

**THE BANGLADESH LAWS (REPEALING AND
AMENDING) ORDER, 1973**

PRESIDENT'S ORDER NO. 12 OF 1973

[19th February, 1973]

WHEREAS for streamlining the administrative machinery with a view to facilitating the implementation of land reforms measures, it is expedient, in public interest, to abolish the Board of Revenue as re-constituted under the Board of Revenue Act, 1913 (Bengal Act II of 1913), and to exclude the Commissioners of Divisions from matters relating to land administration and land reforms and to make alternative provisions for exercising the powers conferred, and discharging the duties imposed, on the said Board and Commissioners and for matters incidental thereto;

NOW, THEREFORE, in pursuance of paragraph 3 of the Fourth Schedule to the Constitution of the People's Republic of Bangladesh, 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 Laws (Repealing and Amending) Order, 1973.

(2) It shall come into force at once.

2. In this Order, unless there is anything repugnant in the subject or context,-

(a) "Board of Revenue" means the Board of Revenue as re-constituted under the Board of Revenue Act, 1913 (Bengal Act II of 1913);

(b) "Commissioner of Division" means a Commissioner of Division appointed under the Revenue Commissioners Regulation, 1829 (Bengal Regulation I of 1829); and

(c) "Schedule" means the Schedule appended to this Order.

3. On coming into force of this Order, the laws specified in the Schedule shall be repealed or amended as indicated in the fourth column thereof.

4. Any application or appeal pending before the Board of Revenue or a Commissioner of Division under any law mentioned in the Schedule on the date of coming into force of this Order shall stand transferred to the authority or Court empowered to dispose of it according to the amended provision as indicated in the fourth column of the Schedule.

THE SCHEDULE
Laws repealed or amended.
(See Article 3.)

Year.	No.	Short title.	Details of repeal or amendment.
1	2	3	4
1799	V	The Bengal Wills and Intestacy Regulation, 1799.	In section 7, <i>for</i> the words “Board of Revenue” the word “Government” shall be <i>substituted</i> .
1810	XIX	The Bengal Charitable Endowments, Public Buildings and Escheats Regulation, 1810.	<ol style="list-style-type: none"> 1. <i>For</i> the expression “Board of Revenue” or “Board”, wherever occurring, the expression “Deputy Commissioner” shall be <i>substituted</i>. 2. In section 6, <i>for</i> the word “they” the word “he” shall be <i>substituted</i>. 3. In section 7, <i>for</i> the word “themselves” the word “himself” shall be <i>substituted</i>. 4. In section 8,- <ol style="list-style-type: none"> (a) <i>for</i> the word “them”; the word “him” shall be <i>substituted</i>; and (b) <i>after</i> the word “appointed”, the words “by the Government” shall be <i>inserted</i>. 5. Section 9 shall be <i>omitted</i>.

Year.	No.	Short title.	Details of repeal or amendment.
1	2	3	4
			6. In section 14, <i>for</i> the word “their” the word “his” shall be <i>substituted</i> .
1829	I	The Bengal Revenue Commissioners Regulation, 1829.	<p>1. In section 1,-</p> <p>(a) in the first paragraph, the commas and words “, and for controlling and directing the executive Revenue officers, who in several cases are also Magistrates,” shall be <i>omitted</i>;</p> <p>(b) the fifth paragraph shall be <i>omitted</i>; and</p> <p>(c) <i>for</i> the sixth paragraph the following shall be <i>substituted</i>, namely:-</p> <p>“For the correction of the above defects, it has appeared to be expedient and necessary to place the magistracy and police under the superintendence and control of Commissioners, each vested with the charge of such a moderate tract of country as may enable them to be easy of access to the people, and frequently to visit the different parts of their respective jurisdictions”.</p> <p>2. Section 4 shall be <i>omitted</i>.</p>
1833	IX	The Bengal Land Revenue (Settlement and Deputy Collectors) Regulation, 1833.	1. In section 23, the comma and words “, assigning his reasons for so doing for the information of the Commissioner” shall be <i>omitted</i> .

Year.	No.	Short title.	Details of repeal or amendment.
1	2	3	4
			2. For section 24 the following shall be <i>substituted</i> , namely:- “24. Provided also that the Government, whenever it thinks proper, may interfere with any arrangements made by the Collectors for the employment of the Deputies, or the distribution of business to be assigned to those functionaries.”.
1868	IV	The Bengal Alluvion (Amendment) Act, 1868.	In section 3, <i>for</i> the words “Board of Revenue” the word “Government” shall be <i>substituted</i> .
1875	V	The Bengal Survey Act, 1875.	1. In section 4, in the proviso, <i>for</i> the words “it shall be competent to the Board of Revenue to” the words “the Government may” shall be <i>substituted</i> . 2. In section 51, in the proviso,- (a) <i>for</i> the words “Commissioner of the division” the words “Director of Land Records and Surveys” shall be <i>substituted</i> ; and (b) <i>for</i> the words “said Commissioner” the words “said Director” shall be <i>substituted</i> . 3. In section 58,- (a) <i>for</i> the words “Commissioner of the Division” the words “Director of Land Records and Surveys” shall be <i>substituted</i> ; and

