Protection Act, 1850 (Act XVIII of 1850).

10.	10. Every officer acting under this Order shall have the powers of a Civil Court for the purpose of receiving evidence, administering oaths, enforcing the attendance of witnesses and compelling the production of documents.
11.	11. An officer acting under this Order may, by notice, require any person to make and deliver to him a statement or to produce records or documents in his possession or control relating to any immovable property at a time or place specified in the notice and every such person shall be legally bound to do so within the meaning of sections 175 and 176 of the <u>Penal Code</u> (Act XLV of 1860).
12.	12. The Government may make rules and issue instructions for carrying out the purposes of this Order.

THE MAJORITY ACT, 1875
(ACT NO. IX OF 1875)

⁸⁰⁰ An Act to amend the law respecting the age of majority

WHEREAS, in the case of persons domiciled in Bangladesh, it is expedient to prolong the period of nonage, and to attain more uniformity and certainty respecting the age of majority than now exists; It is enacted as follows:-

Section Short Title	Descriptions
Age of majority of persons domiciled in Bangladesh	<p>3. Subject as aforesaid, every minor of whose person or property or both a guardian, other than a guardian for a suit within the meaning of ³⁹⁹ Schedule I, Order XXIII of the <u>Code of Civil Procedure, 1908</u>, has been or shall be appointed or declared by any Court of Justice before the minor has attained</p> <p>the age of eighteen years, and every minor of whose property the superintendence has been or shall be assumed by any Court of Wards before the minor has attained that age shall, notwithstanding anything contained in ⁴⁰⁰ Succession Act, 1925, or in any other enactment, be deemed to have attained his majority when he shall have completed his age of twenty-one years and not before.</p> <p>Subject as aforesaid, every other person domiciled in Bangladesh shall be deemed to have attained his majority when he shall have completed his age of eighteen years and not before.</p>
Age of majority how computed	<p>4. In computing the age of any person, the day on which he was born is to be included as a whole day, and he shall be deemed to have attained majority, if he falls within the first paragraph of section 3, at the beginning of the twenty-first anniversary of that day, and if he falls within the second paragraph of section 3, at the beginning of the eighteenth anniversary of that day.</p> <p style="text-align: center;"><i>Illustrations</i></p> <p>(a) Z is born in Bangladesh on the first day of January, 1949, and has a Bangladesh domicile. A guardian of his person is appointed by a Court of Justice. Z attains majority at the first moment of the first day of January, 1970.</p>

³⁹⁹ Throughout this Act, except where otherwise provided, the word 'Bangladesh' was substituted for the words 'Pakistan' or 'the Province' respectively by section 1 and 2 of Schedule of the [Bangladesh Independence Act, 1971](#) (Act No. VIII of 1971).

⁴⁰⁰ The words 'person, immovable property' were substituted for the words 'person' in the worded line 'Chapter XXIII of the Code of Civil Procedure, 1908' in section 3 of the [Bangladesh Independence Act, 1971](#) (Act No. VIII of 1971).

⁴⁰¹ The words 'immovable property' were substituted for the words 'immovable property' in section 2 of the [Bangladesh Independence Act, 1971](#) (Act No. VIII of 1971).

(b) Z is born in Bangladesh on the twenty-ninth day of February, 1948 and has a Bangladesh domicile. A guardian of his property is appointed by a Court of Justice. Z attains majority at the first moment of the twenty-eighth day of February, 1969.

(c) Z is born on the first day of January, 1948. He acquires a domicile in Bangladesh. No guardian is appointed of his person or property by any Court of Justice, nor is he under the jurisdiction of any Court of Ward. Z attains majority at the first moment of the first day of January, 1966.

THE WAQFS ORDINANCE, 1962
(EAST PAKISTAN ORDINANCE NO. 1 OF 1962)

An Ordinance to consolidate and amend the law relating to the administration and management of Waqf properties in Bangladesh³⁰.

