

# **The State Acquisition and Tenancy Act, 1950 (East Bengal Act)**

( ACT NO. XXVIII OF 1951 )

**An Act to provide for the acquisition by the State of the interests of rent-receivers and certain other interests in land in Bangladesh and to define the law relating to tenancies to be held under the State after such acquisition and other matters connected therewith.<sup>1♣♣</sup>**

WHEREAS it is expedient to provide for the acquisition by the State of the interests of rent-receivers and certain other interests in land in Bangladesh and to define the law relating to tenancies to be held under the State after such acquisition and other matters connected therewith;

It is hereby enacted as follows:-

## **PART I**

### **CHAPTER I**

#### **PRELIMINARY**

#### **Short title and extent**

1. (1) This Act may be called the <sup>2</sup>[\* \* \*] State Acquisition and Tenancy Act, 1950.

(2) It extends to the whole of Bangladesh.

#### **Definitions**

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

(1) “cesses” include local rates levied under the Assam Local Rates Regulation, 1879;

(2) “charitable purpose” includes relief of the poor, education, medical relief and the advancement of any other object of general public utility;

(3) “Collector” means the Collector of a district and includes a Deputy Commissioner and such other officers as may be appointed by the

Government to perform all or any of the functions of a Collector under this Act;

(4) “Commissioner” means the Commissioner of State Purchase appointed under sub-section (1) of section 48;

(5) “company” has the same meaning as in the Companies Act, 1913;

(6) “complete usufructuary mortgage” means a transfer by a tenant of the right of possession in any land for the purpose of securing the payment of money or the return of grain advanced or to be advanced by way of loan upon the condition that the loan, with all interests thereon, shall be deemed to be extinguished by the profits arising from the land during the period of the mortgage;

(7) “consolidation”, used with respect to holdings means the re-distribution of all or any of the areas of land comprised in the holdings for the purpose of rendering separate holdings more compact by reducing the total number of separate plots;

(8) “co-operative society” means a society registered or deemed to be registered under the Co-operative Societies Act, 1912, or the Bengal Co-operative Societies Act, 1940;

(9) “cultivating raiyat” or “cultivating under-raiyat” means a raiyat or an under-raiyat, as the case may be, who holds land by cultivating it either by himself or by members of his family or by servants or by bargadars or by or with the aid of hired labourers or with the aid of partners;

<sup>3</sup>[(9a) “derelict tea garden” means any parcel or group of parcels of land held under single management which was held, settled or leased for the purpose of cultivation or manufacture of tea, or which has contained or contains tea bushes, and which has been notified by the Government to be a derelict tea garden and includes all buildings on such land:

Provided that in notifying a parcel or parcels of land as a derelict tea garden, the Government may have regard to-

(i) whether such land is planted to the extent of less than 15 per cent of its area with tea of which no substantial proportion has been planted in the previous 5 years; and

(ii) the opinion of the Tea Board as to whether the area planted with tea more than 7 years previously has produced per acre in the last 3 years less than 25 per cent of the average production per acre of the whole area planted with tea in the Province for that period;]

<sup>4</sup>[(9b)] “Director of Land Records and Surveys” includes Additional Director of Land Records and Surveys;

(10) “encumbrance”, in relation to any estate, tenure, holding, tenancy or land, means any mortgage, charge, lien, sub-tenancy, easement or other right or interest created by the holder thereof on such estate, tenure, holding, tenancy or land or in limitation of his own interest therein;

(11) “estate” means land included under one entry in any of the general registers of revenue-paying lands and revenue-free lands, prepared and maintained under the law for the time being in force by the Collector of a district, and includes Government khas mahals and revenue-free lands not entered in any register; and also includes the following in the district of Sylhet-

(i) any land subject either immediately or prospectively to the payment of land-revenue for the discharge of which a separate engagement has been entered into;

(ii) any land subject to the payment of, or assessed with, a separate amount as land-revenue although no engagement has been entered into with the Government for that amount;

(iii) any land which is, for the time being, included under one entry in the Deputy Commissioner's register of revenue-free estates as well as revenue-free lands which are not so included in such register;

(iv) any land, being the exclusive property of Government, of which a separate entry has been made in the general register of revenue-paying

and revenue free estate mentioned in Chapter IV of the Assam Land and Revenue Regulation, 1886;

(12) “hat” or “bazar” means any place where persons assemble daily or on particular days in a week primarily for the purposes of buying or selling agricultural or horticultural produce livestock, poultry, hides, skins, meat, fish, eggs, milk, milk products or any other articles of food or drink or other necessities of life, and includes all shops of such articles or manufactured articles within such place;

(13) “holding” means a parcel or parcels of land or an undivided share thereof, held by a raiyat or an under-raiyat and forming the subject of a separate tenancy;

(14) “homestead” means a dwelling house with the land under it, together with any courtyard, garden, tank, place of worship and private burial or cremation ground attached and appertaining to such dwelling house, and includes any out-buildings used for the purpose of enjoying the dwelling house or for purpose connected with agriculture or horticulture and such lands within well defined limits, whether vacant or not, as are treated to be appertaining thereto;

(15) “khas land” or “land in khas possession”, in relation to any person, includes any land let out together with any building standing thereon and necessary adjuncts thereto, otherwise than in perpetuity;

(16) “land” means land which is cultivated, uncultivated or covered with water at any time of the year, and includes benefits to arise of land, houses or buildings and also things attached to the earth, or permanently fastened to anything attached to the earth;

<sup>5</sup>[(16a) notwithstanding anything contained in any other law for the time being in force or in any instrument or in any judgment or decree or order of any Court, the definition of “land” in clause (16) includes and shall be deemed always to have included all fisheries, several or territorial;]

(17) “non-agricultural tenant” means a tenant who holds land for purposes not connected with agriculture or horticulture, but does not include a

person holding land together with any building standing thereon any necessary adjuncts thereto under a lease other than a lease in perpetuity;

(18) “notification” means a notification published in the official Gazette ;

<sup>6</sup>[(18a) “orchard” means a garden of fruit-trees grown by human efforts and includes coconut, betel nut and pineapple gardens;]

(19) “prescribed” means prescribed by rules made under this Act;

(20) “proprietor” means a person owning, whether in trust or for his own benefit, an estate or a part of an estate;

(21) “registered” means registered under any Act for the time being in force for the registration of documents;

(22) “rent” means whatever is lawfully payable or deliverable in money or kind by a tenant to his landlord on account of the use or occupation of the land held by the tenant;

(23) “rent-receiver” means a proprietor or a tenure holder, and includes a raiyat, an under-raiyat or a non-agricultural tenant whose land has been let out and also the immediate landlord of a person who holds any land free of rent in consideration of some service to be rendered, but does not include a person in respect of such of this lands, as has been let out, together with any building standing thereon and necessary adjuncts thereto, otherwise than in perpetuity;

(24) “Revenue-officer” includes any officer whom the Government may appoint to discharge all or any of the functions of a Revenue-officer under this Act or any rules made thereunder;

(25) “signed” includes “marked”, when the person making the mark is unable to write his name; it also includes “stamped” with the name of the person referred to;

(26) “succession” includes both intestate and testamentary succession;

(27) “tenant” means a person who holds land under another person and is, or but for a special contract would be, liable to pay rent for that land to that person: