

The Acquisition of Waste Land Act, 1950 (East Bengal Act)

(ACT NO. XIX OF 1950)

An Act to provide for the acquisition for public purposes of waste land in Bangladesh.^{1♣}

WHEREAS it is expedient to provide for the acquisition for public purposes of waste land in Bangladesh;

It is hereby enacted as follows:-

Short title and extent

1. (1) This Act may be called the ²[* * *] Acquisition of Waste Land Act, 1950.

(2) It extends to the whole of Bangladesh except any area constituted a municipality under the provisions of ³[the Paurashava Ordinance, 1977 (XXVI of 1977)].

Definitions

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

(1) “Collector” includes Deputy Commissioner and such other officers as may be authorised by the Government to perform all or any of the functions of a Collector under this Act;

(2) “waste land” means any land including marshy tracts, water courses, and jungle areas, which has not grown any crop for five consecutive years or more immediately preceding the date of publication of the notification under section 3 in respect of such land, but does not include-

(i) any land which has been acquired before such date or has been held from before such date for industrial or building purposes or for the purposes of trade or business;

(ii) any land which has been held from before such date for purposes connected with the cultivation or manufacture of tea;

(iii) any land used for homestead purposes together with any garden appertaining to a homestead;

(3) “person interested” includes all persons claiming an interest in compensation to be made on account of the acquisition of any land under this Act;

(4) “public purpose” includes,-

(a) the production of food; or

(b) the afforestation of land; or

(c) the carrying out of irrigation or drainage schemes; or

(d) the provision of sites for the setting up of model villages; or

(e) the reclamation of land for bringing it under cultivation; or

(f) the settlement of land with any person or persons, in order to provide them with a means of livelihood or with holdings of an economic size or in order to enable such person or persons to carry on large scale farming on a co-operative basis or otherwise by the use of power-driven mechanical appliances;

(5) “prescribed” means prescribed by rules made under this Act.

Publication of preliminary notification and powers of officers on the issue of such notification

3. (1) Whenever it appears to the Government that any waste land (hereinafter in this Act referred to as land) is needed or is likely to be needed for any public purpose, a notification to that effect shall be published in the official Gazette, and the Collector shall cause public notice of the substance of such notification to be given at convenient places on or near the land.

(2) Thereupon it shall be lawful for any officer either generally or specially authorised by the Government in this behalf, and for his servants and workmen,-

(a) to enter upon and survey and take levels of the land;

(b) to dig or bore into the sub-soil;

- (c) to do all other acts necessary to ascertain whether the land is adapted for such purpose;
- (d) to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon;
- (e) to mark such levels, boundaries and line by placing marks and cutting trenches;
- (f) and where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any fence or jungle.

Objections

4. (1) Any person interested in any land which has been notified under sub-section (1) of section 3, as being needed or likely to be needed for a public purpose, may, within fifteen days after the issue of the notification, object to the acquisition of the land.
- (2) Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall, after giving the objector an opportunity of being heard and after making such inquiry, if any, as he thinks necessary, submit the case for the decision of the Government together with the record of the proceedings held by him and a report containing his recommendations on the objections. The decision of the Government on the objections shall be final.
- (3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land were acquired under this Act.

Declaration that land is required for a public purpose

5. (1) When the Government is satisfied, after considering the report, if any, made under sub-section (2) of section (4), that the land is needed for a public purpose, a declaration shall be made to that effect under the signature of a Secretary to ⁴[the] Government or of some officers duly authorised to certify its orders.
- (2) The declaration shall be published in the official Gazette, and shall state the district or other territorial division in which the land is situated, the

purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

(3) The said declaration shall be conclusive evidence that the land is needed for a public purpose and after making such declaration, the Government may acquire the land in the manner hereinafter appearing.

Order for acquisition

6. Whenever any land shall have been so declared to be needed for a public purpose, the Government, or some officers authorised by the Government in this behalf, shall direct the Collector to take order for the acquisition of the land.

Notice to persons interested

7. (1) The Collector shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him.

(2) Such notice shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections (if any) to the measurements of the land. The Collector may in any case require such statement to be made in writing and signed by the party or his agent.

(3) The Collector shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein as reside or have agents authorised to receive service on their behalf, within the district in which the land is situated.

(4) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him at his last known residence, address or place of business.

**Power to
require and
enforce the
making of
statements
as to names
and
interests**

8. (1) The Collector may also require any such person to make or deliver to him, at a time and place mentioned (such time not being earlier than fifteen days after the date of the requisition), a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, tenure-holder, mortgagee, tenant or otherwise, the nature of such interest and the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the statement.

(2) Every person required to make or deliver a statement under this section or section 7 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the ⁵[* * *] Penal Code.

**Power to
take
possession**

9. At any time after the expiration of fifteen days from the publication of the notice mentioned in sub-section (1) of section 7, the Collector may take possession of the land, which shall thereupon vest absolutely in the Government free from all encumbrances.

**Enquiry and
award by
Collector**

10. (1) On the day fixed under sub-section (2) of section 7 or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 7 to the measurements of the land and into the respective interests of the persons claiming the compensation and the amount and particulars of their claims, and shall make an award under his hand of-

(i) the true area of the land;

(ii) the compensation which in his opinion should be allowed under section 12; and

(iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him.