

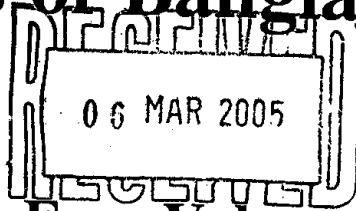
# **Encyclopedic Compendium of the Laws of Bangladesh**

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



**Vol. IV**

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of the  
Laws of Bangladesh**



**(In Four Volumes)**

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

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**VOLUME IV**

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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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## CONTENTS IN BRIEF

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<b>Volume I</b>	<b>1-560</b>
<b>Chapter 1 Introduction</b>	<b>1-35</b>
1. History of Law Making Authorities	2-28
1.1 Law Making under East India Company and Colonial Rule	2-13
1.2 Law Making Authority during Pakistan Period	13-20
1.3 Law Making Authority since Independence in 1971	20-28
2 Sources Consulted in Preparing the Compendium	28-33
3. Organisation of the Compendium	33-34
4. Conclusion	34-35
<b>Chapter 2 Laws in Operation : Chronological Order</b>	<b>36-301</b>
<b>Chapter 3 Laws in Operation : Alphabetical Order</b>	<b>302-554</b>
3. An Overview of the Chapter	302-303
3.1 Laws Enacted in English in Alphabetical Order	303-520
3.2 Laws Enacted in Bangla in Alphabetical Order	520-554

**Volume II**

561-1208

**Chapter 4 Parent Laws in Operation :****Alphabetical Order**

561-705

## 4. An Overview of the Chapter

561-562

## 4.1 Laws Enacted in English in Alphabetical Order

562-680

## 4.2 Laws Enacted in Bangla in Alphabetical Order

680-705

**Chapter 5 Laws According to Subject Matter :****In Operation and Repealed**

706-1205

**Volume III**

1209-1560

**Chapter 6 Rules in Operation : Chronological Order**

1209-1348

## 6. An Overview of the Chapter

1209-1210

## 6.1 Rules in Operation in Chronological Order

1210-1328

6.2. Pre-independence Rules on Local Government  
in Chronological Order

1328-1348

**Chapter 7 Rules in Operation : Alphabetical Order**

1349-1506

## 7. An Overview of the Chapter

1349-1350

## 7.1 Rules Framed in English in Alphabetical Order

1350-1452

## 7.2 Rules Framed in Bangla in Alphabetical Order

1452-1487

7.3 Pre-independence Rules on Local Government in  
Alphabetical Order

1488-1506

**Chapter 8 Regulations, Orders and other****Bye-laws in Operation : Alphabetical Order**

1507-1524

## 8. An Overview of the Chapter

1507-1508

8.1 Regulations	1508-1519
8.1.1 Regulations Framed in English: Alphabetical Order	1508-1513
8.1.2 Regulations Framed in Bangla: Alphabetical Order	1513-1519
8.2. Orders Framed under Laws	1520-1523
8.2.1 Orders Framed in English: Alphabetical Order	1520-1521
8.2.2 Orders Framed in Bangla: Alphabetical Order	1521-1523
8.3 Other By-laws Framed under Laws	1524

## **Chapter 9 Repealed and Suppressed Rules, Regulations and Orders**

1525-1558

9. An Overview of the Chapter	1525-1526
9.1. Repealed Rules	1526-1554
9.1.1 Repealed Rules Framed in English: Alphabetical Order	1526-1549
9.1.2 Repealed Rules Framed in Bangla: Alphabetical Order	1549-1551
9.2. Repealed Regulations	1551-1552
9.2.1 Repealed Regulations Framed in English: Alphabetical Order	1551-1552
9.2.2 Repealed Regulations Framed in Bangla: Alphabetical Order	1552
9.3. Repealed Orders	1553-1554
9.3.1 Repealed Orders Framed in English: Alphabetical Order	1553
9.4 Suppressed Rules	1554
9.4.1 Suppressed Rules Framed in English: Alphabetical Order	1554-1558

## **Volume IV**

1561-1952

### **Chapter 10 Repealed Laws : Alphabetical Order**

1561-1896

10. An Overview of the Chapter	1561
10.1 Repealed Laws : Enacted in English	1561-1885
10.2 Repealed Laws : Enacted in Bangla	1885-1896



<b>Chapter 11 Expired and Spent Laws :</b>	
<b>Alphabetical Order</b>	<b>1897-1918</b>
11. An Overview of the Chapter	1897
11.1 Expired Laws	1897-1901
11.1.1 Expired Laws: Enacted in English	1897-1900
11.2 Spent Laws	1901-1918
11.2. 1 Spent Laws: Enacted in English	1901-1915
11.2.2. Spent Laws: Enacted in Bangla	1915-1919
<b>Chapter 12 Laws Declared to be No Part of the</b>	
<b>Laws of Bangladesh</b>	<b>1919-1929</b>
12. An Overview of the Chapter	1919
12.1 Laws Declared to be no Part of the Laws of Bangladesh	1919-1923
12.2 Laws Declared to be no Part of the Laws of Pakistan	1923-1929
<b>Chapter 13 Repealed British Statutes</b>	<b>1930-1946</b>
13. An Overview of the Chapter	1930
13.1 Repealed British Statutes	1930-1946

---

---

# DETAILED CONTENTS

---

---

## **Volume I**

1-560

### **Chapter 1 Introduction.....1-35**

- 1. History of Law Making Authorities..... 3**
  - 1.1 Law Making under East India Company and Colonial Rule (1600 - 1947).. 3
  - 1.2 Law Making Authority during Pakistan Period (1947-1971)..... 14
  - 1.3 Law Making Authority since Independence in 1971 ..... 21
- 2 Sources Consulted in Preparing the Compendium ..... 29**
- 3. Organisation of the Compendium ..... 34**
- 4. Conclusion ..... 35**

### **Chapter 2 Laws in Operation : Chronological Order ..... 36-301**

- 2. An Overview of the Chapter..... 36-37**
  - 2.1. Seventeen Ninety Nine..... 37**
    - 2.1.1. Regulation ..... 37
  - 2.2 Eighteen Ten..... 37**
    - 2.2.1. Regulation ..... 37
  - 2.3 Eighteen Eighteen ..... 38**
    - 2.3.1. Regulation ..... 38
  - 2.4 Eighteen Twenty Two ..... 38**

2.4.1. Regulation .....	38
2.5 Eighteen Twenty Five.....	38
2.5.1. Regulation .....	38
2.6 Eighteen Twenty Nine .....	39
2.6.1. Regulations .....	39
2.7 Eighteen Thirty Three .....	39
2.7.1. Regulation .....	39
2.8 Eighteen Thirty Six.....	39
2.8.1. Act.....	39
2.9 Eighteen Fifty.....	40
2.9.1. Acts .....	40
2.10 Eighteen Fifty One.....	40
2.10.1. Act .....	40
2.11 Eighteen Fifty Five.....	41
2.11.1. Acts .....	41
2.12 Eighteen Fifty Six .....	41
2.12.1. Acts .....	41
2.13 Eighteen Sixty .....	41-42
2.13.1. Acts .....	41
2.14 Eighteen Sixty One.....	43
2.14.1. Acts .....	43
2.15 Eighteen Sixty Four.....	44
2.15.1. Act .....	44
2.16 Eighteen Sixty Five .....	44
2.16.1. Act .....	44
2.17 Eighteen Sixty Seven .....	44-45
2.17.1. Acts.....	44
2.18 Eighteen Sixty Eight.....	45
2.18.1. Act .....	45
2.19 Eighteen Sixty Nine .....	45
2.19.1. Act .....	45
2.20 Eighteen Seventy .....	46-47
2.20.1. Acts.....	46
2.21 Eighteen Seventy One.....	47
2.21.1. Acts.....	47
2.22 Eighteen Seventy Two.....	47-48

2.22.1. Acts .....	48
2.23 Eighteen Seventy Three .....	49
2.23.1. Acts .....	49
2.24 Eighteen Seventy Four .....	50
2.24.1. Acts .....	50
2.25 Eighteen Seventy Five .....	50-51
2.25.1. Acts .....	50
2.26 Eighteen Seventy Six .....	51
2.26.1. Acts .....	51
2.27 Eighteen Seventy Seven .....	52
2.27.1. Act .....	52
2.28 Eighteen Seventy Eight .....	52
2.28.1. Acts .....	52
2.29 Eighteen Seventy Nine .....	53
2.29.1. Acts .....	53
2.30 Eighteen Eighty .....	54
2.30.1. Acts .....	54
2.31 Eighteen Eighty One .....	54-55
2.31.1. Acts .....	54
2.31.2. Regulations .....	55
2.32 Eighteen Eighty Two .....	56-57
2.32.1. Acts .....	56
2.33 Eighteen Eighty Three .....	57
2.33.1. Act .....	57
2.34 Eighteen Eighty Four .....	57-58
2.34.1. Acts .....	57
2.35 Eighteen Eighty Five .....	58
2.35.1. Acts .....	58
2.36 Eighteen Eighty Six .....	58
2.36.1. Act .....	58
2.37 Eighteen Eighty Seven .....	59
2.37.1. Acts .....	59
2.38 Eighteen Eighty Nine .....	60-62
2.38.1. Acts .....	60
2.39 Eighteen Ninety .....	61
2.39. 1. Acts .....	61

2.40 Eighteen Ninety One.....	62
2.40.1. Act .....	62
2.41 Eighteen Ninety Three .....	62
2.41.1. Act .....	62
2.42 Eighteen Ninety Four .....	63
2.42.1. Act .....	63
2.43 Eighteen Ninety Five .....	63
2.43.1. Act .....	63
2.44 Eighteen Ninety Six.....	63
2.44. Act.....	63
2.45 Eighteen Ninety Seven .....	64
2.45.1. Acts.....	64
2.46 Eighteen Ninety Eight.....	65-67
2.46.1. Acts.....	65
2.47 Eighteen Ninety Nine.....	68-69
2.47.1. Acts.....	68
2.48 Nineteen Hundred.....	69-70
2.48.1. Act .....	69
2.48.2 Regulation.....	70
2.49 Nineteen One .....	70
2.49.1. Act .....	70
2.50 Nineteen Three.....	71
2.50.1. Acts.....	71
2.51 Nineteen Four .....	71
2.51.1. Act .....	71
2.52 Nineteen Five.....	72
2.52.1. Act .....	72
2.53 Nineteen Eight .....	72-75
2.53.1. Acts.....	72
2.54 Nineteen Nine .....	75
2.54.1. Acts.....	75
2.55 Nineteen Ten .....	76
2.55.1. Act .....	76
2.56 Nineteen Eleven.....	76
2.56.1. Act .....	76
2.57 Nineteen Twelve .....	77