Year.	No.	Short title.	Details of repeal or amendment.
1	2	3	4
			<p>(b) in the proviso and the marginal heading thereof, <i>for</i> the word “Commissioner” the words “Director of Land Records and Surveys” shall be <i>substituted</i>.</p> <p>4. In section 60, <i>for</i> the words “Commissioner of the Division” the words “Director of Land Records and Surveys” shall be <i>substituted</i>.</p> <p>5. In section 61, <i>for</i> the word “Commissioner” the words “Director of Land Records and Surveys” shall be <i>substituted</i>.</p>
1878	VI	The Treasure-trove Act, 1878.	In section 9, <i>for</i> the words “Chief Controlling Revenue-authority” the word “Government” shall be <i>substituted</i> .
1879	IX	The Court of Wards Act, 1879.	<p>1. In section 3, in the interpretation of the expression “the Court”, the words “Commissioner or”, occurring twice, shall be <i>omitted</i>.</p> <p>2. In section 5, <i>for</i> the words “Board of Revenue” the word “Government” shall be <i>substituted</i>.</p> <p>3. In section 15, the words “the Commissioners of the Divisions and” and “Commissioners or” shall be <i>omitted</i>.</p> <p>4. In section 48, <i>for</i> the words “Board of Revenue” the word “Government” shall be <i>substituted</i>.</p>

5. In section 58A, in the proviso, *for* the words “Commissioner of the Division” and “said Commissioner” the word “Court” shall be *substituted*.
 6. In section 67, the words and comma “to the Commissioner of the Division, and from every order of a Commissioner under this Act” shall be *omitted*.
 7. In section 68, the words “of the Commissioner and” shall be *omitted*.
 8. Section 69 shall be *omitted*.
 9. In section 70,-
 - (a) *for* clause (a), the following shall be *substituted*, namely:-

“(a) defining the powers of a Collector when the property of a ward is situated in two or more districts;”;
 - (b) in clause (b), the words “and Commissioners” shall be *omitted*; and
 - (c) in clause (e), the words “and Commissioners respectively” shall be *omitted*.
- | | | | |
|------|----|--|--|
| 1900 | I | The Chittagong Hill Tracts Regulation, 1900. | In section 17, in sub-section (2), <i>after</i> the word “Hill-tracts”, the comma and words “, except any order made in the matter of land administration and land reforms” shall be <i>inserted</i> . |
| 1913 | II | The Bengal Board of Revenue Act, 1913. | The whole of the Act shall be <i>repealed</i> . |

- | | | | |
|------|-----|---|---|
| 1913 | III | The Bengal Public Demands Recovery Act, 1913. | <ol style="list-style-type: none">1. In section 3, in clause (3), the words and comma “with the sanction of the Commissioner,” shall be <i>omitted</i>.2. In section 39, in sub-section (1),-<ol style="list-style-type: none">(a) <i>for</i> the words “Board of Revenue” the word “Government” shall be <i>substituted</i>; and(b) the words “and with the previous sanction of the Provincial Government” shall be <i>omitted</i>.3. In section 51,-<ol style="list-style-type: none">(a) in sub-section (1),-<ol style="list-style-type: none">(i) the word “original” shall be <i>omitted</i>; and(ii) <i>for</i> the word “Commissioner” the words “Civil Court” shall be <i>substituted</i>; and(b) in sub-section (3), <i>for</i> the word “Commissioner” the word “Government” shall be <i>substituted</i>.4. <i>For</i> section 53 the following shall be <i>substituted</i>, namely:-<p>“53. The Collector may revise any order passed by a Certificate-officer, Assistant Collector or Deputy Collector under this Act.”.</p> |
|------|-----|---|---|

1917	V	The Destruction of Records Act, 1917.	<p>In section 3,-</p> <p>(a) in sub-section (2), in clause (b), <i>for</i> the words “Chief Controlling Revenue-authority” the word “Government” shall be <i>substituted</i>; and</p> <p>(b) in sub-section (3), the words “or by a Chief Controlling Revenue- authority” shall be <i>omitted</i>.</p>
1920	V	The Bengal Alluvial Lands Act, 1920.	<p>1. <i>For</i> section 6A the following shall be <i>substituted</i>, namely:-</p> <p>“6A. No appeal shall lie against an order making settlement or re-settlement of any land under sub-section (2) of section 3.”.</p> <p>2. In section 7, in sub-section (2), <i>for</i> the word “Commissioner” the word “Government” shall be <i>substituted</i>.</p> <p>3. <i>For</i> section 7A the following shall be <i>substituted</i>, namely:-</p> <p>“7A. The Government 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 enquiry, if any, as it thinks fit, revise any order of the Collector under this Act, other than an order against which an appeal lies under section 7:</p>

Provided that the Government shall not, 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.”.

