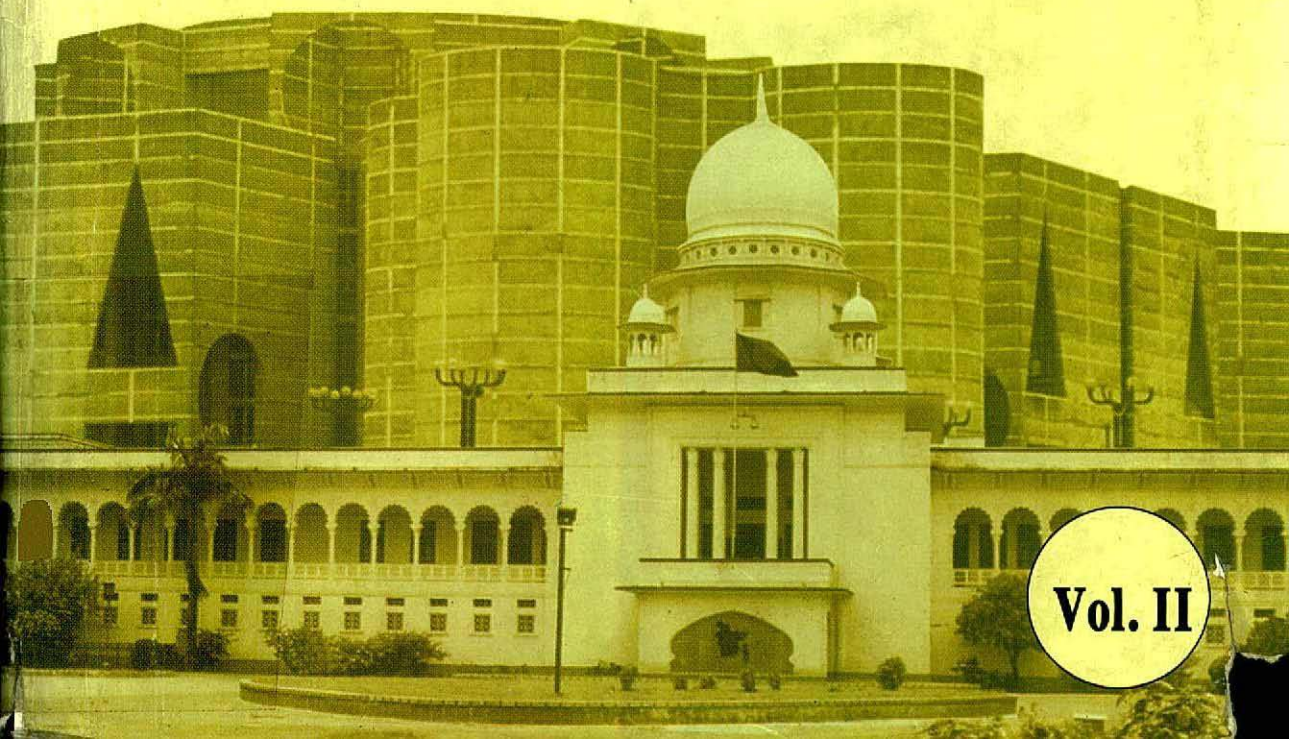


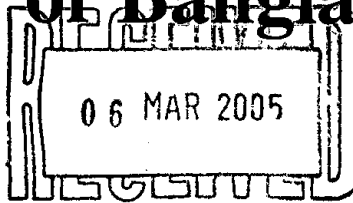
Encyclopedic Compendium of the Laws of Bangladesh

**Dr. Borhan Uddin Khan
Quazi Mahfujul Hoque Supan**



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of the
Laws of Bangladesh**



(In Four Volumes)

**Dr. Borhan Uddin Khan
Quazi Mahfujul Hoque Supan**

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Encyclopedic Compendium of the Laws of Bangladesh

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June, 2002

**For those
in search of Laws**

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Chapter 13 Repealed British Statutes 1930-1946

- 13. An Overview of the Chapter 1930
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ABBREVIATIONS USED

A.P.O.	Acting President's Order
ADB	Asian Development Bank
AG	Assam Gazette
BARC	Bangladesh Agricultural Research Council
BARD	Bangladesh Academy for Rural Development
BC	The Bangladesh Code, First Edition
BDR	Bangladesh Rifles
BG	Bangladesh Gazette, Extraordinary
BIDC	Bangladesh Industrial Development Corporation
BIDS	Bangladesh Institute of Development Studies
BISS	Bangladesh Institute of International and Strategic Studies
BIT	Bangladesh Institutes of Technology
BIWTC	Bangladesh Inland Water Transport Corporation
BKB	Bangladesh Krishi Bank
BKSP	Bangladesh Krira Shikkha Protishtan
BRRI	Bangladesh Rice Research Institute
BS	Bangladesh Statutes
BSS	Bangladesh Sangbad Sangstha
BSTI	Bangladesh Standards and Testing Institution