2.57.1. Acts .....	77
<b>2.58 Nineteen Thirteen</b> .....	<b>78-79</b>
2.58.1. Acts .....	78
<b>2.59 Nineteen Fourteen</b> .....	<b>80</b>
2.59.1. Acts .....	80
<b>2.60 Nineteen Sixteen</b> .....	<b>80</b>
2.60.1. Acts .....	80
<b>2.61 Nineteen Seventeen</b> .....	<b>81</b>
2.61.1. Acts .....	81
<b>2.62 Nineteen Eighteen</b> .....	<b>81-82</b>
2.62.1. Acts .....	81
<b>2.63 Nineteen Nineteen</b> .....	<b>82-83</b>
2.63.1. Acts .....	82
<b>2.64 Nineteen Twenty</b> .....	<b>83-85</b>
2.64.1. Acts .....	83
<b>2.65 Nineteen Twenty One</b> .....	<b>85</b>
2.65.1. Act .....	85
<b>2.66 Nineteen Twenty Two</b> .....	<b>86</b>
2.66.1. Acts .....	86
<b>2.67 Nineteen Twenty Three</b> .....	<b>86-89</b>
2.67.1. Acts .....	86
<b>2.68 Nineteen Twenty Four</b> .....	<b>90</b>
2.68.1. Act .....	90
<b>2.69 Nineteen Twenty Five</b> .....	<b>91-92</b>
2.69.1. Acts .....	91
<b>2.70 Nineteen Twenty Six</b> .....	<b>92-93</b>
2.70.1. Acts .....	92
<b>2.71 Nineteen Twenty Seven</b> .....	<b>93-94</b>
2.71.1. Acts .....	93
<b>2.72 Nineteen Twenty Eight</b> .....	<b>94</b>
2.72.1. Acts .....	94
<b>2.73 Nineteen Twenty Nine</b> .....	<b>95</b>
2.73.1. Acts .....	95
<b>2.74 Nineteen Thirty</b> .....	<b>95-96</b>
2.74.1. Acts .....	95
<b>2.75 Nineteen Thirty One</b> .....	<b>96</b>

2.75.1. Acts .....	96
2.76 Nineteen Thirty Two .....	97-98
2.76.1. Acts .....	97
2.77 Nineteen Thirty Three .....	97
2.77.1. Acts .....	97
2.78 Nineteen Thirty Four .....	99-100
2.78.1. Acts .....	99
2.79 Nineteen Thirty Five.....	101
2.79.1. Acts .....	101
2.80 Nineteen Thirty Six .....	101-103
2.80.1. Acts .....	101
2.81 Nineteen Thirty Seven .....	103-104
2.81.1. Acts .....	103
2.82 Nineteen Thirty Eight .....	104-106
2.82.1. Acts .....	104
2.83 Nineteen Thirty Nine .....	106-107
2.83.1. Acts .....	106
2.83.2. Regulation.....	107
2.84 Nineteen Forty .....	107-109
2.84.1. Acts .....	107
2.85 Nineteen Forty One.....	109-110
2.85.1. Acts .....	109
2.86 Nineteen Forty Two.....	110-112
2.86.1. Acts .....	110
2.86.2. Ordinances .....	110
2.86.3. Regulations .....	111
2.87 Nineteen Forty Three .....	112-114
2.87.1. Acts .....	112
2.87.2. Ordinances .....	113
2.87.3. Regulations .....	114
2.88 Nineteen Forty Four .....	114-116
2.88.1. Acts .....	114
2.88.2. Ordinances .....	116
2.88.3. Regulations .....	116
2.89 Nineteen Forty Six .....	117-118
2.89.1. Acts .....	117
2.89.2. Regulation.....	118

2.90 Nineteen Forty Seven.....	118-119
2.90.1. Acts.....	118
2.90.2. Ordinance.....	119
2.91 Nineteen Forty Eight.....	119-121
2.91.1. Acts.....	119
2.91.2. Ordinances.....	120
2.91.3. Regulation.....	121
2.92 Nineteen Forty Nine.....	121
2.92.1. Act.....	121
2.93 Nineteen Fifty.....	121-123
2.93.1. Acts.....	121
2.93.2. Regulations.....	123
2.94 Nineteen Fifty One.....	123-124
2.94.1. Acts.....	123
2.94.2. Regulations.....	124
2.95 Nineteen Fifty Two.....	125-127
2.95.1. Acts.....	125
2.95.2. Regulations.....	127
2.96 Nineteen Fifty Three.....	127-129
2.96.1. Acts.....	127
2.96.2. Regulation.....	129
2.97 Nineteen Fifty Four.....	129
2.97.1. Acts.....	129
2.97.2. Regulation.....	129
2.98 Nineteen Fifty Five.....	130
2.98.1. Regulations.....	130
2.99 Nineteen Fifty Six.....	130-131
2.99.1. Acts.....	130
2.99.2. Regulations.....	131
2.100 Nineteen Fifty Seven.....	131-133
2.100.1. Acts.....	131
2.100.2. Regulations.....	133
2.101 Nineteen Fifty Eight.....	134-135
2.101.1. Acts.....	134
2.101.2. Ordinances.....	134
2.101.3. Regulation.....	135
2.102 Nineteen Fifty Nine.....	136-138



2.102.1. Ordinances .....	136
2.102.2. Regulation .....	138
<b>2.103 Nineteen Sixty</b> .....	<b>139-140</b>
2.103.1. Ordinances .....	139
2.103.2. Regulations .....	140
<b>2.104 Nineteen Sixty One</b> .....	<b>141-145</b>
2.104.1. Ordinances .....	141
<b>2.105 Nineteen Sixty Two</b> .....	<b>145-148</b>
2.105.1. Ordinances .....	145
<b>2.106 Nineteen Sixty Three</b> .....	<b>148-149</b>
2.106.1. Acts .....	148
2.106.2. Ordinances .....	149
<b>2.107 Nineteen Sixty Four</b> .....	<b>149-150</b>
2.107.1. Acts .....	149
2.107.2. Ordinances .....	150
<b>2.108 Nineteen Sixty Five</b> .....	<b>150-154</b>
2.108.1. Acts .....	150
2.108.2. Ordinances .....	151
<b>2.109 Nineteen Sixty Six</b> .....	<b>154-155</b>
2.109.1. Acts .....	154
<b>2.110 Nineteen Sixty Seven</b> .....	<b>155-156</b>
2.110.1. Acts .....	155
2.110.2. Ordinances .....	156
<b>2.111 Nineteen Sixty Eight</b> .....	<b>156-158</b>
2.111.1. Acts .....	156
2.111.2. Ordinances .....	158
<b>2.112 Nineteen Sixty Nine</b> .....	<b>158-161</b>
2.112.1. Acts .....	158
2.112.2. Ordinances .....	159
2.112.3. Orders .....	160
<b>2.113 Nineteen Seventy</b> .....	<b>161-163</b>
2.113.1. Ordinances .....	161
<b>2.114 Nineteen Seventy One</b> .....	<b>163</b>
2.114.1. Ordinances .....	163
2.114.2. Orders .....	163
<b>2.115 Nineteen Seventy Two</b> .....	<b>163-179</b>
2.115.1. Constitution .....	163

2.115.2. Ordinance .....	164
2.115.3. Orders .....	164
2.116 Nineteen Seventy Three .....	179-187
2.116. 1. Acts.....	179
2.116.2. Orders .....	183
2.117 Nineteen Seventy Four .....	187-194
2.117.1. Acts .....	187
2.118 Nineteen Seventy Five .....	194-199
2.118.1. Acts .....	194
2.118.2. Ordinances .....	197
2.119 Nineteen Seventy Six.....	199-207
2.119.1. Ordinances .....	199
2.120 Nineteen Seventy Seven .....	207-213
2.120.1. Ordinances .....	207
2.121 Nineteen Seventy Eight.....	213-218
2.121.1. Ordinances .....	213
2.122 Nineteen Seventy Nine.....	218-221
2.122.1. Acts .....	218
2.122.2. Ordinances .....	218
2.123 Nineteen Eighty .....	221-224
2.123.1. Acts .....	221
2.124 Nineteen Eighty One .....	224-226
2.124.1. Acts .....	224
2.125 Nineteen Eighty Two.....	226-232
2.125.1. Ordinances .....	226
2.126 Nineteen Eighty Three.....	232-239
2.126.1. Ordinances .....	232
2.127 Nineteen Eighty Four .....	239-247
2.127.1. Ordinances .....	239
2.128 Nineteen Eighty Five.....	247-252
2.128.1. Ordinances .....	247
2.129 Nineteen Eighty .....	252-257
2.129. 1. Act.....	252
2.129.2. Ordinances .....	252
2.130 Nineteen Eighty Seven.....	257-260
2.130.1. Acts .....	257

2.131 Nineteen Eighty Eight .....	260-263
2.131.1. Acts .....	260
2.132 Nineteen Eighty Nine .....	263-267
2.132.1. Acts .....	263
2.133 Nineteen Ninety .....	267-272
2.133.1. Acts .....	267
2.134 Nineteen Ninety One .....	272-275
2.134.1. Acts .....	272
2.135 Nineteen Ninety Two.....	275-279
2.135.1. Acts .....	275
2.136 Nineteen Ninety Three.....	279-281
2.136.1. Acts .....	279
2.137 Nineteen Ninety Four .....	281-283
2.137.1. Acts .....	281
2.138 Nineteen Ninety Five.....	283-285
2.138.1. Acts .....	283
2.139 Nineteen Ninety Six .....	285-287
2.139.1. Acts .....	285
2.140 Nineteen Ninety Seven.....	287-289
2.140.1. Acts .....	287
2.141 Nineteen Ninety Eight .....	289-291
2.141.1. Acts .....	289
2.142 Nineteen Ninety Nine .....	291-293
2.142.1. Acts .....	291
2.143 Two Thousand.....	293-296
2.143.1. Acts .....	293
2.144 Two Thousand One .....	296-300
2.144.1. Acts .....	296
2.145 Two Thousand Two .....	300-301
2.145.1. Acts .....	300