WHEREAS it is expedient to consolidate and amend the law relating to the administration and management of Waqf properties in Bangladesh;

NOW, THEREFORE, in pursuance of the Presidential Proclamation of the seventh day of October, 1958, and having received the previous instructions of the President, the Governor is pleased, in exercise of all powers enabling him in that behalf, to make and promulgate the following Ordinance, namely:-

Section Short Title	Descriptions
Definitions	<p>2. In this Ordinance, unless there is anything repugnant in the subject or context:-</p> <p>(10) "waqf" means the permanent dedication by a person professing Islam of any movable or immovable property for any purpose recognised by Muslim Law as pious, religious or charitable, and includes any other endowment or grant for the aforesaid purposes, a waqf by user, and a waqf created by a non-Muslim.</p> <p>Explanation. When more than fifty per cent of the net available income of a waqf is exclusively applied for religious and charitable purposes, such a waqf shall be deemed to be a public waqf within the meaning of clause (e) of sub-section (1) of section 85 of the ³¹[* * *], <u>Non-Agricultural Tenancy Act, 1949</u> and shall be deemed to be a trust for public purposes of a charitable or religious nature within the meaning of section 92 of the <u>Code of Civil Procedure, 1908</u>, ³²[* * *].</p> <p>³³[(1a) "waqf estate" means the totality of immovable properties, as well as movable properties, in respect of which the waqf is made by a deed; and no waqf property shall be designated as waqf estate if it consists of only movable properties;]</p> <p>(12) "waqf property" includes property of any kind acquired with the sale proceeds of, or in exchange of, or from the income arising out of, waqf property, and all offerings made,</p>

³⁰ Throughout this Ordinance the words "Bangladesh", "Governor" and "Act" were substituted for the words "East Pakistan", "Provincial Government" and "Act" respectively by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

The words "East Bengal" were omitted by Article 6 of the Bangladesh Declaration of Independence Act, 1972 (President's Order No. 48 of 1972).

³¹ The words "Agriculture, Commerce and Industries" and section 14 of the Religious Endowments Act, 1953 (XX of 1953) were omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

³² Clause (11a) was omitted by section 2 of the Waqf (Amendment) Act, 2013 (Act No. XXVII of 2013).

	or charities consecrated or contributed, on or to waqf property;
General powers and functions of the Administrator	<p>27. Subject to the provisions of this Ordinance and the rules made thereunder the powers and functions of the Administrator shall include-</p> <p>(a) investigating and determining the nature and extent of waqfs and waqf properties, and calling, from time to time, for accounts, returns and information from mutawallis;</p> <p>(b) ensuring that the waqf properties and income arising therefrom are applied to the objects, and for the purposes and for the benefit of any class of persons for which such waqfs were created or intended;</p> <p>(c) giving directions for the proper administration of waqfs;</p> <p>(d) managing himself, or through the officers and servants employed under this Ordinance or persons authorised by him, any waqf of which he may take or retain charge under this Ordinance and doing all such acts as may be necessary for the proper control, administration and management of any such property;</p> <p>(e) fixing the remuneration of a mutawalli, where there is no provision for such remuneration in the waqf deed;</p> <p>(f) investing any money received as compensation for the acquisition of waqf properties under any law for the time being in force, by himself or by issuing directions for proper investment by the mutawalli; and</p> <p>(g) generally doing all such acts as may be necessary for the due control, maintenance and administration of waqfs.</p>
General powers and functions of the Committee	<p>28. Subject to the provisions of this Ordinance and the rules made thereunder, the powers and functions of the Committee shall include-</p> <p>(i) in the absence of any directions by the waqf or any lawful authority, declaring what proportion of the income or other property of the waqf shall be allocated to any particular object of the waqf;</p> <p>(ii) declaring in what manner any surplus income of a waqf shall be utilised;</p> <p>(iii) settling, altering or revising schemes for the proper administration of a waqf in a manner not inconsistent with the terms and conditions of the waqf deed or the wishes of</p>

	<p>the waqf; and</p> <p>(iv) exercising and performing such other powers and duties as are expressly conferred or imposed on the Committee by or under this Ordinance.</p>
<p>Bar to transfer of immovable property of a waqf</p>	<p>56. (1) No transfer by a mutawalli of any immovable property of a waqf by way of sale, gift, mortgage or exchange, or by way of lease for a term exceeding 5 years shall be valid without the previous sanction of the Administrator:</p> <p>Provided that the sanction by the Administrator shall not validate any transfer which is in contravention of any other law for the time being in force or is otherwise invalid.</p> <p>(2) No Court shall grant permission to any Receiver appointed by the Court for the transfer of any waqf property unless the prior sanction of the Administrator has been obtained.</p> <p>(3) In the absence of the sanction required by sub-section (1), any transfer made by a mutawalli shall be declared void, if the Administrator, within 4 months of his coming to know of such transfer, or within 3 years from the date of such transfer, whichever is later, applies to the Civil Court in this behalf.</p> <p>(4) Where a mutawalli transfers a waqf property in contravention of sub-section (1) and afterwards himself becomes the owner of the property, the mutawalli shall, on the direction of the Administrator, re-convey the property to the waqf.</p> <p>(5) Any transfer made in contravention of the provisions of sub-section (1) shall be deemed to be an act of malfeasance and breach of trust for the purpose of sub-section (1) of section 32.</p>
<p>Sub-registrar not to register deeds</p>	<p>¹⁵⁶ 57A. (1) Notwithstanding anything contained to the contrary in the Registration Act, 1908 (Act No. XVI of 1908), no Sub-registrar shall register any deed of transfer of any immovable property belonging to a waqf, without the previous sanction of the Administrator or the Government, as the case may be.</p> <p>(2) If a Sub-registrar, knowingly and intentionally, registers a deed in violation of the prohibition under sub-section (1), he shall be liable for commission of the offence of abetment of criminal breach of trust.]</p>

