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**PART IIIA—Ordinances and Orders promulgated by the President of the
People's Republic of Bangladesh.**
GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

NOTIFICATION

No. 953-Pub.—4th November, 1972—The following Order made by the President, on the advice of the Prime Minister, of the People's Republic of Bangladesh on the 3rd November, 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. 138 of 1972

**THE BANGLADESH LAND HOLDING (LIMITATION) (AMENDMENT)
ORDER, 1972**

WHEREAS it is expedient to amend the Bangladesh Land Holding (Limitation) Order, 1972 (P. O. No. 98 of 1972), for the purpose 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 Bangladesh Land Holding (Limitation) (Amendment) Order, 1972.

(2) It shall come into force at once.

2. In Article 2 of the Bangladesh Land Holding (Limitation) Order, 1972 (P. O. No. 98 of 1972), hereinafter referred to as the said Order,—

(i) in clause (b), for the semi-colon at the end a colon shall be *substituted* and thereafter the following shall be *added*, namely:—

“Provided that an adult and married son who has been living in a separate mess independently of his parents continuously since five years before the 16th day of December, 1971, and his wife, son and unmarried daughter shall be deemed to constitute a separate family;

Provided further that in the cases of lands held under wakf, wakf-al-aulad, debutter 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 lands;” and

(2) for clause (d) the following shall be *substituted*, namely:—

“(d) “head of a family” means—

(i) in case other than those mentioned in the second proviso to clause (b), amended as aforesaid, the person, male or female, in relation to whom a family is determined by the Revenue-officer in the prescribed manner, and

(ii) in the cases mentioned in the second proviso to clause (b), amended as aforesaid, the Mutawalli, Sebait or trustee, as the case may be;”.

3. In the said Order, in Article 4, in clause (b), after the words “or coffee”, the words “or covered by orchards” shall be *added*.

4. In the said Order, after Article 5, the following new Article shall be *inserted*, namely:—

“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 20th day of February, 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 20th day of February, 1972, otherwise than by written instruments duly registered before the said date shall be void.

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 for declaration of title or for enforcement of a mortgage security except where 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.”.

5. In the said Order, in Article 6, the commas and words “, out of the lands actually held by it,” shall be *omitted*.

6. In the said Order, in Article 7, for the words “Within sixty days from the date of commencement of this Order” the words, figures, letters and comma “By the 31st day of January, 1973” shall be *substituted*.

7. In the said Order, in Article 8, for the colon at the end a full-stop shall be *substituted* and thereafter the proviso shall be *omitted*.

8. In the said Order, for Article 11 the following shall be *substituted*, namely:—

“11. (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 Government.

(3) An order of the Government on an appeal under clause (2) and, subject only to such order, an order of the Deputy Commissioner on an appeal under clause (1), shall be final.”

DACCA;

The 3rd November, 1972.

ABU SAYEED CHOWDHURY

*President of the
People's Republic of Bangladesh.*

NASIMUDDIN AHMAD

Joint Secretary.