### **Chapter 3 Laws in Operation : Alphabetical Order .....302-554**

3. An Overview of the Chapter.....	302-303
3.1 Laws Enacted in English in Alphabetical Order .....	303-520

3.1.1 A.....	303-318
3.1.2 B.....	318-360
3.1.3 C.....	360-389
3.1.4 D.....	389-397
3.1.5 E.....	397-406
3.1.6 F.....	406-414
3.1.7 G.....	414-420
3.1.8 H.....	420-423
3.1.9 I.....	423-431
3.1.10 J.....	431-433
3.1.11 K.....	434-435
3.1.12 L.....	435-442
3.1.13 M.....	442-455
3.1.14 N.....	455-459
3.1.15 O.....	459-461
3.1.16 P.....	461-481
3.1.17 R.....	482-491
3.1.18 S.....	491-507
3.1.19 T.....	508-513
3.1.20 U.....	513-514
3.1.21 V.....	515-516
3.1.22 W.....	516-519
3.1.23 Y.....	519
3.1.24 Z.....	520
<b>3.2 Laws Enacted in Bangla in Alphabetical Order.....</b>	<b>520-554</b>
৩.২.১ অ.....	520-523
৩.২.২ আ.....	523-524
3.2.3 B.....	525
৩.২.৪ ঊ.....	525-526
3.2.5 G.....	526
৩.২.৬ গ.....	526-527
৩.২.৭ ঘ.....	527-529
3.2.8 M.....	529
3.2.9 P.....	529
৩.২.১০ জ.....	529-531
3.2.11 W.....	531
৩.২.১২ ঠ.....	531-532
3.2.13 Z.....	532

3.2.14 .....	533
৩.২.১৫ ন.....	533-536
৩.২.১৬ প.....	536-538
৩.২.১৭ ব.....	539-547
3.2.18 f .....	547
৩.২.১৯ ম.....	547-548
3.2.20 h.....	549
৩.২.২১ র.....	549-551
3.2.22 k.....	552
৩.২.২৩ স.....	552-554
3.2.24 n.....	554

## Volume II

561-1208

### Chapter 4 Parent Laws in Operation : Alphabetical Order ..561-705

4. An Overview of the Chapter.....	561-562
4.1 Laws Enacted in English in Alphabetical Order .....	562-580
4.1.1 A.....	562-569
4.1.2 B.....	569-586
4.1.3 C.....	587-603
4.1.4 D.....	603-607
4.1.5 E.....	608-613
4.1.6 F.....	613-620
4.1.7 G.....	620-623
4.1.8 H.....	623-625
4.1.9 I.....	625-629
4.1.10 J.....	629-631
4.1.11 K.....	631-632
4.1.12 L.....	632-636
4.1.13 M.....	636-642
4.1.14 N.....	643-646
4.1.15 O.....	646-648
4.1.16 P.....	648-659
4.1.17 R.....	659-663
4.1.18 S.....	663-671

4.1.19 T.....	671-675
4.1.20 U .....	675-676
4.1.21 V .....	676-677
4.1.22 W.....	677-679
4.1.23 Y .....	680
4.1.24 Z.....	680
<b>4.2 Laws Enacted in Bangla in Alphabetical Order .....</b>	<b>680-705</b>
8.২.১ অ.....	680-682
8.২.২ আ .....	682-683
4.2.3 B .....	684
4.2.4 D.....	684
4.2.5 G.....	684
4.2.6 K.....	685
4.2.7 L.....	686
4.2.8 M .....	686
4.2.9 P .....	687
4.2.10 R .....	687
4.2.11 W.....	688
4.2.12 X .....	689
4.2.13 Z.....	689
4.2.14 ` .....	690
8.২.১৫ ন.....	690-693
8.২.১৬ প.....	693-695
8.২.১৭ ব.....	695-701
8.২.১৮ ভ.....	701-702
8.২.১৯ ষ.....	702-703
4.2.20 h.....	703
8.২.২১ র.....	703-704
4.2.22 k.....	704
4.2.23 m .....	705
4.2.24 n.....	705

<b>Chapter 5</b>	<b>Laws According to Subject Matter :</b>	
	<b>In Operation and Repealed .....</b>	<b>706-1205</b>
5.	An Overview of the Chapter.....	706-707
5.1	Abandoned Building .....	707
5.2	Abandoned Children.....	707
5.3	Abandoned Property .....	707
5.4	Abduction .....	707
5.5	Absorption of Public Servants .....	708
5.6	Academic Institutions .....	708
5.7	Academy.....	708
5.8	Accidents .....	708
5.9	Accountants .....	708
5.10	Acid .....	708
5.11	Acquisition.....	709
5.12	Acquisition of Immovable Property .....	709
5.13	Acquisition of Property.....	709
5.14	Acting Judges .....	709
5.15	Actionable Wrong .....	709
5.16	ADB .....	709
5.17	Addiction.....	710
5.18	Administration .....	710
5.19	Administrative Tribunal .....	710
5.20	Administrator General .....	710
5.21	Admiralty .....	710
5.22	Adolescent Offenders .....	711
5.23	Adoption .....	711
5.24	Adult Franchise .....	711
5.25	Adulteration .....	711
5.26	Advertisement.....	711
5.27	Advocate .....	712
5.28	Aerial Ropeways.....	712
5.29	Aerodromes.....	712
5.30	Affirmations .....	712
5.31	Age of Majority.....	712
5.32	Agencies .....	712
5.33	Agricultural Bank.....	713
5.34	Agricultural Census .....	713
5.35	Agricultural Debtors .....	713

5.36 Agricultural Development .....	713
5.37 Agricultural Education.....	713
5.38 Agricultural Income-Tax.....	714
5.39 Agricultural Labour .....	714
5.40 Agricultural Land.....	714
5.41 Agricultural Pesticides.....	714
5.42 Agricultural Pests.....	715
5.43 Agricultural Produce.....	715
5.44 Agricultural Research.....	715
5.45 Agricultural Research Council .....	716
5.46 Agricultural University .....	716
5.47 Agriculture.....	717
5.48 Agriculturists.....	719
5.49 Aid .....	719
5.50 Air Force.....	719
5.51 Air Traffic .....	720
5.52 Air Transport.....	720
5.53 Aircraft .....	720
5.54 Airforce Service .....	721
5.55 Airports .....	721
5.56 Albadar .....	721
5.57 Alcohol .....	722
5.58 Alien Residents .....	722
5.59 Alienation .....	722
5.60 Allopathic .....	722
5.61 Allowances .....	722
5.62 Allowances and Privileges .....	723
5.63 Alluvial Land.....	723
5.64 Amar Sonar Bangla .....	723
5.65 Amins.....	723
5.66 Ammunition .....	724
5.67 Amusement .....	724
5.68 Anand Marriage .....	724
5.69 Animals .....	724
5.70 Annulment of Declaration.....	726
5.71 Ansar .....	726
5.72 Anti Hoarding .....	726
5.73 Anti-Corruption .....	726



5.74 Antiquities .....	727
5.75 Apprentices .....	727
5.76 Apprenticeship .....	727
5.77 Arbitration .....	727
5.78 Architecture .....	727
5.79 Archives.....	728
5.80 Armament.....	728
5.81 Armed Force .....	728
5.82 Armed Police.....	728
5.83 Arms.....	728
5.84 Arms and Ammunition .....	729
5.85 Army.....	729
5.86 Arrest Without Warrant .....	730
5.87 Artha Rin Adalat.....	730
5.88 Artillery .....	730
5.89 Artisan.....	730
5.90 Arts .....	731
5.91 Arts and Crafts.....	731
5.92 Arya.....	731
5.93 Ashram.....	731
5.94 Asian Development Bank .....	731
5.95 Asian Reinsurance Corporation.....	731
5.96 Ass .....	731
5.97 Assembly.....	732
5.98 Assembly Members .....	733
5.99 Assembly Secretariat.....	733
5.100 Assessment.....	734
5.101 Associated Press.....	734
5.102 Association.....	734
5.103 Atomic .....	734
5.104 Atomic Energy .....	734
5.105 Attia Forest .....	735
5.106 Attorney-General .....	735
5.107 Audits and Accountants .....	735
5.108 Authority .....	735
5.109 Autonomous Body .....	737
5.110 Auxiliary Corps .....	737
5.111 Aviation.....	737

5.112 Avikar .....	737
5.113 Award .....	738
5.114 Award Fund .....	738
5.115 Ayurvedic .....	738
5.116 Baby Food .....	738
5.117 <i>Badshahi</i> Grants .....	739
5.118 BAKSAL .....	739
5.119 Bandarban .....	739
5.120 Bangabandhu .....	739
5.121 Bangabandhu Award Fund .....	739
5.122 Bangla .....	740
5.123 Bangla Academy .....	740
5.124 Bangladesh Bank .....	740
5.125 Bangladesh Biman .....	740
5.126 Bangladesh Flag Vessels .....	741
5.127 Bangladesh Industrial Development Corporation .....	741
5.128 Bangladesh Krishi Bank .....	741
5.129 Bangladesh Parjatan Corporation .....	741
5.130 Bangladesh Rifles .....	741
5.131 Bangladesh Sangbad Sangstha .....	741
5.132 Bangladesh Shilpa Bank .....	741
5.133 Bangladesh Shilpa Rin Sangstha .....	742
5.134 Bank .....	742
5.135 Bank Deposit .....	745
5.136 Bank Notes .....	745
5.137 Bank-company .....	745
5.138 Bankers .....	745
5.139 Bankers' Books .....	745
5.140 Bankruptcy .....	746
5.141 Bar Council .....	746
5.142 BARC .....	746
5.143 BARD .....	746
5.144 Bargadars .....	747
5.145 Basic Democracy .....	747
5.146 Battalion Ansar .....	747
5.147 Battalions .....	747
5.148 Bazar .....	747
5.149 BDR .....	747

5.150 Benami Transaction.....	748
5.151 Benevolent Fund .....	748
5.152 Betterment Fees .....	748
5.153 Bhola .....	748
5.154 BIDC .....	748
5.155 Bidi .....	749
5.156 BIDS .....	749
5.157 BISS .....	749
5.158 Bills of Exchange .....	749
5.159 Bills of Lading.....	749
5.160 Biman .....	749
5.161 Birds.....	749
5.162 Birth Registration .....	750
5.163 BIT .....	750
5.164 BIWTC .....	750
5.165 BKB .....	750
5.165 BKSP .....	750
5.166 Blind.....	750
5.167 Blood Transfusion .....	751
5.168 Board.....	751
5.169 Bogra.....	753
5.170 Boilers .....	753
5.171 Bonded Warehouse .....	753
5.172 Bonds.....	753
5.173 Book.....	753
5.174 Border Areas.....	754
5.175 Borstal School .....	754
5.176 Boy Scouts .....	754
5.177 Breast-Milk .....	755
5.178 Brick .....	755
5.179 Bridge.....	755
5.180 Broadcasting .....	755
5.181 Brothel .....	755
5.182 BRRI .....	755
5.183 BSS .....	756
5.184 BSTI.....	756
5.185 Buddhist .....	756
5.186 Budget.....	756