¹⁵⁶ Section 57A was inserted by section 6 of the Waqf (Amendment) Act, 2013 (Act No. XXVIII of 2013).

Waqf Fund	<p>73. (1) All monies received by the Administrator in respect of properties under his control and management and for the purposes of this Ordinance and all other monies realised under this Ordinance shall form a fund to be called the "Waqf Fund".</p> <p>(2) The Government may make rules regulating the payment of monies into the Waqf Fund, the investment by the Administrator of monies received into that fund and the custody and disbursement of such monies.</p> <p>(3) The Waqf Fund shall, subject to the provisions of subsection (2), be under the control of the Administrator.</p>
Application of Waqf Fund	<p>74. (1) The Waqf Fund shall be applied to-</p> <p>(a) payment of the cost of survey of waqf properties under section 6;</p> <p>(b) repayment of any loan incurred under section 72 and payment of interest thereon;</p> <p>(c) payment of cost of audit of the Waqf Fund;</p> <p>(d) payment of the salaries and allowances of the Administrator, Deputy Administrator and Assistant Administrator;</p> <p>(e) payment of the salaries and allowances of the officers and servants appointed by the Administrator under section 17;</p> <p>(f) payment of travelling allowances to the Administrator, Deputy Administrator, Assistant Administrator, other officers and servants of the office of the Administrator and to the members of the Committee;</p> <p>(g) payment of the cost of the establishment employed by the Administrator;</p> <p>(h) payment of all expenses incurred by the Administrator in the performance of the duties imposed and the exercise of the powers conferred by this Ordinance; and</p> <p>(i) payment for the reconstruction and repairs of mosques.</p> <p>(2) If any balance remains after meeting the expenditure referred to in subsection (1), the Administrator may use any portion of such balance of the fund for the improvement, preservation and protection of waqf property and also other religious and charitable</p>

	<p>works consistent with the purposes of the waqf.</p> <p>(3) (a) All monies received by the Administrator under the provisions of section 85 shall be invested by the Administrator in the purchase of house properties, lands and other properties for the waqf; and</p> <p>(b) If such purchase cannot be readily effected, such monies shall be invested in such Government or other approved securities as the Administrator thinks fit until such monies can be applied in the purchase of properties as aforesaid; and the Administrator shall direct the payment of the interest or other proceeds arising from such investment to persons interested in the waqf in fulfilment of the objects specified in the waqf deed.</p>
Certain functions under East Bengal Act XXVIII of 1951 to be performed by the Administrator	<p>95. Notwithstanding anything contained in sections 58 and 59 of the ¹⁵¹ * * * State <u>Acquisition and Tenancy Act</u>, 1950, the functions of the Commissioner of Waqfs under sub section (4) of section 58 and sub section (4) of section 59 of that Act and the functions of the Deputy Commissioner under sub section (3) of section 58 and sub sections (1), (2) and (3) of section 59 of that Act, in respect of compensation for waqfs al alaulad properties, shall, with effect from the date of coming into force of this Ordinance, be performed by the Administrator; and the cost referred to in sub section (3) of section 59 of that Act, shall be met from the Waqf Fund.</p>
Method of recovery of sums realisable as public demand	<p>96. (1) Any sum of money payable by a mutawalli from the funds of a waqf to the Administrator under this Ordinance including any damage chargeable thereon and costs, if any, incurred, shall be recoverable as a public demand.</p> <p>(2) The Administrator shall forward to the Deputy Commissioner a requisition in the form prescribed under the ¹⁵² * * * <u>Public Demands Recovery Act</u>, 1913, under his signature specifying the sum recoverable under this Ordinance as a public demand, and the Deputy Commissioner, on receipt of such requisition, shall proceed to recover the sum under the ¹⁵³ * * * <u>Public Demands Recovery Act</u>, 1913.</p>

THE MUSLIM FAMILY LAWS ORDINANCE, 1961

(ORDINANCE NO. VIII OF 1961)

An Ordinance to give effect to certain recommendations of the Commission on Marriage and Family Laws.

