

**THE RAILWAYS (LOCAL AUTHORITIES' TAXATION)
ACT, 1941**

ACT NO. XXV OF 1941

[26th November, 1941]

An Act to regulate the extent to which railway property shall be liable to taxation imposed by ¹[a local authority].*

WHEREAS it is expedient to regulate the extent to which property vested in the Government for the purposes of ²[the Government], being property of the railway, shall be liable to taxation imposed by ³[a local authority];

It is hereby enacted as follows:-

1. (1) This Act may be called the Railways (Local Authorities' Taxation) Act, 1941. Short title and extent

(2) It extends to the whole of ⁴[Bangladesh].

2. In this Act-

Definitions

(a) "local authority" means a local authority as defined in the General Clauses Act, 1897, and includes any authority legally entitled to or entrusted with the control or management of any fund for the maintenance of watchmen or for the conservancy, of a river;

* Throughout this Act, the words "Government" and "the railway" were substituted for the words "Provincial Government" and "a railway" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

¹ The words "a local authority" were substituted for the words "an authority within a Province" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words "the Government" are construed to replace the words "the Central Government" by Article 8 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

³ The words "a local authority" were substituted for the words "an authority within a Province" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

⁴ The word "Bangladesh" was substituted for the word "Pakistan" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

- (b) "railway administration" has the meaning assigned to the expression in clause (6) of section 3 of the Railways Act, 1890.

Liability of railways to taxation by local authorities

3. (1) In respect of property vested in the Government, being property of the railway, the railway administration shall be liable to pay any tax in aid of the funds of any local authority, if the Government, by notification in the *official Gazette*, declares it to be so liable.

(2) While a notification under sub-section (1) is in force, the railway administration shall be liable to pay to the local authority either the tax mentioned in the notification or in lieu thereof such sum, if any, as a person appointed in this behalf by the Government may, having regard to the services rendered to the railway and all the relevant circumstances of the case, from time to time determine to be fair and reasonable. The person so appointed shall be a person who is or has been a Judge of ¹[the Supreme Court] or a District Judge.

Modification of existing liability to taxation

4. The Government may, by notification in the *official Gazette*, revoke or vary and notification issued under clause (1) of section 135 of the Railways Act, 1890; and where a notification is so revoked any liability arising out of the notification to pay any tax to any local authority shall cease, and where a notification is so varied the liability arising out of the notification shall be varied accordingly.

Saving

5. Nothing in this Act shall be construed as debarring ²[the railway] administration ³[* * *] from entering into a contract with any local authority for the supply of water or light or for the scavenging of railway premises, or for any other service which the local authority may be rendering or be prepared to render within any part of the local area under its control.

¹ The words "the Supreme Court" were substituted for the words "a High Court" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words "the railway" were substituted for the words "any railway" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ The words "administering a railway" were omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).