5.187 BUET .....	756
5.188 Building Construction .....	756
5.189 Building Society .....	756
5.190 Buildings .....	757
5.191 Bureau .....	758
5.192 Business .....	758
5.193 Business Profit Tax .....	758
5.194 Business Turnover .....	758
5.195 Cadastral Survey .....	759
5.196 Cadet .....	759
5.197 Cadet College .....	759
5.198 Cadet Corps .....	759
5.199 Calamities .....	759
5.200 Calamity .....	760
5.201 Camel .....	760
5.202 Canals .....	760
5.203 Cantonment .....	760
5.204 Capital .....	760
5.205 Capital Issues .....	761
5.206 Care-taker Government .....	761
5.207 Carriage .....	761
5.208 Carriage by Air .....	761
5.209 Carriage by Sea .....	762
5.210 Carriers .....	762
5.211 Cash Certificate .....	762
5.212 Caste .....	762
5.213 Cattle .....	762
5.214 Cattle Trespass .....	763
5.215 CBA .....	763
5.216 CEC .....	763
5.217 Censorship .....	763
5.218 Census .....	763
5.219 Central Bank .....	763
5.220 Certificate Cases .....	764
5.221 Cess .....	764
5.222 Cha Sramik .....	764
5.223 Charged Expenditure .....	764
5.224 Charitable Endowments .....	764

5.225 Charitable Trust .....	765
5.226 Charity .....	765
5.227 Chars .....	766
5.228 Chartered Accountants .....	766
5.229 Chaukidari .....	766
5.230 Cheques .....	766
5.231 Chief Election Commissioner .....	766
5.232 Chiefs of Staff .....	766
5.233 Child Labour .....	767
5.234 Child Marriage .....	767
5.235 Children .....	767
5.236 Chittagong .....	768
5.237 Chittagong Hill Tracts Peace Accord .....	769
5.238 Chittagong Hill-Tracts .....	769
5.239 Chittagong Metropolitan Police .....	771
5.240 Chittagong Port .....	771
5.241 Chittagong University .....	772
5.242 Chowgram .....	772
5.243 Christian .....	772
5.244 Christian Law .....	772
5.245 Christian Marriage .....	772
5.246 Church Court .....	772
5.247 Cigar .....	773
5.248 Cigarette .....	773
5.249 Cinema .....	773
5.250 Cinematograph .....	773
5.251 Citizenship .....	774
5.252 City .....	774
5.253 City Corporation .....	774
5.254 Civil Aviation .....	774
5.255 Civil Commotion .....	775
5.256 Civil Court .....	775
5.257 Civil Defence .....	776
5.258 Civil Pioneer Force .....	776
5.259 Civil Procedure .....	776
5.260 Civil Servant .....	776
5.261 Civil Service .....	776
5.262 Civilization .....	777

5.263 Clinics.....	777
5.264 Cloth .....	777
5.265 CMP.....	777
5.266 Coal .....	777
5.267 Coal Mines .....	777
5.268 Coast .....	777
5.269 Coast Guard.....	778
5.270 Coastal Shipping .....	778
5.271 Coasting-Vessel.....	778
5.272 Coca .....	778
5.273 Coconut.....	778
5.274 Coinage .....	778
5.275 Coins .....	778
5.276 Collaborators .....	779
5.277 Collection of Tax .....	779
5.278 Collective Fines .....	779
5.279 Collector.....	779
5.280 College.....	780
5.281 Comilla .....	780
5.282 Commerce.....	780
5.283 Commission.....	783
5.284 Commission of Inquiry.....	784
5.285 Committee of Management.....	784
5.286 Common Carriers .....	785
5.287 Commonwealth.....	785
5.288 Communicable Disease Control .....	785
5.289 Communication.....	785
5.290 Company .....	787
5.291 Compensation.....	788
5.292 Comptroller and Auditor General.....	788
5.293 Compulsory Labour .....	789
5.294 Compulsory Primary Education .....	789
5.295 Compulsory Service .....	789
5.296 Compulsory Vaccination.....	789
5.297 Computer.....	789
5.298 Computer Council .....	790
5.299 Conciliation .....	790
5.300 Conciliation Court .....	790

5.301 Conditions of Service .....	790
5.302 Confinement .....	790
5.303 Constituencies .....	791
5.304 Conservation .....	791
5.305 Constituent Assembly .....	791
5.306 Constitution .....	792
5.307 Construction .....	792
5.308 Consular Officers .....	792
5.309 Consumer .....	792
5.310 Contempt of Court .....	793
5.311 Continental Shelf .....	793
5.312 Contract .....	793
5.313 Contribution .....	793
5.314 Conveyance .....	793
5.315 Co-operative Societies .....	793
5.316 Copyright .....	794
5.317 Coroners .....	794
5.318 Corporation .....	794
5.319 Corps .....	799
5.320 Corruption .....	800
5.321 Cost .....	800
5.322 Cost and Industrial Accountants .....	800
5.323 Cost and Management Accountants .....	800
5.324 Cottage Industry .....	801
5.325 Cotton .....	801
5.326 Cotton Cloth .....	801
5.327 Cotton Ginning .....	802
5.328 Cotton Yarn .....	802
5.329 Council .....	802
5.330 Court .....	803
5.331 Court of Wards .....	806
5.332 Court-fees .....	806
5.333 Crafts .....	806
5.334 Creditor .....	806
5.335 Crime .....	806
5.336 Crimes Against Humanity .....	808
5.337 Criminal Law .....	808
5.338 Criminal Lunatic .....	809

5.339 Criminal Procedure.....	810
5.340 Crops.....	810
5.341 Cruelty.....	811
5.342 Cruelty to Animals.....	811
5.343 Cruelty to Women.....	811
5.344 Cultivation.....	811
5.345 Culture.....	812
5.346 Currency.....	812
5.347 Currency Notes.....	813
5.348 Curriculum.....	813
5.349 Custom.....	813
5.350 Cutchi Memons.....	814
5.351 Dacoity.....	814
5.352 Dangerous Cargoes.....	814
5.353 Dangerous Drags.....	814
5.354 Dangerous Persons.....	814
5.355 Dargah.....	814
5.356 Data.....	815
5.357 Death.....	815
5.358 Death Sentence.....	815
5.359 Deaths Registration.....	815
5.360 Debt.....	815
5.361 Debtor.....	815
5.362 Decennial Settlement.....	816
5.363 Decentralization.....	816
5.364 Decimal Coinage.....	816
5.365 Declaration of Newspapers.....	816
5.366 Declarations.....	817
5.367 Decoration.....	817
5.368 Decrees.....	817
5.369 Defamation.....	817
5.370 Defence.....	817
5.371 Defence Service.....	818
5.372 Delimitation of Constituencies.....	818
5.373 Demography.....	819
5.374 Demonetisation.....	819
5.375 Dental.....	819
5.376 Dentistry.....	819



5.377 Dentists .....	820
5.378 Departure .....	820
5.379 Deposit .....	820
5.380 Depository .....	820
5.381 Deputy Attorney-General .....	820
5.382 Deputy Leader of the Opposition .....	821
5.383 Deputy Ministers .....	821
5.384 Deputy Prime Minister .....	821
5.385 Deputy Speaker .....	821
5.386 Dereliction .....	822
5.387 DESA .....	822
5.388 Designs .....	822
5.389 Destruction of Records .....	822
5.390 Detection of Crime .....	822
5.391 Detention .....	822
5.392 Development .....	823
5.393 Development Authority .....	826
5.394 Development Bank .....	826
5.395 Development Board .....	827
5.396 Development Corporation .....	828
5.397 Development Studies .....	829
5.398 Dhaka .....	829
5.399 Dhaka City Corporation .....	830
5.400 Dhaka Metropolitan Police .....	830
5.401 Dhaka Museum .....	830
5.402 Dhaka University .....	830
5.403 Dhaka University Court .....	830
5.404 Dhanmondi Residential Area .....	831
5.405 Diarrhoeal Disease .....	831
5.406 Diluvion .....	831
5.407 Diplomat .....	831
5.408 Disable .....	831
5.409 Discipline .....	831
5.410 Discipline Among Government Servants .....	832
5.411 Discipline and Order in Academic Institutions .....	832
5.412 Discoveries .....	832
5.413 Disease .....	832
5.414 Dismissal .....	833

5.415 Dismissal of Public Servants.....	833
5.416 Disorderly and Dangerous Persons .....	833
5.417 Displaced Persons.....	833
5.418 Disputes.....	834
5.419 Dissolution of Marriage.....	834
5.420 District.....	834
5.421 District Administration.....	835
5.422 District Board.....	835
5.423 District Council .....	835
5.424 Disturbed Areas .....	836
5.425 Divorce .....	836
5.426 DMP .....	836
5.427 Dock.....	836
5.428 Dock Workers .....	837
5.429 Doctor.....	837
5.430 Documents .....	838
5.431 Domestic Servant .....	838
5.432 Donation.....	838
5.433 Donation of Eye.....	839
5.434 Dormant Fund .....	839
5.435 Dourine .....	839
5.436 Dower.....	839
5.437 Dowry.....	839
5.438 Drainage.....	840
5.439 Drama.....	840
5.440 Dramatic Performances .....	840
5.441 Drivers.....	840
5.442 Driving.....	840
5.443 Drought .....	841
5.444 Drugs.....	841
5.445 Duties .....	841
5.446 Earthquake .....	842
5.447 Easement .....	842
5.448 Easement Land .....	843
5.449 Education.....	843
5.450 Election .....	847
5.451 Election Commission.....	850
5.452 Election Commissioner .....	850

5.453 Election Officials.....	851
5.454 Electoral College.....	851
5.455 Electoral Rolls.....	851
5.456 Electorate.....	851
5.457 Electricity.....	851
5.458 Electrification Board.....	852
5.459 Elephants.....	852
5.460 Embankment.....	852
5.461 Embezzlement.....	853
5.462 Emblems.....	853
5.463 Emergency.....	853
5.464 Emergency Powers.....	853
5.465 Emigration.....	854
5.466 Emoluments.....	854
5.467 Employees.....	854
5.468 Employers' Liability.....	855
5.469 Employment.....	855
5.470 Employment of Labour.....	856
5.471 Endowments.....	856
5.472 Enemy.....	856
5.473 Enemy Property.....	857
5.474 Energy.....	857
5.475 Engineering.....	858
5.476 Engineering College.....	858
5.477 Enrolment.....	858
5.478 Entertainment.....	858
5.479 Environment.....	858
5.480 Epidemic Disease.....	861
5.481 EPZ.....	861
5.482 Equity.....	862
5.483 Equity Participation.....	862
5.484 Escheats.....	862
5.485 Essential Articles.....	862
5.486 Essential Commodities.....	862
5.487 Essential Services.....	863
5.488 Essential Supplies.....	863
5.489 ESSO.....	863
5.490 Establishments.....	863

