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GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

NOTIFICATION

No. 653-Pub.—15th August, 1972—The following Order made by the President, on the advice of the Acting Prime Minister, of the People's Republic of Bangladesh on the 14th August, 1972, is hereby published for general information :—

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

President's Order No. 96 of 1972.

THE STATE ACQUISITION AND TENANCY (THIRD AMENDMENT)
ORDER, 1972.

WHEREAS it is expedient further to amend the State Acquisition and Tenancy Act, 1950 (E.B. Act XXVIII of 1951), for the purposes hereinafter appearing ;

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 :—

1. (1) This Order may be called the State Acquisition and Tenancy (Third Amendment) Order, 1972.
- (2) It extends to the whole of Bangladesh.
- (3) It shall come into force at once.
2. In the State Acquisition and Tenancy Act, 1950 (E. B. Act XXVIII of

Price : 15 Poisha.

1951), after Chapter XVIII-A, the following new Chapter shall be added² namely :—

“CHAPTER XVIII-B.

SPECIAL PROVISIONS FOR EXEMPTION OF LAND
REVENUE IN RELATION TO AGRICULTURAL
LAND.

Exemption of
land revenue
in respect of
agricultural
land in cer-
tain cases.

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 151-I, as the case may be :

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 :

Provided further that exemption from payment of land revenue under this section or under section 151-I shall not absolve any person from the liability of payment of the Development and Relief Tax under the Finance (Third) Ordinance, 1958 (E. P. Ord. No. LXXXIII of 1958), the Additional Development and Relief Tax under the Finance Ordinance, 1970 (E. P. Ord. No. XVI of 1970), the Education Cess under the Bengal (Rural) Primary Education Act, 1930 (Ben. Act VII of 1930), and the Local Rate under the Basic Democracies Order, 1959 (P. O. No. 18 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.

Compulsory
filing of state-
ments by
heads of fam-
ilies holding
more than
twenty-five
bighas of agr-
icultural
land.

151D. Within ninety days from the date of commencement of the State Acquisition and Tenancy (Third Amendment) Order, 1972, 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.

Penalty for
non-submis-
sion of state-
ments or wil-
ful suppression
of land.

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 wilfully 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 :

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.

Liability of exempted holdings for re-assessment in certain cases.

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, *heba* 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 :—

- (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
- (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.

Compulsory submission of statement by head of the family acquiring land in certain cases.

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.

Penalty for non-submission of statement or wilful suppression of land.

151H. A head of a family, who fails to submit a statement under section 151G within the specified time or wilfully 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.

Exemption from payment of land revenue in case of decrease in area.

151-I. 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 :—

- (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
- (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.

Definition of
family and
head of
family.

151J. For the purpose of this Chapter—

- (a) “family” in relation to a *Malik* includes husband, wife, son, unmarried daughter, son’s wife, son’s son and son’s unmarried daughter and such *Malik* shall be deemed to be the head of the family ; and
- (b) family shall be deemed to be the family as on the 16th day of December, 1971, except where head of the family dies on or after that date.”.

DACCA ;
The 14th August, 1972.

ABU SAYEED CHOWDHURY
President of the
People’s Republic of Bangladesh.

AZIMUDDIN AHMAD
Deputy Secretary.