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GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

NOTIFICATION

Dacca, the 29th April 1976.

No. 384-Pub.—The following Ordinance made by the President of the People's Republic of Bangladesh, on the 27th April, 1976, is hereby published for general information:—

**THE ALIENATION OF LAND (DISTRESSED CIRCUMSTANCES)
(RESTORATION) ORDINANCE, 1976.**

Ordinance No. XXVIII of 1976.

AN

ORDINANCE

to provide for the restoration of agricultural lands transferred for reasons of economic distress.

WHEREAS it is expedient for the restoration of agricultural lands transferred during the period of economic distress for reasons of such distress;

NOW, THEREFORE, in pursuance of the proclamations of the 20th August, 1975, and 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title.**—This Ordinance may be called the Alienation of Land (Distressed Circumstances) (Restoration) Ordinance, 1976.

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

- (a) “agricultural land” means land which is used for purposes connected with agriculture or horticulture and includes a homestead as defined in the State Acquisition and Tenancy Act, 1950 (E.B. Act XXVIII of 1951);
- (b) “authorised Officer” means any officer authorised by the Government;
- (c) “period of economic distress” means the period commencing the 1st April, 1974, and ending the 31st day of December, 1974; and
- (d) “transferee”, in relation to a land in respect of which the application for restoration has been made under section 4, includes, if the land is in possession of any person other than the transferee, such person.

3. **Liability to restoration of alienated land.**—(1) Notwithstanding anything contained in any other law for the time being in force, all agricultural lands transferred by sale for consideration during the period of economic distress for reasons of such distress shall, on application made in this behalf, be liable to be restored to the transferor with the provisions of this Ordinance.

(2) For the purpose of this Ordinance, transfer of agricultural land within the period of economic distress shall be deemed to have been made for reasons of such economic distress if the transferor and the members of his family do not, in the aggregate own, after the transfer, more than three acres of such land.

(3) For the purpose of this section, “family”, in relation to a transferor, includes his wife, son, unmarried daughter, but does not include an adult and married son who has been living in a separate mess independently of his parents continuously for five years, and the wife, son and unmarried daughter of such son.

4. **Procedure for restoration.**—(1) A person who seeks restoration of agricultural land transferred by him during the period of economic distress for reasons of such distress may, within a period of six months from the commencement of this Ordinance, make an application to the authorised officer for the restoration of the land so transferred stating therein—

- (a) the name of the transferee and, if such land is in possession of any person other than the transferee, the name of that person;
- (b) the date of transfer;
- (c) the amount of consideration of such land.

(2) Upon receipt of an application under sub-section (1), the authorised officer shall, if he is satisfied after giving the transferee an opportunity of being

heard that the land to which the application relates is liable to be restored under section 3, by order in writing,—

- (a) direct the transferee to restore the land to the applicant and do such other acts that may be necessary for effective restoration as may be specified in order; and
- (b) for the purpose of payment to the transferee direct the applicant to pay in such manner as may be specified in the order,—
 - (i) one-sixth of the amount of consideration for which the land was transferred by the applicant in cash, by date specified in the order; and
 - (ii) the remaining five-sixths of the said amount of consideration together with interest on such amount at the rate of six and one-fourth per cent per annum from the date of the receipt of the amount by the applicant on account of the transfer of the land less the sum determined by the authorised officer of the net income, if any, derived from the land by the transferee, by five annual equal instalments:

Provided that the first of the aforesaid instalments shall be payable on a date not later than the first day of Baishakh next following the date of the order.

5. Effect of order for the restoration.—(1) When the authorised officer makes an order under sub-section (2) of section 4 restoring any agricultural land, such order shall take effect on the 1st day of Baishakh next following the date of the order.

(2) If, on or before the date on which an order under sub-section (2) of section 4 takes effect, the land to which the order relates has not been restored as required by the order, the authorised officer may, on his motion, and shall, on the application of such person, restore the land to the applicant by evicting the person in possession of the land, and for such eviction the authorised officer may use such force as may be necessary.

6. Recovery of sums as a public demand.—Any sum payable under an order made under sub-section (2) of section 4 shall be recoverable as a public demand.

7. Prohibition of alienation.—No person to whom any agricultural land has been restored by an order under sub-section (2) of section 4 shall, as long as there remains unpaid any sum payable by such person under the order made under that sub-section, transfer or create any charge upon such land or any portion thereof and, notwithstanding anything contained in any other law for the time being in force, any transfer made or charge created shall be void.

8. Appeal.—An appeal against an order passed by the authorised officer under this Ordinance, if preferred within thirty days of the date of such order, shall lie to the Munsif having territorial jurisdiction and the order of the Munsif on such appeal shall be final.