5.491 Estate Duty .....	864
5.492 Estate Partition .....	864
5.493 Estates .....	864
5.494 European Vagrancy .....	864
5.495 Evacuee Property .....	864
5.496 Evacuees .....	864
5.497 Evidence .....	865
5.498 Examination .....	865
5.499 Excavation .....	865
5.500 Exchange .....	865
5.501 Excise .....	866
5.502 Exemption from Preventive Detention .....	866
5.503 Exit from Bangladesh .....	866
5.504 Exploration .....	867
5.505 Explosives .....	867
5.506 Export .....	867
5.507 Export Processing Zones .....	868
5.508 Export Promotion Bureau .....	868
5.509 Expropriation .....	868
5.510 Extortion .....	868
5.511 Extradition .....	868
5.512 Eye .....	869
5.513 Factories .....	869
5.514 Fairways .....	869
5.515 Family Court .....	869
5.516 Family Law .....	869
5.517 Family Settlement .....	870
5.518 Famine .....	871
5.519 Farcy .....	871
5.520 Fatal Accidents .....	871
5.521 Father of the Nation .....	871
5.522 Federal Court .....	871
5.523 Federation .....	871
5.524 Female .....	872
5.525 Female Education .....	872
5.526 Female Infants .....	872
5.527 Ferries .....	873
5.528 Fibre .....	873

5.529 Field Firing .....	873
5.530 Film .....	874
5.531 Film Clubs .....	874
5.532 Finance.....	874
5.533 Finance Corporation.....	878
5.534 Financial Institution.....	879
5.535 Financial Organisation .....	881
5.536 Financial Stability .....	881
5.537 Fines.....	881
5.538 Fire .....	882
5.539 Fire Brigade.....	882
5.540 Fire Service .....	882
5.541 Firewood .....	882
5.542 Fire-works .....	882
5.543 Firm .....	882
5.544 Fiscal .....	883
5.545 Fish .....	883
5.546 Fisheries .....	883
5.547 Fishing vessel.....	884
5.548 Flag.....	884
5.549 Flag Vessel.....	884
5.550 Flood .....	884
5.551 Flood Control.....	885
5.552 Flood Rehabilitation .....	885
5.553 Floor Crossing .....	885
5.554 Folk Arts .....	885
5.555 Food.....	885
5.556 Food Adulteration.....	886
5.557 Foodgrains .....	886
5.558 Force .....	886
5.559 Foreign Aid .....	888
5.560 Foreign Capital .....	888
5.561 Foreign Contribution .....	888
5.562 Foreign Decoration .....	889
5.563 Foreign Donation .....	889
5.564 Foreign Immigrants.....	889
5.565 Foreign Interest.....	889
5.566 Foreign Investment .....	889

5.567 Foreign Marriage .....	889
5.568 Foreign Nationals .....	890
5.569 Foreign Nationals .....	890
5.570 Foreign Private Investment.....	890
5.571 Foreign Recruiting.....	890
5.572 Foreign Relations .....	890
5.573 Foreign Voluntary Organisations.....	890
5.574 Foreigners .....	890
5.575 Forest .....	891
5.576 Forest Industry .....	891
5.577 Forfeited Deposits .....	891
5.578 Forfeiture.....	891
5.579 Fort William .....	892
5.580 Foundation .....	892
5.581 Franchise .....	892
5.582 Freedom Fighters .....	892
5.583 Freight .....	893
5.584 Frontier .....	893
5.585 Fuel.....	893
5.586 Fugitive Offenders.....	894
5.587 Fund.....	894
5.588 Fundamental Principals of State Policy .....	895
5.589 Fundamental Rights.....	895
5.590 Fungus .....	895
5.591 Gambling .....	895
5.592 Games.....	895
5.593 Gaming-house .....	895
5.594 Gandhi Ashram.....	896
5.595 Gardens .....	896
5.596 Garo .....	896
5.597 Garo Hill .....	896
5.598 Gas .....	896
5.599 General Clauses .....	897
5.600 Geneva Convention.....	897
5.601 Genocide.....	897
5.602 Ghatwali Land .....	897
5.603 Ghousul Azam Abdul Qader Jillani.....	897
5.604 Gift .....	897

5.605 Gift-tax .....	898
5.606 Girls .....	898
5.607 Girls Guides.....	898
5.608 Glanders .....	898
5.609 Golden Fibre.....	898
5.610 Goods .....	898
5.611 Goondas .....	899
5.612 Government Banks.....	899
5.613 Government Buildings .....	899
5.614 Government Grants .....	900
5.615 Government Indemnity.....	900
5.616 Government Industry.....	900
5.617 Government Land.....	900
5.618 Government Officers .....	900
5.619 Government Organisations .....	901
5.620 Government Securities .....	901
5.621 Government Servants.....	901
5.622 Government Services.....	902
5.623 Government-owned Newspapers.....	902
5.624 Grading .....	902
5.625 Gram Parishad.....	902
5.626 Grameen Bank .....	903
5.627 Grants .....	903
5.628 Gratuities .....	903
5.629 Grave offences.....	903
5.630 Ground Water .....	903
5.631 Group Insurance.....	903
5.632 Hackney-carriage .....	904
5.633 Hajj.....	904
5.634 Handloom .....	904
5.635 Haor .....	905
5.636 Haqqa .....	905
5.637 Hat.....	905
5.638 Hatia.....	905
5.639 HBFC .....	905
5.640 Health .....	906
5.641 Health Visitors.....	910
5.642 Hemp.....	910

5.643 Heritage.....	910
5.644 Hidden Treasure.....	910
5.645 High Court.....	911
5.646 Higher Education.....	912
5.647 Highway.....	912
5.648 Hill.....	912
5.649 Hindu.....	912
5.650 Hindu Law.....	912
5.651 Hoarding.....	913
5.652 Holidays.....	913
5.653 Homoeopathic.....	914
5.654 Homicide.....	914
5.655 Hooligan.....	914
5.656 Horse.....	914
5.657 Horse-drawn Vehicles.....	914
5.658 Hospital.....	914
5.659 Hotels.....	914
5.660 House.....	915
5.661 House Accommodation for Military Officers.....	915
5.662 House Building.....	915
5.663 House Rent.....	915
5.664 Housing.....	915
5.665 Human Organ.....	916
5.666 Humanitarian.....	916
5.667 Hundred Taka Note.....	916
5.668 Hunting.....	916
5.669 Hyacinth.....	916
5.670 ICMA.....	917
5.671 IDA.....	917
5.672 IDB.....	917
5.673 Identification of Prisoners.....	917
5.674 Idiot.....	917
5.675 IMF.....	917
5.676 Imam.....	918
5.677 Immigrants.....	918
5.678 Immoral Traffic.....	918
5.679 Immovable Property.....	918
5.680 Import.....	919



5.681 Impounding Cattle .....	919
5.682 Improper Acquisition of Property .....	919
5.683 Income Tax .....	919
5.684 Indecent Advertisement .....	920
5.685 Indemnity .....	920
5.686 Indigo .....	920
5.687 Industrial .....	921
5.688 Industrial Accountants.....	924
5.689 Industrial Corporation.....	924
5.690 Industrial Development .....	924
5.691 Industrial Development Bank .....	924
5.692 Industrial Disputes .....	925
5.693 Industrial Enterprises.....	925
5.694 Industrial Investment .....	925
5.695 Industrial Peace and Discipline .....	925
5.696 Industrial Relations .....	925
5.697 Industrial Research .....	926
5.698 Industrial Statistics.....	926
5.699 Industry .....	926
5.700 Infants .....	928
5.701 Infants' Property .....	928
5.702 Inflammable Substance.....	928
5.703 Information.....	929
5.704 Information Technology .....	929
5.705 Inheritance .....	929
5.706 Injunction.....	929
5.707 Injuries .....	930
5.708 Inland Navigation .....	930
5.709 Inland Shipping.....	930
5.710 Inland Vessels .....	930
5.711 Inland Water .....	930
5.712 Inland Water Transport .....	931
5.713 Inoculation .....	931
5.714 Inquiry .....	931
5.715 Insects.....	932
5.716 Insolvency .....	932
5.717 Inspection.....	932
5.718 Institute .....	932

5.719 Institute of Chartered Accountants .....	934
5.720 Institution .....	934
5.721 Instruments .....	935
5.722 Insurance .....	935
5.723 Insurance Corporation.....	937
5.724 Intellectual Property .....	937
5.725 Interest .....	938
5.726 Interim Injunction .....	938
5.727 Intermediate Education.....	938
5.728 International Affairs .....	938
5.729 International Crimes Tribunal .....	938
5.730 International Finance Corporation .....	938
5.731 International Financial Organisation.....	938
5.732 International Law .....	939
5.733 International Relations .....	939
5.734 Interpretation of Law .....	939
5.735 Invalidation.....	939
5.736 Inventions .....	939
5.737 Investment.....	939
5.738 Investment Board .....	940
5.739 Investment Company .....	940
5.740 Investment Corporation .....	940
5.741 Investors .....	941
5.742 Iodine .....	941
5.743 Iodised Salt.....	941
5.744 IPGMR.....	941
5.745 IPSA.....	941
5.746 Irrigation.....	942
5.747 Islam .....	942
5.748 Islamic .....	942
5.749 Islamic Education .....	943
5.750 Islamic Foundation.....	943
5.751 Islamic Research .....	943
5.752 Islamic University .....	943
5.753 Islands.....	943
5.754 Jadughar .....	944
5.755 Jagannath College.....	944
5.756 Jahangirnagar University .....	944

