

THE BANGLADESH CODE VOLUME - XI

THE CULTURABLE WASTE LAND (UTILIZATION) ORDINANCE, 1959

ORDINANCE NO. XIII OF 1959

[26th January, 1959]

WHEREAS it is necessary to bring under cultivation culturable waste land with a view to step up production of food;

NOW, THEREFORE, in pursuance of the Presidential Proclamation of the 7th day of October, 1958, and in exercise of all powers enabling him in that behalf, the Governor is pleased to make and promulgate the following Ordinance, namely:-

1. (1) This Ordinance may be called the Culturable Waste Land (Utilization) Ordinance, 1959.

Short title,
extent and
commencement

¹[(2) It extends to the whole of Bangladesh but shall not apply to any urban area within the meaning of the Paurashava Ordinance, 1977 (Ordinance No. XXVI of 1977)].

(3) It shall come into force at once.

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

Definitions

(i) "Deputy Commissioner" used in relation to any culturable waste land, means the Deputy Commissioner of the district within which such culturable waste land is situated and includes any officer ²[* * *] appointed by the Deputy Commissioner to carry out all or any of the functions of a Deputy Commissioner under this Ordinance.

(ii) "food crops" include vegetables and fruits;

¹ Sub-section (2) was substituted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words "not below the rank of a Sub-divisional Magistrate" were omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

(iii) “culturable waste land” means any land classified in the record-of-rights published under ¹[* * *] the ²[* * *] State Acquisition and Tenancy Act, 1950, as *nutan patit*, *purantan patit*, *layek patit*, *garlayek patit* or *layek jangal* and includes any land which, in the opinion of the Deputy Commissioner, has not been cultivated during the last two preceding years and no preparation for its cultivation has been made on the day of making a declaration under section 3, but does not include land forming part of, or conterminous with, any homestead, farm-house or any place of worship.

Application of the provisions of this Ordinance to culturable waste land

3. The Deputy Commissioner may declare that the provisions of this Ordinance shall apply to any culturable waste land and on and from the day of making such declaration the possession of such culturable waste land shall vest in the Deputy Commissioner for a period not exceeding one year, and where the culturable waste land would, in the opinion of the Deputy Commissioner, require substantial reclamation, for a period not exceeding ten years, from the date of such declaration:

Provided that no such subsequent declaration for any year shall be made more than three months in advance or for a period of more than one year.

Lease of culturable waste land

4. When the possession of any culturable waste land has vested in the Deputy Commissioner, he may lease it out on such terms and conditions as he thinks proper to any person or persons for purpose of cultivation for production of food crops for the period for which the possession has vested in the Deputy Commissioner.

¹ The words, commas, figures and brackets “the Bengal Tenancy Act, 1885 (Ben. Act VIII of 1885), or” were omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words “East Pakistan” were omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President’s Order No. 48 of 1972).

5. (1) Whenever a declaration is made under section 3, the owner of the culturable waste land, in respect of which the declaration has been made, shall, for the period during which the possession of the culturable waste land remains vested in the Deputy Commissioner, be paid an annual compensation equivalent to the amount of the annual rent or land revenue payable in respect of such land.

Compensation

(2) No person shall be entitled to claim any compensation from the Deputy Commissioner, for leasing out any culturable waste land to any other person under section 4.

6. Notwithstanding anything contained in any other law for the time being in force no person to whom the Deputy Commissioner leases out any culturable waste land shall acquire any right, title or interest whatsoever therein beyond the period for which it has been leased out.

Right of lessees
over waste land

7. (1) Where the owner wishes to cultivate himself the culturable waste land, in respect of which a declaration has been made under section 3, after the expiry of the period for which the possession has vested in the Deputy Commissioner, he may, not later than three months before the expiry of the period, serve a notice on the Deputy Commissioner to that effect accompanied by security deposit of ¹[Tk] 50 per acre and in such case such land shall be released by the Deputy Commissioner at the end of the above mentioned period and the possession thereof shall vest back in the owner.

Possession of
culturable waste
land

(2) Where the owner of the culturable waste land, of which possession has vested back in such owner under sub-section (1), fails to cultivate such land and raise any crop therein after possession thereof has so vested back, such culturable waste land together with the security deposit under sub-section (1) shall be forfeited to the ²[Government].

¹ The word "Tk" was substituted for the word "Rs" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The word "Government" was substituted for the words "Provincial Government" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

Bar to
jurisdiction of
Court

8. No declaration made by the Deputy Commissioner in pursuance of the provision of this Ordinance and no order made by him for leasing out any culturable waste land shall be called in question in any Court.

Rule-making
power

9. The ¹[Government] may make rules for carrying out the purposes of this Ordinance.

¹ The word "Government" was substituted for the words "Provincial Government" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).