¹⁵¹ The words "East Pakistan" were omitted by Article 6 of the Constitution (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

¹⁵² The word "Bengal" was omitted by Article 6 of the Constitution (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

¹⁵³ The word "Bengal" was omitted by Article 6 of the Constitution (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

WHEREAS it is expedient to give effect to certain recommendations of the Commission on Marriage and Family Laws;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:

Section Short Title	Descriptions
Definitions	<p>(a) "Arbitration Council" means a body consisting of the Chairman and a representative of each of the parties to a matter dealt with in this Ordinance;</p> <p>Provided that where any party fails to nominate a representative within the prescribed time, the body formed without such representative shall be the Arbitration Council;</p> <p>(b) "Chairman" means-</p> <p>(i) the Chairman of the Union Parishad;</p> <p>(ii) the Chairman of the Paurashava;</p> <p>(iii) the Mayor or Administrator of the Municipal Corporation;</p> <p>(iv) the person appointed by the Government in the Cantonment areas to discharge the functions of Chairman under this Ordinance;</p> <p>(v) where the union Parishad, Paurashava or Municipal Corporation is superseded, the person discharging the functions of such Parishad, Paurashava or Corporation or as the case may be appointed by the Government to discharge the functions of Chairman under this Ordinance;</p> <p>Provided that where the Chairman of the Union Parishad or Paurashava or the Mayor of the Municipal Corporation is a non-Muslim, or he himself wishes to make an application to the Arbitration Council, or is, owing to illness or an other reason, unable to discharge the functions of Chairman the Union Parishad, Paurashava or Municipal Corporation shall elect one of its Muslim members or Commissioner as Chairman for the purposes of this Ordinance;</p>
Succession	<p>4. In the event of the death of any son or daughter of the propositus before the opening of succession, the children of such son or daughter, if any, living at the time the succession opens, shall per stirpes receive a share equivalent to the share</p>

which such son or daughter, as the case may be, would have received if alive.

THE HINDU INHERITANCE (REMOVAL OF DISABILITIES) ACT, 1928
(ACT NO. XII OF 1928)

An Act amend the Hindu Law relating to exclusion from inheritance of certain classes of heirs, and to remove to certain doubts.

WHEREAS it is expedient to amend the Hindu Law relating to exclusion from inheritance of certain classes of heirs, and to remove certain doubts; it is hereby enacted as follows:

Section/Short Title	Descriptions
Persons not to be excluded from inheritance or rights in joint-family property	2. Notwithstanding any rule of Hindu Law or custom to the contrary, no person governed by the Hindu Law, other than a person who is and has been from birth a lunatic or idiot, shall be excluded from inheritance or from any right or share in joint-family property by reason only of any disease, deformity, or physical or mental defect.
Saving and exception	3. Nothing contained in this Act shall affect any right which has accrued or any liability which has been incurred before the commencement thereof, or shall be deemed to confer upon any person any right in respect of any religious office or service or of the management of any religious or charitable trust which he would not have had if this Act had not been passed.

THE HINDU LAW OF INHERITANCE (AMENDMENT) ACT, 1929

(ACT NO. II OF 1929)

An Act to alter the order in which certain heirs of a Hindu male dying intestate are entitled to succeed to his estate.

WHEREAS it is expedient to alter the order in which certain heirs of a Hindu male dying intestate are entitled to succeed to his estate; It is hereby enacted as follows:-

Section/Short Title	Descriptions
Order of succession of certain heirs	2. A son's daughter, daughter's daughter, sister, and sister's son shall, in the order so specified, be entitled to rank in the order of succession next after a father's father and before a father's brother: Provided that a sister's son shall not include a son adopted after the sister's death.
Savings	3. Nothing in this Act shall- (a) affect any special family or local custom having the force of law, or (b) vest in a son's daughter, daughter's daughter or sister an estate larger than, or different in kind from, that possessed by a female in property inherited by her from a male according to the school of Mitakshara law by which the male was governed, or (c) enable more than one person to succeed by inheritance to the estate of a deceased Hindu male which by a customary or other rule of succession descends to a single heir.

