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GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

NOTIFICATION

No. 619-Pub.—3rd August, 1972—The following Order made by the President, on the advice of the Acting Prime Minister, of the People's Republic of Bangladesh on the 2nd August, 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. 88 of 1972.

THE STATE ACQUISITION AND TENANCY (SECOND 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 (Second 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), in section 95, after sub-section (3), the following new sub-sections shall be added, namely:—

“(4) Notwithstanding anything contained in any other law for the time being in force, if any mortgagee prevents redemption of a usufructuary mortgage under the proviso to sub-section (1), the mortgagor may apply to the

Subdivisional Magistrate for such redemption and, on such application, the Subdivisional Magistrate shall, on payment by the applicant of the amount due to the mortgagee under the said proviso, pass an order directing the mortgagee to restore possession of the mortgaged land to the applicant and to deliver up to the applicant all documents in his possession or power relating to the mortgaged land by such date as may be fixed in the Order.

(5) If the mortgagee does not restore possession of the mortgaged land to the mortgagor by the date fixed under sub-section (4), the Subdivisional Magistrate shall, on application made by the mortgagor, put the applicant in possession of such land by evicting the mortgagee therefrom and may, for such eviction, use or cause to be used such force as may be necessary."

"Treatment of certain transaction as usufructuary mortgage.

3. In the said Act, *after* section 95, the following new section shall be *inserted*, namely:—

5A. Notwithstanding anything contained in any other law for the time being in force, any transfer of a holding or of a portion or share thereof, where the transferor receives from the transferee any consideration and the transferee acquires the right to possess, and to enjoy the usufruct of, such holding or portion or share thereof for a specified period in lieu of such consideration, shall notwithstanding anything contained in the document relating to the transfer, be deemed to be a complete usufructuary mortgage for a period not exceeding seven years and the provisions of section 95 shall apply to such transfer whether made before or after the date of commencement of the State Acquisition and Tenancy (Second Amendment) Order, 1972."

DACCA;
The 2nd August, 1972.

ABU SAYEED CHCWDHURY
President of the
People's Republic of Bangladesh.

AZIMUDDIN AHMAD
Deputy Secretary.