BUET	Bangladesh Engineering and Technological University
CBA	Collective Bargaining Agent
CEC	Chief Election Commissioner
CMP	Chittagong Metropolitan Police
CS	Central Statutes
DESA	Dhaka Electric Supply Authority
DG	Dacca Gazette, Extraordinary
DLR	The Dhaka Law Reports
DMP	Dhaka Metropolitan Police
EBA	East Bengal Act
EBO	East Bengal Ordinance
EBR	East Bengal Regulation
EPA	East Pakistan Act
EPC	The East Pakistan Code
EPG	East Pakistan Gazette, Extraordinary
EPO	East Pakistan Ordinance
EPR	East Pakistan Regulation
EPS	East Pakistan Statutes
EPZ	Export Processing Zones
ESSO	ESSO Undertakings
G. G. O.	Governor General's Order
GP	Gazette of Pakistan, Extraordinary
HBFC	Bangladesh House Building Finance Corporation
ICMA	Institute of Cost and Management Accounting
IDA	International Development Association
IDB	Islamic Development Bank
IMF	International Monetary Fund
IPGMR	Institute of Post Graduate Medicine and Research
IPSA	Institute of Post Graduate Studies in Agriculture
LPR	Leave Preparatory to Retirement

No.	Number
P. O.	President's Order
p.	Page
PATC	Public Administration Training Centre
PC	The Pakistan Code
PDR	Public Demands Recovery
PG	Pakistan Gazette, Extraordinary
pp.	Pages
PSC	Public Service Commission
TCB	Trading Corporation of Bangladesh
UCA	The Unrepealed Central Acts
UGC	University Grants Commission
VCR	Cinematograph
VDP	Ansar VDP
VIP	Very Important Person
Vol.	Volume
WAPDA	Water and Power Development Authority
WASA	Water Supply and Sewerage Authority

PREFACE

This book had long been in the making. We use the word 'making' advisedly. As the readers would notice, the Compendium is compiled rather than 'written'. However, the task of compilation, we often felt during the years of working on it, was more laborious, time-consuming and tedious than 'writing' a book. It was, nevertheless, more challenging as well. When we started, we had no way of knowing how long will it take as there were no reasonable indication of the number of Acts, Rules, Regulations and Orders that had been enacted or promulgated, nor the number of times these, or at least some of these, had been amended.

Our initial hypothesis, partly derived from the only available 'Index of Bangladesh Statutes' at that time,¹ which was a little more than one hundred pages, was that a more exhaustive and comprehensive index of all our laws can be accommodated in three hundred or so pages. After working for about six months - going through the volumes of Gazettes, Codes, Law Reports and other printed sources for texts of laws - we gradually became aware of the daunting tasks. For example, the official Bangladesh Code, published by the Government, starts with an Act of 1836 and we presumed that this is the earliest statute in force in the country. However, we soon found that not only there were other statutes from earlier years, but some of these laws from the early nineteenth century had actually been amended in the 1980s! Instead of the initial projection of three hundred or so pages, this Compendium now runs into four volumes and more than two thousand pages.

¹ Hasan, M.R., *Index of Bangladesh Laws*, Dhaka, 1992, pp. 1-110. Subsequently, in 1996, Dhaka Law Reports produced a similar publication entitled *Statutes and Laws in Bangladesh*, pp. 1-153.

The work on this Compendium was initiated in November, 1995. I had then just returned to Bangladesh after my studies in the UK and in course of my sharing of ideas with Dr. Shahdeen Malik, and his insistence that I start immediately, I was persuaded at that stage, to 'look into the matter' of compiling an account of our laws. Bangladesh Legal Aid and Services (BLAST) offered logistic support and I soon gathered a few of my students to assist me. Laws were 'searched' and titles and page numbers of the sources recorded and stored into computer. With each passing month the search became more complex as we found laws which were amended dozens, even scores, of times over the years. Often an amending Act would substitute a large number of Sections of the 'parent' Act, to be re-substituted in later amendments. Some Acts were amended more than once in a given year. We found a large number of laws which were repealed and many repealing laws to repeal even larger number of laws! A good number of laws had conferred Rules making powers and Regulations making powers to different authorities and bodies. To search, locate and systematise all these became a challenge worth taking up, and hence this Compendium instead of an Index.

All these and a number of other factors led me to focus more comprehensively and the enormity of the task finally sat in. Luckily, at this stage, in November, 1997 Quazi Mahfujul Hoque Supan, also became interested and his expertise in computer was a great relief. We decided to discard the work done up to that point in time and redo it by incorporating all forms of laws, including Rules etc., and repealed laws for a fuller and better account of all our laws. Quazi Mahfujul Hoque Supan tinkered with a software and devised a programme to accommodate the task of cross-checking between each entries of statutes or amendments. Also, at that stage, we decided to arrange the laws in two primary orders - chronological and alphabetical - and add a third variant under 'subjects', i.e., to group the laws under subject heading to enable readers to find all the laws on any given subject-matter. All these entailed certain repetitions, as the same law would appear at least thrice: once under chronological chapter (Chapter 2), once under the alphabetical (Chapter 3) and again under the 'subject' (Chapter 5). We devised a manner for putting various legislation under different 'subjects' and we recognise that others may categorise the laws somewhat differently. We also presented the laws under the nomenclature of 'parent laws' (Chapter 4). The term 'parent laws' has been used to mean the

laws which were enacted first on any issue or subject, as opposed to subsequent amendment/s of these laws at later periods.