9. **Jurisdiction of court barred.**—Except as provided in section 8, any order passed, any action taken or anything done under the provisions of this Ordinance shall not be called in question in any court.

DACCA ;
The 27th April, 1976.

ABUSADAT MOHAMMAD SAYEM
President.

A. K. TALUKDAR
Deputy Secretary.

MINISTRY OF FINANCE
NATIONAL BOARD OF REVENUE

(Customs)

NOTIFICATIONS

Dacca, the 22nd April 1976.

No. S R O. 146-L/76/290, D, Cus, 76.—In exercise of the powers conferred by clause (c) of section 21 of the Customs Act, 1969 (IV of 1969), the National Board of Revenue is pleased to authorize repayment to the extent specified in column (3) of the table below of Customs duties paid on the importation of the raw materials specified in column (1) of the said table and used in the production or manufacture of the goods specified in column (2) thereof, subject to the following conditions, namely:—

- (i) The goods have been manufactured according to the formula duly furnished to the National Board of Revenue showing the quantity of various imported raw materials specified in column (1) of the said table and used in the production or manufacture of the goods specified in column (2) thereof.
- (ii) The manufacturer maintains proper record of the goods manufactured in accordance with the formula referred to in sub-paragraph (i) and produces, on demand, such records and other evidence as may be required by the National Board of Revenue to satisfy itself that the imported raw materials have been used in accordance with the formula.
- (iii) The manufactured goods are exported out of Bangladesh and an application for repayment of Customs duties is presented to the proper officer of Customs within 60 days of such exportation or of the publication of this notification, whichever is the later.
- (iv) The exporter makes a declaration on the reverse of the original shipping bill or other export documents to the effect that he would claim repayment of the Customs duties paid on the imported raw materials, used in the production of the goods being exported.

(v) The repayment at the rate specified shall be allowed provided that the goods exported are manufactured with the same constituents on which the rate of repayment is notified and the manufacturer-cum-exporter shall immediately intimate to the National Board of Revenue and the Directorate of Inspection and Training (Customs and Excise), Dacca:

- (a) any change in the process of the imported raw materials,
- (b) any changes in the composition of the manufactured goods to be exported, and
- (c) use of any indigenous raw material in place of the imported raw materials.

2. The repayment authorized by this notification shall be admissible in respect of the goods exported on or after the 27th April 1973 but only up to 29th May 1975.

TABLE

Sl. No.	Names of imported raw materials.	Goods produced or manufactured.	Extent of repayment of Customs Duty.
	1	2	3

The following goods produced or manufactured by M/s. Shahjahan Tannery, Hazaribagh, Dacca.

			Per 100 sqt. ft.
1	Sodium Sulphide	1. Chrome tanned wet	Tk. 9.11
2	Chromosal	blue Cow hides (Not	
3	Oropon	exceeding 1,97,782 sqr.	
4	Ammonium Chloride	ft.)	
5	Imprepell CO		

[C. No. 13(21)NBR/Cus/73]

Dacca, the 16th April 1976.

No. S.R.O. 147-L/76/283/D/Cus/76.—In exercise of the powers conferred by clause (c) of section 21 of the Customs Act, 1969 (IV of 1969), the National Board of Revenue is pleased to authorize repayment to the extent specified in column (3) of the table below of Customs duties paid on the importation of the raw materials specified in column (1) of the said table and used in the production or manufacture of the goods specified in column (2) thereof, subject to the following conditions, namely:—

- (i) The goods have been manufactured according to the formula duly furnished to the National Board of Revenue showing the quantity of various imported raw materials specified in column (1) of the said table and used in the production or manufacture of the goods specified in column (2) thereof.

- (ii) The manufacturer maintains proper record of the goods manufactured in accordance with the formula referred to in sub-paragraph (i) and produces, on demand, such records and other evidence as may be required by the National Board of Revenue to satisfy itself that the imported raw materials have been used in accordance with the formula.
- (iii) The manufactured goods are exported out of Bangladesh and an application for repayment of Customs duties is presented to the proper officer of Customs within 60 days of such exportation or of the publication of this notification, whichever is the later.
- (iv) The exporter makes a declaration on the reverse of the original shipping bill or other export documents to the effect that he would claim repayment of the Customs duties paid on the imported raw materials used in the production of the goods being exported.
- (v) The repayment at the rate specified shall be allowed provided that the goods exported are manufactured with the same constituents on which the rate of repayment is notified and the manufacturer-cum-exporter shall immediately intimate to the National Board of Revenue and the Directorate of Inspection and Training (Customs and Excise), Dacca:—
- (a) any change in the process of the imported raw materials,
 - (b) any changes in the composition of the manufactured goods to be exported, and
 - (c) use of any indigenous raw material in place of the imported raw materials.

