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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. 950-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. 135 of 1972

**THE BANGLADESH STATE ACQUISITION AND TENANCY (FOURTH
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 (Fourth Amendment) Order, 1972.

(2) It shall come into force at once.

2. In the State Acquisition and Tenancy Act, 1950 (E.B. Act XXVIII of 1951), (hereinafter referred to as the said Act), for section 86, the following shall be substituted, namely:—

“Abatement of rent 86. (1) If the lands of a holding or a portion of such lands on account of diluvion and extinguishment of right, title and interest of the tenant thereto. are lost by diluvion, the rent of the holding shall 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.

(2) Notwithstanding anything contained in any other law for the time being in force, the right, title and interest of the tenant or his successors-in-interest shall be extinguished in such lands or portion thereof, whether the loss of such lands or portion by diluvion took or takes place before or after the commencement of the State Acquisition and Tenancy (Fourth Amendment) Order, 1972.

(3) All lands, so lost by diluvion under sub-section (2), which re-appeared before the date of commencement of the said Order, but in respect of which the right of the tenant, whose land was so lost, or his successors-in-interest, to re-possession was not finally recognised or declared by a competent authority or Court under any law for the time being in force and also all lands, so lost by diluvion under the said sub-section, which may re-appear on or after the said date, shall vest absolutely in the Government free from all encumbrances and shall be at its disposal.

(4) Notwithstanding anything contained elsewhere in this Act, in making settlement of any land vested in the Government under sub-section (3), preference shall be given to a person who has been affected by diluvion provided the total quantity of land, if any, already held by him and the other members of his family is less than twenty-five standard bighas:

Provided that the quantity of land to be so settled shall be such as, added to the quantity of land, if any, already held by such person and the other members of his family, does not exceed twenty-five standard bighas.

(5) All suits, applications, appeals or other proceedings in respect of any claim to the re-possession of any land lost by diluvion which has re-appeared or is alleged to have re-appeared 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.

Explanation—For the purpose of this section, the word “family” shall have the same meaning as in clause (a) of section 151J, as amended by the State Acquisition and Tenancy (Fourth Amendment) Order, 1972.”.

3. In the said Act, for section 151J, the following shall be substituted, namely:—

“Definition of 151J. For the purpose of this Chapter—
family and head
of family.

- (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;

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-al-aulad, debuttar 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

- (b) “head of a family” means—

(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

(ii) in the cases mentioned in the second proviso to clause (a), the Mutawalli, Sebait or Trustee, as the case may be.”

DACCA:

The 3rd November, 1972.

ABU SAYEED CHOWDHURY

President of the
People’s Republic of Bangladesh.

NASIMUDDIN AHMAD

Joint Secretary.