5.757 Jamuna Bridge .....	944
5.758 Janata Bank .....	945
5.759 Jatiya Rakkhi Bahini .....	945
5.760 Jhum .....	945
5.761 Jhum-tax .....	945
5.762 Jiban Bima Corporation .....	945
5.763 Journalists .....	945
5.764 Judge .....	946
5.765 Judicial Decisions .....	947
5.766 Judicial Education .....	947
5.767 Judicial Oaths .....	947
5.768 Judicial Officers .....	947
5.769 Judicial Training .....	947
5.770 Judicial Training Institute .....	948
5.771 Judiciary .....	948
5.772 Junior Cadet Corps .....	948
5.773 Jurisdiction of Court .....	948
5.774 Justice of the Peace .....	948
5.775 Jute .....	948
5.776 Jute Corporation .....	949
5.777 Jute Dealers .....	949
5.778 Jute Export .....	950
5.779 Jute Growers .....	950
5.780 Jute Trade .....	950
5.781 Juvenile .....	950
5.782 Juvenile Courts .....	950
5.783 Juvenile Delinquency .....	951
5.784 Juvenile Smoking .....	951
5.785 Kanungos .....	951
5.786 Kazis .....	951
5.787 Khaddar .....	951
5.788 Khagrachari .....	951
5.789 Khatian .....	952
5.790 Khulna .....	952
5.791 Khulna University .....	952
5.792 Kidnap .....	952
5.793 Kirk Session .....	952
5.794 Kotchandpur .....	953

5.795 Kutubdia .....	953
5.796 Laboratories .....	953
5.797 Labour .....	953
5.798 Labour Court .....	958
5.799 Labour Disputes .....	958
5.800 Lac .....	958
5.801 Lakhiraj Land .....	958
5.802 Land .....	958
5.803 Land Acquisition .....	967
5.804 Land Administration .....	967
5.805 Land Ceiling .....	967
5.806 Land Customs .....	968
5.807 Land Development .....	968
5.808 Land Development Tax .....	968
5.809 Land Disputes .....	968
5.810 Land Dues .....	968
5.811 Land Force .....	968
5.812 Land Holding .....	968
5.813 Land Improvement .....	969
5.814 Land Owners .....	969
5.815 Land Port .....	969
5.816 Land Records .....	969
5.817 Land Reform .....	969
5.818 Land Registration .....	969
5.819 Land Revenue .....	970
5.820 Land Tenure .....	973
5.821 Landholders .....	973
5.822 Landless Persons .....	973
5.823 Landlord .....	973
5.824 Language .....	974
5.825 Law .....	974
5.826 Law and Order .....	976
5.827 Law Commission .....	976
5.828 Law Enforcing Agency .....	976
5.829 Law Officers .....	977
5.830 Law Reform .....	978
5.831 Law Reports .....	978
5.832 Lawyers .....	978

5.833 Leader of the Opposition .....	979
5.834 Leases .....	979
5.835 Leasing Company .....	979
5.836 Leave .....	979
5.837 Legal Aid .....	980
5.838 Legal Documents .....	980
5.839 Legal Education .....	980
5.840 Legal Practice .....	980
5.841 Legal Practitioners .....	980
5.842 Legal Proceedings .....	981
5.843 Legal Representatives .....	981
5.844 Length .....	981
5.845 Lepers .....	981
5.846 Leprosy .....	981
5.847 Levy .....	982
5.848 Levy of Gift-tax .....	982
5.849 Levy of Taxes .....	982
5.850 Liberation .....	982
5.851 Library .....	983
5.852 Licences .....	983
5.853 Lighthouse .....	983
5.854 Limitation .....	983
5.855 Literature .....	984
5.856 Litigation .....	984
5.857 Livestock .....	984
5.858 Loan .....	984
5.859 Local Authorities .....	985
5.860 Local Authority .....	985
5.861 Local Board .....	986
5.862 Local Councils .....	986
5.863 Local Government .....	986
5.864 Local Government Institute .....	990
5.865 Lock-outs .....	990
5.866 Lodging .....	990
5.867 LPR .....	990
5.868 Lunacy .....	990
5.869 Madrasah .....	991
5.870 Madrasah Education .....	991

5.871 Mad.....	991
5.872 Magistrate .....	991
5.873 Mahajan.....	991
5.874 Maheshkhali.....	991
5.875 Maintenance.....	991
5.876 Major .....	992
5.877 Major.....	992
5.878 Maladministration.....	992
5.879 Malaria.....	992
5.880 Management .....	992
5.881 Management Accountants .....	993
5.882 Manoeuvres .....	993
5.883 Marine .....	993
5.884 Marine Fisheries .....	993
5.885 Maritime Zones .....	994
5.886 Market .....	994
5.887 Marketing .....	994
5.888 Marking.....	994
5.889 Marriage.....	994
5.890 Marriage and Divorce Registration .....	996
5.891 Married Woman.....	996
5.892 Married Women's Property .....	996
5.893 Martial Law.....	996
5.894 Mastan .....	996
5.895 Match .....	996
5.896 Maternity .....	997
5.897 Measurement.....	997
5.898 Meat.....	997
5.899 Meat Control.....	997
5.900 Media .....	997
5.901 Medical .....	999
5.902 Medical College.....	1001
5.903 Medical Council.....	1001
5.904 Medical Degree .....	1001
5.905 Medical Diploma.....	1001
5.906 Medical Education.....	1002
5.907 Medical Practice .....	1002
5.908 Medical Practitioner .....	1002

5.909 Medical University .....	1002
5.910 Medicine.....	1002
5.911 Meetings.....	1003
5.912 Mehr .....	1004
5.913 Members of Parliament .....	1004
5.914 Members of the Constituent Assembly.....	1004
5.915 Members of the Public Service Commissions.....	1004
5.916 Mercantile.....	1004
5.917 Merchandise Marks.....	1007
5.918 Merchant .....	1008
5.919 Merchant Bank .....	1008
5.920 Merchant Seaman .....	1008
5.921 Merchant Shipping.....	1008
5.922 Merchant Ships .....	1008
5.923 Mesne Profits .....	1008
5.924 Metal Tokens .....	1009
5.925 Metric System .....	1009
5.926 Metropolitan Police.....	1009
5.927 Midwives .....	1009
5.928 Military .....	1010
5.929 Military Stores.....	1010
5.930 Mine Settlements .....	1010
5.931 Mineral .....	1011
5.932 Mineral Development .....	1011
5.933 Mineral Resources .....	1011
5.934 Mines.....	1012
5.935 Minimum Wages .....	1013
5.936 Mining .....	1013
5.937 Ministers.....	1013
5.938 Ministers of State .....	1014
5.939 Missing Persons .....	1014
5.940 Money.....	1014
5.941 Money Lenders.....	1015
5.942 Money Lending.....	1015
5.943 Money Londering .....	1015
5.944 Mongla Port.....	1015
5.945 Monopoly.....	1016
5.946 Monuments.....	1016

5.947 Mortgage .....	1016
5.948 Mosque .....	1016
5.949 Motor Spirit.....	1016
5.950 Motor Vehicles .....	1016
5.951 Moulvi Bazar .....	1017
5.952 Movable Property.....	1017
5.953 MP.....	1017
5.954 Muajjin.....	1017
5.955 Mujahid Force.....	1017
5.956 Mules.....	1018
5.957 Multi-unit Cooperative Society.....	1018
5.958 Municipal.....	1018
5.959 Municipal Administration .....	1019
5.960 Municipal Board .....	1019
5.961 Municipal Committees .....	1019
5.962 Municipal Corporation.....	1019
5.963 Municipal Taxes.....	1019
5.964 Murder .....	1019
5.965 Municipality.....	1019
5.966 Murder of Female Infants .....	1020
5.967 Muscleman .....	1020
5.968 Museum.....	1020
5.969 Muslim.....	1020
5.970 Muslim Law .....	1020
5.971 Muslim University .....	1022
5.972 Mymensingh .....	1022
5.973 Name Protection .....	1022
5.974 Names.....	1022
5.975 Narcotics .....	1023
5.976 National Anthem .....	1023
5.977 National Archives.....	1023
5.978 National Assembly.....	1023
5.979 National Defence.....	1024
5.980 National Emblem.....	1024
5.981 National Flag .....	1024
5.982 National Guard .....	1025
5.983 National Investment .....	1025
5.984 National Liberation Struggle .....	1025



5.985 National News Agency.....	1025
5.986 National Park.....	1025
5.987 National Security.....	1025
5.988 National Service.....	1025
5.989 National Sports Control Board.....	1026
5.990 National University.....	1026
5.991 National Women's Federation.....	1026
5.992 Nationalisation.....	1026
5.993 Nationalised Banks.....	1026
5.994 Nationalised Enterprise.....	1027
5.995 Nationalised Organisations.....	1027
5.996 Nationality.....	1027
5.997 Native Converts' Marriage.....	1027
5.998 Natural Disaster.....	1027
5.999 Natural Gas.....	1027
5.1000 Natural Resource.....	1028
5.1001 Naturalization.....	1028
5.1002 Naval Academy.....	1028
5.1003 Naval Armament.....	1028
5.1004 Naval Service.....	1028
5.1005 Navigation.....	1029
5.1006 Navigation.....	1029
5.1007 Navy.....	1029
5.1008 Nazrul.....	1030
5.1009 Negligence.....	1030
5.1010 Negotiable Instruments.....	1030
5.1011 New Districts.....	1030
5.1012 News.....	1030
5.1013 News Agencies.....	1030
5.1014 Newspapers.....	1030
5.1015 NGO.....	1031
5.1016 Noakhali.....	1031
5.1017 Non-agricultural Land.....	1031
5.1018 Non-agricultural Tenancy.....	1032
5.1019 Non-Badshahi Grants.....	1032
5.1020 Non-banking Financial Institution.....	1032
5.1021 Non-gazetted Employees.....	1032
5.1022 Non-resident Property.....	1032

5.1023 Notaries .....	1033
5.1024 Note-books .....	1033
5.1025 Notes.....	1033
5.1026 Nuclear .....	1033
5.1027 Nuclear Agriculture .....	1033
5.1028 Nuisance .....	1034
5.1029 Nurse .....	1034
5.1030 Nursing Council .....	1034
5.1031 Oaths.....	1034
5.1032 Obiter dicta .....	1034
5.1033 Obligations.....	1035
5.1034 Ocean Transport .....	1035
5.1035 Office .....	1035
5.1036 Officers of the Court.....	1035
5.1037 Official .....	1035
5.1038 Official Receiver.....	1035
5.1039 Official Seal .....	1036
5.1040 Official Secrets.....	1036
5.1041 Official Trustee .....	1036
5.1042 Official Vehicle .....	1036
5.1043 Off-shore .....	1036
5.1044 Oil .....	1036
5.1045 Oil-fields.....	1037
5.1046 Oilseeds .....	1037
5.1047 Ombudsman .....	1037
5.1048 One Taka Note.....	1037
5.1049 Open University .....	1037
5.1050 Opium .....	1037
5.1051 Opium Smoking.....	1038
5.1052 Opposition .....	1038
5.1053 Orders .....	1038
5.1054 Ordnance Factory .....	1039
5.1055 Organisation .....	1039
5.1056 Orphanage .....	1039
5.1057 Palli .....	1039
5.1058 Palli Parishad.....	1039
5.1059 Para Military .....	1040
5.1060 Parjatan.....	1040