2. The repayment authorized by this notification shall be admissible in respect of the goods exported on or after the 8th November 1974.

TABLE

Sl. No.	Name of imported raw materials,	Goods produced or manufactured.	Extent of repayment of Customs duty.
1		2	3

The following goods produced or manufactured by
M/s. Lever Brothers (Bangladesh) Ltd., Chittagong.

1	Fromic Chloride ...	Glycerine (Not exceeding 184½ tons)	<i>Per ton.</i> Tk. 273.28
2	Mild steel drums ..		

[C. No. 13(40)NBR/Cus-IV/74.]

Dacca, the 22nd April 1976.

No. S.R.O. 148-L/76 291/D/Cus/76.—In exercise of the powers conferred by clause (c) of section 21 of the Customs Act, 1969 (IV of 1969), the National Board of Revenue is pleased to authorize repayment to the extent specified in column (3) of the table below of Customs duties paid on the importation of the raw materials specified in column (1) of the said table and used in the production or manufacture of the goods specified in column (2) thereof, subject to the following conditions, namely:—

- (i) The goods have been manufactured according to the formula duly furnished to the National Board of Revenue showing the quantity of various imported raw materials specified in column (1) of the said table and used in the production or manufacture of the goods specified in column (2) thereof.
- (ii) The manufacturer maintains proper record of the goods manufactured in accordance with the formula referred to in sub-paragraph (i) and produces, on demand, such records and other evidence as may be required by the National Board of Revenue to satisfy itself that the imported raw materials have been used in accordance with the formula.
- (iii) The manufactured goods are exported out of Bangladesh and an application for repayment of Customs duties is presented to the proper officer of Customs within 60 days of such exportation or of the publication of this notification, whichever is the later.
- (iv) The exporter makes a declaration on the reverse of the original shipping bill or other export documents to the effect that he would claim, repayment of the Customs duties paid on the imported raw materials used in the production of the goods being exported.
- (v) The repayment at the rate specified shall be allowed provided that the goods exported are manufactured with the same constituents on which the rate of repayment is notified and the manufacturer-cum-exporter shall immediately intimate to the National Board of Revenue and the Directorate of Inspection and Training (Customs and Excise), Dacca:—
 - (a) any change in the process of the imported raw materials,
 - (b) any changes in the composition of the manufactured goods to be exported, and
 - (c) use of any indigenous raw material in place of the imported raw materials.

2. The repayment authorized by this Notification shall be admissible in respect of the goods exported on or before 29th May 1975.

TABLE

Sl. No.	Names of imported raw materials.	Goods produced or manufactured.	Extent of repayment of Customs duty.
	1	2	3

The following goods produced or manufactured by M.s. Royal Tannery, Hazaribagh, Dacca.

1	Sodium Sulphide		Per 100 sqr. ft.
2	Chromosal	1. Chrome tanned wet blue Cow hides (not exceeding 2,39,376 sqr. ft.)	Tk. 17.58

1	2	3
3 Oropon		
4 Sodium Bicarbonate	2. Chrome tanned wet blue	Tk. 6.55
5 Oxalic Acid	Goat/Sheep skins (not	
6 Sodium Hydro-sulphite	exceeding 56, 581 sqr. ft.)	
7 Preventol		

The above rates will be applicable to 2, 39, 376 sqr. ft. of cow hides and 56, 581 of Goat/Sheep skins exported on or before 29th May 1975 and in addition to the quantity notified *vide* S. R. O. 244/D/Cus/75, dated the 22nd July 1975.

WAHEED-UN NOOR
Second Secretary.

[C No. 13(28)NBR/Cus/72]

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

Justice Branch

Section IV

NOTIFICATION

Dacca, the 29th April 1976.

No. 284-JIV/2T-3/76.—In exercise of the powers conferred by clause (2) of Regulation 3 of the Martial Law Regulations, 1975, the Government is pleased to transfer the case mentioned in column I of the schedule below and pending in the court shown in column II thereof to the Special Martial Law Court specified in column III of the schedule.

Schedule

Case No.	Court where case is pending.	Special Martial Law Court.
I	II	III
Special Tribunal Case No. 218/76, arising out of Motijheel (Dacca) P.S. Case No. 55(4) 76, u/s. 364 A, B. P. C. and Special Powers Act, 1974.	Senior Special Tribunal No. I, Dacca.	Special Martial Law Court No. I, Dacca.

By order of the President
A. R. CHOWDHURY
Secretary.