THE HINDU WOMEN'S RIGHTS TO PROPERTY (EXTENSION TO AGRICULTURAL LAND) ACT, 1943

(ASSAM ACT NO. XII OF 1943)

An Act to extend the operation of the Hindu Women's Rights to Property Act, 1937, and the Hindu Women's Rights to Property (Amendment) Act, 1938, to agricultural land in the district of Sylhet

WHEREAS the Hindu Women's Rights to Property Act, 1937, and the Hindu Women's Rights to Property (Amendment) Act, 1938, purport to give better rights to women in respect of property in general;

AND WHEREAS transactions have already taken place in the Province on the basis that women had acquired better rights under the said Acts in respect of agricultural land as well as other kinds of property;

AND WHEREAS it has now been established that the said Acts do not operate to give them better rights in respect of agricultural land;

AND WHEREAS in order to validate those transactions as well as to give women in future those better rights and for other purposes, it is expedient to extend the operation of the said Acts to agricultural land with retrospective effect, but with certain savings.

It is hereby enacted as follows:-

Section/Short Title	Descriptions
"Property" to include agricultural land	<p>2. The term "property" in the Hindu Women's Rights to Property Act, 1937, and the Hindu Women's Rights to Property (Amendment) Act, 1938, shall include, and shall be deemed always to have included, agricultural land.</p> <p>Provided that where any person who, but for this Act, would have been entitled to any property has been in possession or has made a transfer thereof, his possession till the commencement of this Act shall be deemed to be as lawful, and the transfer made by him shall be deemed to be as valid, as if this Act had not been passed.</p>

THE HINDU WOMEN'S RIGHTS TO PROPERTY ACT, 1937
(ACT NO. XVIII OF 1937)

An Act to amend the Hindu Law governing Hindu Women's Rights to Property.

WHEREAS it is expedient to amend the Hindu Law to give better rights to women in respect of property; It is hereby enacted as follows:-

Section/Short Title	Descriptions
Application	<p>2. Notwithstanding any rule of Hindu Law or custom to the contrary, the provisions of section 3 shall apply where a Hindu dies intestate leaving a widow.</p>
Devolution of property	<p>3. (1) When a Hindu governed by the Dayabhag School of Hindu Law dies intestate leaving any property, and when a Hindu governed by any other school of Hindu Law or by customary law dies intestate leaving separate property, his widow, or if there is more than one widow all his widows together, shall, subject to the provisions of sub-section (3), be entitled in respect of property in respect of which he dies intestate to the same share as a son.</p> <p>Provided that the widow of a predeceased son shall inherit in like manner as a son if there is no son surviving of such predeceased son, and shall inherit in like manner as a son's son if there is surviving a son or son's son of such predeceased son.</p> <p>Provided further that the same provision shall apply mutatis mutandis to the widow of a predeceased son of a predeceased son.</p> <p>(2) When a Hindu governed by any school of Hindu Law other than the Dayabhag School or by customary law dies having at the time of his death an interest in a Hindu joint family property, his widow shall, subject to the provisions of sub-section (3), have in the property the same interest as he himself had.</p>

	<p>(3) Any interest devolving on a Hindu widow under the provisions of this section shall be the limited interest known as a Hindu Woman's estate, provided however that she shall have the same right of claiming partition as a male owner.</p> <p>(4) The provisions of this section shall not apply to an estate which by a customary or other rule of succession or by the terms of the grant applicable thereto descends to a single heir or to any property to which the Succession Act, 1925, applies.</p>
Savings	4. Nothing in this Act shall apply to the property of any Hindu dying intestate before the commencement of this Act.
Meaning of expression "die intestate"	5. For the purposes of this Act, a person shall be deemed to die intestate in respect of all property of which he has not made a testamentary disposition which is capable of taking effect.

THE TOWN IMPROVEMENT ACT, 1953
(EAST BENGAL ACT NO. XIII OF 1953)

⁵⁴ "An Act to provide for the development, improvement and expansion of the ⁽¹⁾Capital of the Republic and Narayanganj and Tongi Municipalities and certain areas in their vicinity and the constitution of a ⁽²⁾Kartipakkha therefore.