The rationale for this manner of presentation was that it would enable readers to find the law they are looking for with minimum initial information. Also, this would aid research, for example, if some one wants to look for laws enacted in a particular period, or variants of laws on any given subject, and so forth.

Teaching and other assignments in Dhaka and elsewhere obviously meant that none of us could devote all our attentions to this task alone. The work, however, continued at varying paces at different periods, finally coming to an end in the beginning of 2002.

II

At least the size of this Compendium would indicate the world of sheer opulence vis-à-vis laws that we live in. Laws are constantly enacted and amended, and Rules, Regulations framed.

In many ways systematisation is synonymous with law making. If laws are not systematised, in some form or manner, enactment of laws can easily lead to chaos rather than order. We have so many laws but we do not know where all the laws are, nor can we find the laws in any given subject or issue with ease and certainly. Some of our major laws have been amended even almost a hundred times. To compound the matter further, there is no systematic effort to update the laws by incorporating amendments in the 'parent' laws. This Compendium indicates in footnotes (Chapters 3 and 4) whether the law has conferred any Rule making power and/or Regulations making power to the concerned authorities. However, there is no central depository, not even individual ministerial or departmental ones for finding or locating Rules and Regulations relating to the respective Ministry or Department. And then there are a number of repealing Acts, Ordinances and Orders which have repealed past laws, but not the Rules made thereunder, which have been saved by the 'savings clauses' of these laws.

In this, as it were, a world of legislative chaos, we have attempted to bring certain order by presenting the laws, amendments and repealed laws, including bye-laws in a systematic manner. We take this as the beginning of

an endeavour to have not only a legal system, which we do have, but an orderly legal system in which laws can be located easily and rationally.

One of the primary assumptions of all legal systems is that citizens ought to have access to laws and be in a position to 'know law'. This assumption is made meaningful by providing avenues for 'knowing the law'. Our state, however, does not as yet provide its citizens with any meaningful ways, mechanism or opportunities for 'knowing the law'. Unless this state function of making laws available to citizens is taken seriously and implemented it would become increasingly impossible for them to order their lives in accordance with the laws, for litigants to know what they are entitled to, or for lawyers to assist the courts and for judges to decide disputes according to law. Needless to say, those of us who are more intimately involved with the legal system - law students, law teachers, lawyers and judges - do try our best to be aware of the new laws and rules but we are often compelled to do this haphazardly precisely because there is no sure or proper means to keep track of the legislative activities.

III

This Compendium, to re-iterate, has been in the making for six years. We have, over such a long period of time, inevitably incurred a lot of debts to a number of persons. Mizan, Shovo and Sharif students of the Law Department who were involved with our work for various periods of time, particularly at the beginning, and teachers of the Department - our colleagues - some of whom have helped us in different ways, have all been supportive of our work and we acknowledge our debts to them.

Bangladesh Legal Aid and Services Trust (BLAST) is not only the publisher of this Compendium in the conventional sense of the term but also the provider of all logistic support, from computers and printers to books, codes and law reports, as well as space to work. The staff at BLAST, from personnel of the legal section to support staff have all been helpful in diverse ways. The Librarian of BLAST's library, Ms. Rumana Hasan and Ms. Shagufta Hussain had always helped us to locate books. The Executive Director of BLAST, Mr. Fazlul Huq had always been supportive and extended all possible cooperation and logistics support. We are grateful to all of them.

At various stages we have used the Library of Dhaka University, Supreme Court Bar Association Library, Attorney General's Library, Library of the Parliament. We have also used personal libraries of some eminent lawyers. We are thankful for the support we received.

Md. Anisur Rahman Mollick sat with us with his computers for long hours, often late into nights and weekends, particularly during the last few months of finalising the manuscript. We are deeply indebted for his unparalleled dedication and endurance. We want to express our appreciation to our family members for their support and patience throughout the process and preparation of this Compendium.

The person we owe our greatest debt to is, as already indicated, Dr. Shahdeen Malik. He made sure that BLAST did provide us with all the help we needed; prodded us constantly, and sometimes we thought too insistently, about our work. His involvement with this Compendium did not end with his leaving BLAST and this Compendium may not have been published now, were it not for his insistence. Also, he was patient whenever we wanted to sound out our ideas. We are thankful.

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A Compendium such as this can hardly ever be totally free of errors. At the end of each volume we have provided a few blank pages as 'notes for readers' for recording any omission, discrepancy or inconsistency, if they locate. We would be grateful for bringing those to our attention for possible incorporation (with acknowledgement) in future re-prints or editions.

Dr. Borhan Uddin Khan
Quazi Mahfujul Hoque Supan
June, 2002 Dhaka

VOLUME II

**Encyclopedic Compendium
of the
Laws of Bangladesh**
