

The Agricultural and Sanitary Improvement Act, 1920

(ACT NO. VI OF 1920)

¹An Act to consolidate and amend the law relating to the construction of drainage and other works for the improvement of the agricultural and sanitary conditions of certain areas in Bangladesh.

WHEREAS it is expedient to consolidate and amend the law relating to the construction of drainage and other works for the improvement of the agricultural and sanitary conditions of certain areas in Bangladesh;

It is hereby enacted as follows:-

PRELIMINARY

Short title, extent and commencement

1.(1) This Act may be called the ²[* * *] Agricultural and Sanitary Improvement Act, 1920.

(2) It extends to the whole of Bangladesh, ³[except any area] which has been or may hereafter be constituted a Municipality under the provisions of the Municipal Administration Ordinance, 1960:

Provided that if any scheme under this Act jointly affects any area to which this Act extends and any municipal area, this Act shall be deemed to apply to such municipal area for the purposes of such scheme.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette direct.

Definitions

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

(1) "Collector"-

(a) means the officer in charge of the revenue jurisdiction of the district within which the lands which form the subject of a scheme under this Act are situated, or, in the case of a scheme relating to lands lying in more

than one district, any such officer or officers as may be selected by the Commissioner; and

(b) includes any officer appointed by the Government by general or special order to discharge all or any of the functions of the Collector under this Act;

(2) the "cost" of a work includes-

(a) the total expenditure incurred by the Engineer for surveys, plans, estimates, valuations of a work, and incidental expenses connected therewith, whether antecedent or subsequent to the adoption of a scheme, and all expenses incurred in its execution;

(b) the estimated capitalized cost of the maintenance of the work;

(c) the total expenditure incurred by the Collector in connection with the scheme and work inclusive of any preliminary inquiry, compensation for and cost of any land taken or acquired for the purposes of this Act, the preparation or revision of any record-of- rights and the cost of appointment and recovery;

(d) all amounts paid, or estimated as payable, as compensation for damage inflicted in carrying out any scheme or work under this Act; and

(e) interest on all recoverable deposits or advances made by the Government, or by a local authority, or any person, at such rates and from and to such dates as may be prescribed;

(3) "Engineer" means the District Engineer, or any Engineer, or other person specially appointed by the Government in the case of major schemes, or by the Collector in the case of minor schemes, to discharge all or any of the functions of an Engineer under this Act;

(4) "landlord" means a person immediately under whom a tenant holds and includes a landlord in Khas possession and also the Government;

(5) "local area" means the portion of a district or districts to which a scheme under this Act relates, and any municipal area included within such scheme;

(6) "local authority" means any authority legally entitled to, entrusted by ⁴[the Government] with, the control or management of a municipal, or local fund;

(7) "major scheme" means scheme-

(i) in which the estimated cost of the work involved exceeds the prescribed amount, or

(ii) in which more than one independent local authority is concerned, or

(iii) which the Collector has certified should be treated, in such circumstances as may be prescribed, as a major scheme;

(8) "minor scheme" means any scheme other than a major scheme;

(9) "prescribed" means prescribed by rules under this Act;

(10) a "Scheme" includes-

(a) a survey and plans,

(b) estimates of the cost of the work involved in such scheme,

(c) a description or map of the local area, and

(d) a report on the scheme;

(11) "tenant" means a person, whether resident or non-resident in the local area, who holds land or premises for any purposes whatsoever under another person, and is, or but for a special contract would be, liable to pay rent for that land or premises to that person, and includes any rent-free holder or temporary occupant of land or premises.

APPLICATION FOR CONSTRUCTION OF WORKS AND PROCEDURE THEREON

Procedure by the Collector on receipt of application for the undertaking of a work

3. Whenever an application is received by the Collector from a local authority, or local authorities, or any person, or persons, recommending the undertaking of any work for the improvement, or for the prevention of the deterioration, of the agricultural or sanitary condition of any area, or if the Collector is himself of opinion that the undertaking of any such work is necessary, he shall cause such inquiries as he may deem necessary to be made and shall thereafter consult the local authority or local authorities concerned:

Provided that if after such inquiries, the Collector is satisfied that the proposed work will constitute a minor scheme which is mainly agricultural in character, reference to any local authority shall not be necessary but may be made if the Collector deems it desirable.

Order after inquiry

4.(1) On completion of the necessary inquiries and after consultation, when necessary, with the local authority or local authorities, the Collector shall-

(a) if he considers that the proposed work should not be done, pass an order to that effect; or

(b) if he considers that the work proposed or modified should be done, take action as hereinafter provided.

(2) An appeal shall lie to the Commissioner against every order by the Collector under clause (a) of sub-section (1) within thirty days of such order; and the decision of the Commissioner thereon shall be final.

Engineer to prepare Scheme

5.(1) Whenever it has been decided under section 4 to proceed with any work, the Collector shall direct the Engineer to prepare a scheme.

(2) When the Engineer has prepared any such scheme, he shall forward it to the Collector, who may, subject to such rules as may be prescribed in this behalf, make such modifications therein as he may deem necessary.

Publication of scheme

6. As soon as possible after the receipt of the scheme, the Collector shall publish a notice in the prescribed manner calling for objections or suggestions thereon by any local authorities, or person interested, within such time as may be prescribed.

Procedure in the case of minor schemes

7. In the case of minor schemes, the Collector shall, as soon as possible after the expiry of the period fixed by the notice published under section 6, proceed in the prescribed manner to consider any objections or suggestions received in regard to the scheme.

Power of Collector to reject or

8.(1) The collector may-

(a) reject the scheme referred to in section 7, or

**accept,
scheme**

(b) subject to such rules as may be prescribed in this behalf, accept it with such modifications as he may deem necessary, and shall determine, in the prescribed manner, the method in which, and the conditions, subject to which, the cost of the work shall be financed and distributed.

(2) An appeal shall lie to the Commissioner against every order by the Collector under sub-section (1) within thirty days of such order; and the decision of the Commissioner thereon shall be final.

**Procedure
in the case
of major
schemes
Appointment
of
committee**

9. In the case of major schemes, the Collector shall, as soon as possible after the receipt of the scheme, in addition to the publication required by section 6, refer it to the Commissioner, and the Commissioner shall forthwith appoint a committee, to be constituted in the prescribed manner, with the Collector as Chairman, representing the local authorities and the landowning, cultivating and other interests of the area to which the scheme relates.

**Committee
to consider
major
schemes**

10.(1) On the expiry of the period fixed by the notice published under section 6, the committee shall proceed in the prescribed manner to consider any objections or suggestions in regard to the scheme received by the Collector, and may either accept the scheme with such modifications as it may deem necessary, or reject it.

(2) Whenever a scheme has been accepted by the committee, it shall frame proposals, in the prescribed manner, regarding the method in which, and the conditions subject which, the cost of the work shall be financed and distributed.

(3) An appeal shall lie to the Government against every order by the committee under sub-section (1) or (2), within sixty days of such order.

(4) It shall be in the discretion of the Government, in the case of any scheme rejected by the committee under sub-section (1), of their own motion, to cancel or modify such order, and in such case the committee shall be required to frame proposals for financing and distributing the cost of the work as sanctioned by the Government, in the manner set out in sub section (2).