WHEREAS it is expedient to make provision for the development, improvement and expansion of the ⁽¹⁾Capital of the Republic and Narayanganj and Tongi Municipalities and certain areas in their vicinity by opening up congested areas, laying out or altering streets, providing open spaces for purposes of ventilation or recreation, demolishing or constructing buildings, acquiring land for the said purposes and for the re-housing of persons displaced by the execution of improvement schemes, and otherwise as hereinafter appearing;

AND WHEREAS it is expedient that a ⁽²⁾Kartipakkha should be constituted and invested with special powers for carrying out the objects aforesaid;

It is hereby enacted as follows:

Section/Short Title	Descriptions
Definitions	<p>2. In this Act, unless there is anything repugnant in the subject or context,-</p> <p>⁽¹⁾(a) "betterment fee" means the fee declared under section 94 in respect of an increase in the value of land resulting from execution of an improvement or re-housing scheme;</p> <p>(b) "City" means the Dhaka City;</p> <p>(bb) "Corporation" means the Dhaka Municipal Corporation;</p> <p>(c) "Building Line" means a line (in the case of a street alignment, up to which the main wall of a building abutting on a projected public street may lawfully extend;</p> <p>(d) "Chairman" means the Chairman of the Kartipakkha;</p> <p>⁽²⁾(e) "Deputy Commissioners" includes an Additional Deputy Commissioner, and also a Upazila</p>

⁵⁸ Throughout this Act, unless otherwise provided, the words "Government" and "Act" are substituted for the words "Provincial Government" or "Central Government" or "Ministry of Local Government" or "Council of the Provincial Government" or "Department" or "Ministry" respectively by section 2 of the [Local Government \(Amendment\) Act, 1957 \(Act No. XXXI of 1957\)](#).

⁵⁹ Except in the English and the Bengali languages, the words "Municipality", "City or Municipality", "Corporation or Board", "Committee or Board", "Municipality" and "Municipal Council" are substituted for the words "Municipality", "City or Municipality", "Corporation or Board", "Committee or Board", "Municipality" and "Municipal Council" respectively by section 2 of the [Local Government \(Amendment\) Act, 1957 \(Act No. XXXI of 1957\)](#).

⁶⁰ The words "Capital of the Republic and Narayanganj and Tongi Municipalities" were substituted for the words "area of Dhaka and Narayanganj" by section 1 of the [Local Government \(Amendment\) Act, 1957 \(Act No. XXXI of 1957\)](#).

⁶¹ The word "Kartipakkha" was substituted for the words "Board of Trustees" by section 1 of the [Local Government \(Amendment\) Act, 1957 \(Act No. XXXI of 1957\)](#).

⁶² The words "Capital of the Republic and Narayanganj and Tongi Municipalities" were substituted for the words "area of Dhaka and Narayanganj" by section 1 of the [Local Government \(Amendment\) Act, 1957 \(Act No. XXXI of 1957\)](#).

⁶³ The word "Kartipakkha" was substituted for the words "Board of Trustees" by section 1 of the [Local Government \(Amendment\) Act, 1957 \(Act No. XXXI of 1957\)](#).

⁶⁴ The words "Dhaka City" were substituted for the words "Dacca Municipality" by section 1 of the [Local Government \(Amendment\) Act, 1957 \(Act No. XXXI of 1957\)](#).

⁶⁵ The word "Deputy Commissioners" was substituted for the words "Deputy Commissioners" by section 1 of the [Local Government \(Amendment\) Act, 1957 \(Act No. XXXI of 1957\)](#).

	<p>Nirbahi Officer or an Assistant Commissioner authorised by the Deputy Commissioner to exercise any power conferred, or to perform any duty imposed, on the Deputy Commissioner by or under this Act.)</p> <p>(f) "Improvement Scheme" means any scheme under Chapter III, but does not include a re-housing scheme or a projected public street referred to in section 69;</p> <p>²⁷¹(g) "Kartipakkha" means the Kartipakkha constituted under section 4;</p> <p>(h) "member" means a member of the Kartipakkha;</p> <p>(hh) "Municipality" means the Narayanganj Municipality or the Tongi Municipality;</p> <p>(i) "Notification" means a notification published in the official Gazette;</p> <p>²⁷²(j) "Paanshava" means Narayanganj Paanshava or Tongi Paanshava;</p> <p>(j) "prescribed" means prescribed by rules or regulations made under this Act;</p> <p>(k) "Secretary to the Kartipakkha" means the person for the time being appointed by the Kartipakkha, to discharge the functions of Secretary to the Kartipakkha;</p> <p>(l) "Tribunal" means the Tribunal constituted under section 82;</p> <p>²⁷³[* * *]</p> <p>(m) "drain" includes a sewer, a house-drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying of sullage or rain-water;</p> <p>(n) "public street" means any street, road, lane, gully, alley, passage, pathway, square or court, whether a thoroughfare or not, over which the public have a right of way and includes-</p> <p>(a) the access or approach to a public ferry;</p> <p>(b) the roadway over any public bridge or cause-way;</p> <p>(c) the footway attached to any such street, public bridge or cause-way.</p>
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²⁷¹ Chapter (II) (b) and (h) were substituted by section 5 of the [Amendment Ordinance No. 197](#) (Act No. XXIX of 1975)