4. In section 7B,-

- (a) the words and commas “or the Commissioner, as the case may be,” shall be *omitted*; and
- (b) *for* the words “Board of Revenue” the word “Government” shall be *substituted*.

5. Section 7C shall be *omitted*.

6. In section 9, *for* the words and commas “the Collector, the Commissioner, the Board of Revenue or the Provincial Government” the words “the Collector or the Government” shall be *substituted*.

1948 XIII The East Bengal (Emergency) Requisition of Property Act, 1948.

1. In section 4A,-

- (a) in sub-section (1), *for* the word “Commissioner” the word “Government” shall be *substituted*; and
- (b) *for* sub-section (2) the following shall be *substituted*, namely:-

“(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 Deputy Commissioner under section 3.”.
			2. In section 6, the words “the Commissioner and” shall be <i>omitted</i> .
1951	XI	The Sylhet (Board of Revenue for East Bengal’s Jurisdiction) Act, 1951.	The whole of the Act shall be <i>repealed</i> .
1951	XXVIII	The East Bengal State Acquisition and Tenancy Act, 1950.	1. In section 110, in sub-section (2), <i>for</i> the words “Board of Revenue” the word “Government” shall be <i>substituted</i> .
			2. In section 124, in sub-section (2), <i>for</i> the words “Board of Revenue” the word “Government” shall be <i>substituted</i> .
			3. In section 144, in sub-section (8), <i>for</i> the words “Board of Revenue” the words “Director of Land Records and Surveys” shall be <i>substituted</i> .
			4. <i>For</i> section 146, the following shall be <i>substituted</i> , namely:-
			“146. (1) The general superintendence and control over all Revenue-officers shall be vested in, and all such officers shall be subordinate to, the Government.
			(2) Subject to the provisions of sub-section (1), a Collector shall exercise control over all other Revenue-officers in his district.”.

5. In section 147,-

(a) clause (b) shall be *omitted*;
and

(b) *for* clause (c) the following shall be *substituted*, namely:-

“(c) to the Government, when the order is made by the Collector of a district.”.

6. In section 148,-

(a) *for* clause (b) the following shall be *substituted*, namely:-

“(b) When the appeal lies to the Government Sixty days.”; and

(b) clause (c) shall be *omitted*.

7. In section 149,-

(a) sub-section (2) shall be *omitted*;

(b) *for* sub-section (3), the following shall be *substituted*, namely:-

“(3) The Government may, of its own motion, at any time, or on application made in that behalf within three months of the date of any order passed under this Part by a Collector, revise such order”; and

(c) *for* sub-section (4) and provisos thereto, the following shall be *substituted*, namely:-

“(4) An order shall not be revised under sub-section (1) or sub-section (3), if an appeal has been preferred against such order.”.

8. In section 151A,-

(a) in sub-section (6), *for* the words “Commissioner of the Division” the word “Government” shall be *substituted*;

(b) sub-section (7) shall be *omitted*; and

(c) in sub-section (8),-

(i) *for* the words “Board of Revenue” the word “Government” shall be *substituted*; and

(ii) the words “the Commissioner of the Division or” shall be *omitted*.

9. In section 151 B,-

(a) in sub-section (2), *for* the word “Commissioner of the Division” the word “Government” shall be *substituted*; and

(b) sub-section (3) shall be *omitted*.

1952 V The East Bengal Prevention of Transfer of Property and Removal of Documents and Records Act, 1952.

In section 7,-

(a) in sub-section (1), *for* the words “Commissioner of Division” the word “Government” shall be *substituted*;

- (b) *for* sub-section (2) the following shall be *substituted*, namely:-
- “(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.”; and
- (c) *for* sub-section (3) the following shall be *substituted*, namely:-
- “(3) An order of the Government passed under sub-section (1) or sub-section (2) shall be final”.
- 1958 I The Chittagong Hill- Tracts (Land Acquisition) Regulation, 1958. In section 5,-
- (a) in sub-section (1), *for* the words “Commissioner of Chittagong Division” the word “Government” shall be *substituted*; and
- (b) sub-section (2) shall be *omitted*.
- 1959 XIX The East Pakistan Hats and Bazars (Establishment and Acquisition) Ordinance, 1959. In section 3,-
- (a) in sub-section (4), *for* the words “Commissioner of the Division” the words “Civil Court” shall be *substituted*; and
- (b) sub-section (5) shall be *omitted*.

1970	XXIV	The East Pakistan Government and Local Authority Lands and Buildings (Recovery of Possession) Ordinance, 1970.	In section 10, <i>for</i> the words “Commissioner of the Division” and “Commissioner” the word “Government” shall be <i>substituted</i> .
1972	35	The Bangladesh (Resumption of Easement Lands) Order, 1972.	<p><i>For</i> Article 8, the following shall be <i>substituted</i>, namely:-</p> <p>“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 Government 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), make an application to the Government for review.”.</p>