5.1061 Parks .....	1040
5.1062 Parliament .....	1040
5.1063 Parliament Secretariat .....	1041
5.1064 Parliamentary Election .....	1041
5.1065 Parliamentary Studies .....	1042
5.1066 Parsi .....	1042
5.1067 Partition .....	1042
5.1068 Partnership .....	1042
5.1069 Passport .....	1042
5.1070 PATC .....	1042
5.1071 Patents .....	1043
5.1072 Patni Taluks .....	1043
5.1073 Patwaris .....	1043
5.1074 Pauper .....	1043
5.1075 Paurashava .....	1043
5.1076 Payment of Deposits .....	1044
5.1077 PDR .....	1044
5.1078 Peasants .....	1044
5.1079 Penal .....	1045
5.1080 Penal Servitude .....	1045
5.1081 Penalties .....	1045
5.1082 Pension .....	1045
5.1083 Permanent Injunction .....	1046
5.1084 Permanent Settlement .....	1046
5.1085 Personal Law .....	1046
5.1086 Pesticides .....	1048
5.1087 Pests .....	1048
5.1088 Petroleum .....	1049
5.1089 Pharmacist .....	1049
5.1090 Pharmacy .....	1049
5.1091 Physician .....	1049
5.1092 Pilgrim .....	1050
5.1093 Pilotage .....	1051
5.1094 Pioneer Force .....	1051
5.1095 Pisciculture .....	1051
5.1096 Planning Commission .....	1051
5.1097 Plantation .....	1051
5.1098 Poet .....	1051

5.1099 Poisons .....	1051
5.1100 Police .....	1052
5.1101 Police Officers .....	1053
5.1102 Political Parties .....	1053
5.1103 Pollution.....	1053
5.1104 Poor.....	1054
5.1105 Poppy.....	1054
5.1106 Population.....	1054
5.1107 Port .....	1054
5.1108 Post Office.....	1055
5.1109 Pound.....	1055
5.1110 Power.....	1055
5.1111 Power Alcohol .....	1057
5.1112 Power Board.....	1057
5.1113 Powers of Attorney .....	1057
5.1114 Precedent.....	1057
5.1115 Prejudicial Activities.....	1057
5.1116 Premises.....	1058
5.1117 Premises Rent Control.....	1058
5.1118 Preservation .....	1058
5.1119 Presidency Area .....	1058
5.1120 President .....	1058
5.1121 President's Salary .....	1059
5.1122 Presidential Election .....	1059
5.1123 Press .....	1060
5.1124 Press Council.....	1060
5.1125 Prevention of Crime .....	1060
5.1126 Preventive Detention.....	1061
5.1127 Price Control .....	1061
5.1128 Price Level .....	1062
5.1129 Primary Education .....	1062
5.1130 Primary School Teachers .....	1063
5.1131 Primary Schools .....	1063
5.1132 Prime Minister .....	1064
5.1133 Printing.....	1064
5.1134 Printing Presses.....	1065
5.1135 Prison.....	1065
5.1136 Prisoner .....	1065

5.1137 Private Clinics .....	1066
5.1138 Private Educational Institutions .....	1066
5.1139 Private Employees.....	1066
5.1140 Private Estates .....	1066
5.1141 Private Fishery .....	1066
5.1142 Private Forest .....	1066
5.1143 Private Investment.....	1066
5.1144 Private Schools.....	1067
5.1145 Private Trusts .....	1067
5.1146 Private University .....	1067
5.1147 Privatisation .....	1067
5.1148 Privileges .....	1067
5.1149 Privy Purses .....	1068
5.1150 Probational Release .....	1068
5.1151 Procedure .....	1068
5.1152 Production .....	1068
5.1153 Professional Negligence .....	1069
5.1154 Profits .....	1069
5.1155 Profits Tax .....	1069
5.1156 Promissory Notes.....	1069
5.1157 Property .....	1069
5.1158 Prostitution .....	1072
5.1159 Protection .....	1072
5.1160 Protection of Peasants .....	1072
5.1161 Protective Duties .....	1072
5.1162 Provident Fund.....	1072
5.1163 Provincial Assemblies .....	1072
5.1164 PSC .....	1073
5.1165 Pubali Bank.....	1073
5.1166 Public Accountants .....	1073
5.1167 Public Administration.....	1074
5.1168 Public Body.....	1074
5.1169 Public Bridge.....	1074
5.1170 Public Buildings .....	1074
5.1171 Public Charge .....	1074
5.1172 Public Conduct.....	1074
5.1173 Public Corporations .....	1074
5.1174 Public Demands.....	1075

5.1175 Public Employees.....	1075
5.1176 Public Examination.....	1075
5.1177 Public Health.....	1075
5.1178 Public Investment.....	1075
5.1179 Public Revenue.....	1075
5.1180 Public Roads.....	1075
5.1181 Public Safety.....	1076
5.1182 Public Security.....	1076
5.1183 Public Servants.....	1077
5.1184 Public Service.....	1077
5.1185 Public Service Commission.....	1078
5.1186 Public Suits.....	1079
5.1187 Public Works.....	1079
5.1188 Publication.....	1079
5.1189 Punctual Attendance.....	1080
5.1190 Punctuality.....	1080
5.1191 Punishment.....	1080
5.1192 Pure Food.....	1080
5.1193 Quality Control.....	1080
5.1194 Rabindranath Tagore.....	1081
5.1195 Radiation.....	1081
5.1196 Radio.....	1081
5.1197 Railway.....	1081
5.1198 Railway Security Force.....	1082
5.1199 Railway Servants.....	1082
5.1200 Railway Stores.....	1083
5.1201 <i>Rajakar</i> .....	1083
5.1202 Rajshahi.....	1083
5.1203 Rajshahi District Board.....	1084
5.1204 Rajshahi University.....	1084
5.1205 Rakkhi Bahini.....	1084
5.1206 Rangamati.....	1084
5.1207 Rape.....	1085
5.1208 Rates of Interest.....	1085
5.1209 Ratio Decidendi.....	1085
5.1210 Raw Jute.....	1085
5.1211 Rayats.....	1085
5.1212 Reading.....	1085

5.1213 Reciprocity .....	1085
5.1214 Records.....	1086
5.1215 Recovery of Possession.....	1086
5.1216 Recovery of Rent .....	1087
5.1217 Recreation .....	1087
5.1218 Recusant Witness .....	1087
5.1219 Red Crescent .....	1087
5.1220 Red Cross.....	1088
5.1221 Referendum.....	1088
5.1222 Refining .....	1088
5.1223 Reformation .....	1088
5.1224 Reformatory Imprisonment .....	1088
5.1225 Reformatory School.....	1088
5.1226 Refugee.....	1089
5.1227 Registration.....	1089
5.1228 Regulations .....	1091
5.1229 Rehabilitation.....	1091
5.1230 Reinsurance.....	1092
5.1231 Relief .....	1092
5.1232 Relief Obtainable in Civil Suits .....	1092
5.1233 Religion .....	1092
5.1234 Religious Endowments .....	1093
5.1235 Religious Societies .....	1094
5.1236 Religious Trust.....	1094
5.1237 Remarriage .....	1094
5.1238 Remote Sensing.....	1094
5.1239 Remuneration and Privileges .....	1094
5.1240 Rent .....	1097
5.1241 Rent Control.....	1098
5.1242 Rent Receipt.....	1098
5.1243 Representation .....	1098
5.1244 Representatives .....	1099
5.1245 Requisition.....	1099
5.1246 Requisition of Property.....	1099
5.1247 Requisitioned Land.....	1099
5.1248 Research .....	1099
5.1249 Research Institute.....	1101
5.1250 Reserved Seats .....	1101

5.1251 Restaurants .....	1102
5.1252 Restoration of Agricultural Land .....	1102
5.1253 Restoration of Evacuee Property .....	1102
5.1254 Restoration of Possession .....	1102
5.1255 Restrictive Trade .....	1102
5.1256 Retired Judges.....	1102
5.1257 Retirement .....	1103
5.1258 Revenue .....	1103
5.1259 Revenue Assessment .....	1108
5.1260 Revenue Board .....	1108
5.1261 Revenue Courts .....	1108
5.1262 Revenue Officer .....	1108
5.1263 Revenue Recovery.....	1109
5.1264 Review of Penalties .....	1109
5.1265 Rhinoceros .....	1110
5.1266 Rice .....	1110
5.1267 Rifles .....	1110
5.1268 Riot.....	1110
5.1269 River.....	1110
5.1270 Road .....	1111
5.1271 Ropeways .....	1111
5.1272 Rounding Off.....	1111
5.1273 Royal Grants .....	1112
5.1274 Rules and Regulations .....	1112
5.1275 Rural.....	1112
5.1276 Rural Development.....	1114
5.1277 Rural Electrification.....	1114
5.1278 Sadharan Bima Corporation .....	1114
5.1279 Safe Custody .....	1114
5.1280 Safety of Civil Aviation .....	1115
5.1281 Sairat Mahal .....	1115
5.1282 Salaries and Allowances.....	1115
5.1283 Salary .....	1116
5.1284 Sale of Goods .....	1116
5.1285 Sales .....	1116
5.1286 Sales of Land.....	1116
5.1287 Sales Tax.....	1116
5.1288 Salt (Excise) .....	1117



5.1289 Salt (Food).....	1117
5.1290 Sanctuary.....	1117
5.1291 Sandwip.....	1117
5.1292 Sanitation.....	1117
5.1293 Santosh Islamic University.....	1118
5.1294 Sarais.....	1118
5.1295 Sati.....	1118
5.1296 Savings.....	1118
5.1297 Savings Certificates.....	1118
5.1298 Scandalous Performance.....	1118
5.1299 Schedule of Authorised Expenditure.....	1118
5.1300 Scheduled Offences.....	1119
5.1301 School.....	1119
5.1302 Science and Technology.....	1120
5.1303 Scientific and Industrial Research.....	1121
5.1304 Scouts.....	1121
5.1305 Sea.....	1122
5.1306 Sea Customs.....	1122
5.1307 Sea-borne Trade.....	1122
5.1308 Seaman.....	1122
5.1309 Secondary Education.....	1123
5.1310 Secondary Schools.....	1123
5.1311 Secrecy.....	1123
5.1312 Secretaries.....	1123
5.1313 Securities.....	1123
5.1314 Securities and Moneys.....	1124
5.1315 Security.....	1124
5.1316 Security Council.....	1124
5.1317 Security Force.....	1124
5.1318 Seditious Meetings.....	1124
5.1319 Seditious or Obscene Dramatic Performances.....	1124
5.1320 Seeds.....	1125
5.1321 Self Government.....	1125
5.1322 Semi-autonomous Organisations.....	1125
5.1323 Sericulture.....	1125
5.1324 Servants.....	1125
5.1325 Service.....	1125
5.1326 Service of Foreign States.....	1126