²⁷² Chapter (II) and (j) were substituted for previous clause (j) by section 5 of the [Amendment Ordinance No. 197](#) (Act No. XXIX of 1975)

²⁷³ Chapter (m) was inserted by section 5 of the [Amendment Ordinance No. 197](#) (Act No. XXIX of 1975)

	<p>(d) the passage connecting two public streets, and</p> <p>(e) the drains attached to any such street, public bridge or cause-way, and, where there is no drain attached to any such street, shall be deemed to include also, unless the contrary is shown, all land up to the boundary wall, sill, ledge or pillar of the premises, if any, abutting on the street, or if a street alignment has been fixed, then up to such alignment;</p> <p>(p) "street alignment" means the line dividing the land comprised in and forming part of a street from the adjoining land; and</p> <p>²⁵⁹(q) "Upazila Parishad" means the Upazila Parishad of a Upazila in which this Act is in force;</p> <p>(r) "Union Parishad" means the Union Parishad of a Union in which this Act is in force;</p> <p>(s) "Zila Parishad" means the Zila Parishad of a district in which this Act is in force.]</p>
Katripakku	<p>"4. (1) The Katripakku shall consist of a Chairman and not more than five other members.</p> <p>(2) The Chairman and other members shall be appointed by the Government on such terms and conditions as it may determine.</p> <p>(3) The Chairman and other members shall be the whole-time officers of the Katripakku.</p> <p>(4) The Chairman shall be the chief executive officer of the Katripakku.</p> <p>(5) The Chairman and other members shall exercise such powers and perform such functions as may be prescribed, or as may be assigned to them by the Government from time to time.</p> <p>(6) If a vacancy occurs in the office of the Chairman or if the Chairman is unable to discharge the functions of his office on account of absence, illness or any other cause, the Government shall make such arrangement for discharging the functions of the office of Chairman as it may consider expedient.</p>
	<p>40. An improvement scheme may provide for all or any of the following matters, namely:</p> <p>(a) the acquisition by the Katripakku of any land, in the area comprised in the scheme, which will, in their opinion, be required for the execution of the scheme or be affected by the execution of the scheme;</p>

²⁵⁸ Chapter (g) (2) (a) (ii) was substituted for the former clause (g) by section 5 of the [Town Improvement and Sanitation Act, 1987](#) (Act No. XXIX of 1987).

²⁵⁹ Sections 4(a) & 7 were substituted for the former sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 by section 7 of the [Town Improvement and Sanitation Act, 1987](#) (Act No. XXIX of 1987).

	<p>(b) the laying out or re-laying out of the land in the said area;</p> <p>(c) such demolition, alteration or reconstruction of buildings situated on land which it is proposed to acquire in the said area, as the Kartripakkha may think necessary;</p> <p>(d) the construction of any buildings which the Kartripakkha may consider it necessary to erect for any purpose other than sale;</p> <p>(e) the laying out or alteration of streets (including bridges, cause-ways and culverts);</p> <p>(f) the levelling, paving, metalling, flagging, channelling, covering and draining of the said streets and the provisions therein of water, lighting and other sanitary conveniences ordinarily provided in a City or Municipality;</p> <p>(g) the raising, lowering or levelling of any land in the area comprised in the scheme;</p> <p>(h) the formation, retention or enlargement of open spaces;</p> <p>(i) the augmentation of the present water-supply, or any other scheme for the improvement of the water-supply;</p> <p>(j) the making of a drainage and sewerage scheme including outfall works; and</p> <p>(k) any other matters consistent with this Act which the Kartripakkha may think fit.</p>
<p>Service of notice as to proposed acquisition of land or recovery of betterment fee</p>	<p>48. (1) During the thirty days next following the first day on which any notice is published under section 45 in respect of any improvement scheme or re-housing scheme, the Kartripakkha shall serve a notice on-</p> <p>(a) every person whose name appears in the municipal assessment list or in the list referred to in item (i) of section 47, and</p> <p>(b) the occupier (who need not be named) of each premises entered in the municipal assessment list which the Kartripakkha proposes to acquire in executing the scheme.</p> <p>(2) Such notice shall</p> <p>(a) state that the Kartripakkha propose to acquire the land referred to in section 47 or to recover a betterment fee for the purpose of carrying out an improvement scheme or a re-housing scheme, and</p> <p>(b) require such person, if he dissents from such acquisition or from the recovery of such betterment fee, to state his reasons in writing within a period of thirty days from the service of the</p>

	<p>notice.</p> <p>(3) Every such notice shall be signed by or by the order of the Chairman.</p>
Abandonment of improvement scheme, or application to Government to sanction it	<p>49. (1) After the expiry of the periods respectively prescribed under clause (i) or sub-section (2) of section 45, and by section 46, and clause (b) of sub-section (2) of section 48 in respect of any improvement scheme or re-housing scheme, the Kartripakkha shall consider any objection, representation and statement of dissent received hereunder, and after hearing all Abandonment of improvement scheme, or application to Government to sanction it persons making any such objection, representation or dissent who may desire to be heard, the Kartripakkha may either abandon the scheme or apply to the Government for sanction to the scheme, with such modifications (if any), as the Kartripakkha may consider necessary.</p> <p>(2) Every application submitted under sub-section (1) shall be accompanied by-</p> <p>(a) a description of, and full particulars relating to, the scheme, and complete plans and estimates of the cost of executing the scheme;</p> <p>(b) a statement of the reasons for any modifications made in the scheme as originally framed;</p> <p>(c) a statement of objections (if any), received under section 45;</p> <p>(d) any representation received under section 46;</p> <p>(e) a list of the names of all persons (if any) who have dissented under clause (b) of sub-section (2) of section 48 from the proposed acquisition of their land or from the proposed recovery of a betterment fee and a statement of the reasons given for such dissent; and</p> <p>(f) a statement of the arrangements made or proposed by the Kartripakkha for the re-housing of persons of the poorer and working classes who are likely to be displaced by the execution of the scheme.</p>
Alteration of improvement scheme after sanction	<p>52. At any time after any improvement scheme or re-housing scheme has been sanctioned by the Government and before it has been carried into execution, the Kartripakkha may alter it:</p> <p>Provided as follows:-</p> <p>(a) if any alteration is estimated to increase the estimated net cost of executing a scheme by more than five per cent of such cost, such alteration shall not be made without the previous sanction of the Government;</p> <p>(b) if any alteration involves the acquisition, otherwise than by agreement, of any land the</p>

	<p>acquisition of which has not been sanctioned by the Government, the procedure prescribed in the foregoing sections of this Chapter shall, so far as applicable, be followed, as if the alteration were a separate scheme.</p> <p>(c) If owing to the changes made, in the course of a scheme, any land not previously liable under the scheme to the payment of a betterment fee, becomes liable to such payment, the provisions of sections 45, 48 and 49 shall, so far as they are applicable, be followed in any such case.</p>
Power to purchase or lease by agreement	78. The Kartipakkha may enter into an agreement with any person for the acquisition from him by purchase, lease, or exchange, of any land or any interest in such land, which the Kartipakkha are authorised to acquire.
Power to acquire and dispose of land	<p>79. (1) The Kartipakkha may, for carrying out of the purposes of this Act, acquire, by purchase, lease, exchange or otherwise, any land or interest in land and dispose of, by sale, lease, exchange or otherwise, such land or any interest in such land.</p> <p>(2) The acquisition of any land or interest in land for the Kartipakkha under this section, or for any scheme under this Act, shall be deemed to be an acquisition for a public purpose within the meaning of the <u>Acquisition and Regulation of Immovable Property Ordinance, 1982</u> (II of 1982), and the provisions of the said Ordinance shall apply to all such proceedings.</p>
Payment of betterment fee	<p>94. (1) When by the making of any improvement scheme or re-housing scheme, any land in the area comprised in the scheme which is not required for the execution thereof will, in the opinion of the Kartipakkha, be increased in value, the Kartipakkha, in framing the scheme, may, in lieu of providing for the acquisition of such land, declare that a betterment fee shall be payable by the owner of the land or any person having an interest therein in respect of the increase in value of the land resulting from the execution of the scheme.</p> <p>(2) Such betterment fee shall be an amount equal to one-half of the increase in value of the land resulting from the execution of the scheme, and shall be calculated upon the amount by which the value of the land on the completion of the execution of the scheme estimated as if the land were clear of buildings exceeds the value of the land prior to the execution of the scheme estimated in like manner.</p>