5.1327 Service Tenants .....	1126
5.1328 Services .....	1126
5.1329 Services Screening .....	1127
5.1330 Servitude .....	1127
5.1331 Settlement .....	1127
5.1332 Settlement of Disputes .....	1128
5.1333 Settlement Officer .....	1128
5.1334 Settlement Records .....	1128
5.1335 Sewerage .....	1128
5.1336 Shaheeds .....	1128
5.1337 Shahjalal University .....	1129
5.1338 Shapla .....	1129
5.1339 Shilpakala Academy .....	1129
5.1340 Ship .....	1129
5.1341 Shipment .....	1130
5.1342 Shipping .....	1130
5.1343 Shipping Corporation .....	1130
5.1344 Ships .....	1131
5.1345 Shishu Academy .....	1131
5.1346 Shops .....	1131
5.1347 Short Titles .....	1131
5.1348 Shrimp .....	1132
5.1349 Sick and Wounded .....	1132
5.1350 Sikh Marriage .....	1132
5.1351 Silk .....	1132
5.1352 Slaughter .....	1132
5.1353 Slave .....	1132
5.1354 Slavery .....	1132
5.1355 Small Cause Courts .....	1133
5.1356 Small Industry .....	1133
5.1357 Small-pox .....	1133
5.1358 Smoke .....	1133
5.1359 Smoking .....	1133
5.1360 Smuggling .....	1134
5.1361 Smuggling of Arms .....	1134
5.1362 Social Insurance .....	1134
5.1363 Social Welfare .....	1135
5.1364 Societies .....	1135

5.1365 Society.....	1135
5.1366 Soldiers.....	1135
5.1367 Sonali Bank.....	1136
5.1368 Space.....	1136
5.1369 Speaker.....	1136
5.1370 Special Marriage.....	1137
5.1371 Special Police.....	1137
5.1372 Special Powers.....	1137
5.1373 Specific Relief.....	1137
5.1374 Spirits.....	1137
5.1375 Sports.....	1137
5.1376 St. Martin.....	1138
5.1377 Stabilisation of Price Level.....	1138
5.1378 Stage-carriages.....	1138
5.1379 Stamp.....	1138
5.1380 Stamp Duties.....	1139
5.1381 Standard Time.....	1139
5.1382 Standards.....	1139
5.1383 Standards Institution.....	1139
5.1384 Standards of Weights and Measures.....	1139
5.1385 State Acquisition.....	1140
5.1386 State Aid.....	1140
5.1387 State Language.....	1140
5.1388 State Policy.....	1140
5.1389 State Prisoners.....	1140
5.1390 State-owned Industry.....	1141
5.1391 States Protection.....	1141
5.1392 Statistics.....	1141
5.1393 Statutory Corporations.....	1142
5.1394 Statutory Guardian.....	1142
5.1395 Steam Boilers.....	1142
5.1396 Stock Exchange.....	1142
5.1397 Stores.....	1143
5.1398 Strategic Studies.....	1143
5.1399 Strikes.....	1143
5.1400 Studies.....	1143
5.1401 Substantive Appointments.....	1143
5.1402 Succession.....	1143

5.1403 Sugar.....	1144
5.1404 Sugarcane.....	1144
5.1405 Suicide.....	1144
5.1406 Suits.....	1144
5.1407 Summary Registration.....	1145
5.1408 Sunamganj.....	1145
5.1409 Sundarbans.....	1145
5.1410 Supply.....	1145
5.1411 Suppression of Terrorism and Terrorist.....	1145
5.1412 Supreme Command.....	1146
5.1413 Supreme Court.....	1146
5.1414 Supreme Court Judges.....	1147
5.1415 Supreme Judicial Council.....	1147
5.1416 Surcharge.....	1148
5.1417 Surcharge and Levy.....	1148
5.1418 Surgeons.....	1148
5.1419 Surgery.....	1148
5.1420 Surplus Public Servants.....	1149
5.1421 Survey.....	1149
5.1422 Sylhet.....	1149
5.1423 Syllabus.....	1150
5.1424 T & T.....	1150
5.1425 Taka.....	1150
5.1426 Taluk.....	1150
5.1427 Talukdar.....	1151
5.1428 Tanks.....	1151
5.1429 Tariff.....	1151
5.1430 Tariff Commission.....	1151
5.1431 Tax.....	1152
5.1432 Taxation.....	1153
5.1433 TCB.....	1154
5.1434 Tea.....	1154
5.1435 Tea Garden.....	1154
5.1436 Teachers Welfare.....	1154
5.1437 Technical Education.....	1155
5.1438 Tele-communication.....	1155
5.1439 Telegraph.....	1155
5.1440 Telephone.....	1155

5.1441 Television .....	1156
5.1442 Tenancy .....	1156
5.1443 Tenants .....	1157
5.1444 Terms and Conditions of Service .....	1157
5.1445 Territorial Waters .....	1158
5.1446 Terrorism .....	1158
5.1447 Terrorist .....	1158
5.1448 Terrorist Movement .....	1158
5.1449 Testing .....	1159
5.1450 Text-book .....	1159
5.1451 Textile .....	1159
5.1452 Thana Parishad .....	1160
5.1453 The National Party .....	1160
5.1454 Time .....	1160
5.1455 Titles .....	1160
5.1456 Tobacco .....	1161
5.1457 Tokens .....	1161
5.1458 Tolls .....	1161
5.1459 Tort .....	1162
5.1460 Torture .....	1162
5.1461 Tourism .....	1162
5.1462 Touts .....	1162
5.1463 Town .....	1162
5.1464 Town Development .....	1163
5.1465 Town-duties .....	1163
5.1466 Trade .....	1163
5.1467 Trade Marks .....	1164
5.1468 Trade Organizations .....	1165
5.1469 Trade Union .....	1165
5.1470 Trade with Enemy .....	1166
5.1471 Trading Corporation .....	1166
5.1472 Traffic .....	1166
5.1473 Training .....	1166
5.1474 Tramways .....	1167
5.1475 Transaction of Government Business .....	1167
5.1476 Transfer of Immovable Property .....	1167
5.1477 Transfer of Land .....	1167
5.1478 Transfer of Property .....	1167

5.1479 Transparency .....	1168
5.1480 Transport .....	1168
5.1481 Transport of Goods .....	1171
5.1482 Travel .....	1171
5.1483 Travel Agencies .....	1172
5.1484 Travellers .....	1172
5.1485 Travelling Allowances .....	1172
5.1486 Treasure .....	1172
5.1487 Treasure-Trove .....	1172
5.1488 Treatment .....	1172
5.1489 Trespass .....	1172
5.1490 Tribes .....	1173
5.1491 Troops .....	1173
5.1492 Trusts .....	1173
5.1493 Turnover Tax .....	1174
5.1494 UGC .....	1175
5.1495 Unani .....	1175
5.1496 Unclaimed Deposits .....	1175
5.1497 Underground Activity .....	1175
5.1498 Undesirable Advertisement .....	1175
5.1499 Undesirable Companies .....	1175
5.1500 Undisclosed Wealth .....	1176
5.1501 Unemployment .....	1176
5.1502 Unfair Labour Practice .....	1176
5.1503 Union Board .....	1176
5.1504 Union Parishad .....	1176
5.1505 United Nations .....	1177
5.1506 University .....	1177
5.1507 University Grants Commission .....	1180
5.1508 Unlawful Possession .....	1180
5.1509 Unskilled Workers .....	1180
5.1510 Upazila Parishad .....	1181
5.1511 Urban .....	1181
5.1512 Usurious Loans .....	1181
5.1513 Usury .....	1181
5.1514 Uttara Bank .....	1181
5.1515 Vaccination .....	1182
5.1516 Vagrancy .....	1182

5.1517 VAT .....	1182
5.1518 VCR .....	1182
5.1519 VDP.....	1182
5.1520 Vehicles .....	1183
5.1521 Vessels .....	1183
5.1522 Vested Property.....	1184
5.1523 Vesting of Property .....	1184
5.1524 Veterinary.....	1184
5.1525 Vice-President .....	1184
5.1526 Village.....	1185
5.1527 Village Chaukidari .....	1186
5.1528 Village Court.....	1186
5.1529 VIP.....	1186
5.1530 Visa .....	1186
5.1531 Voluntary Activities.....	1186
5.1532 Voluntary Organisations.....	1186
5.1533 Vote.....	1186
5.1534 Wages .....	1187
5.1535 Wakf.....	1187
5.1536 Wakf Board.....	1188
5.1537 WAPDA .....	1188
5.1538 War .....	1188
5.1539 War Crime.....	1189
5.1540 War Gratuities .....	1189
5.1541 War Injuries .....	1189
5.1542 War Risks.....	1189
5.1543 War Risks Insurance.....	1189
5.1544 Wards.....	1189
5.1545 Warehouse .....	1190
5.1546 WASA.....	1190
5.1547 Waste Land.....	1190
5.1548 Water .....	1191
5.1549 Water Board.....	1191
5.1550 Water Courses .....	1192
5.1551 Water Hyacinth .....	1192
5.1552 Water Pollution .....	1192
5.1553 Water Rate.....	1192
5.1554 Water Resources.....	1192

5.1555 Water Supply .....	1193
5.1556 Water Transport .....	1193
5.1557 Waterways .....	1194
5.1558 Wealth .....	1194
5.1559 Wealth-Tax .....	1194
5.1560 Weeds .....	1194
5.1561 Weekly Holidays .....	1194
5.1562 Weights .....	1194
5.1563 Welfare .....	1195
5.1564 Welfare Fund .....	1196
5.1565 Welfare Trust .....	1196
5.1566 Whip .....	1196
5.1567 Whipping .....	1196
5.1568 White Phosphorus .....	1197
5.1569 Widow .....	1197
5.1570 Widows' Remarriage .....	1197
5.1571 Wife .....	1197
5.1572 Wild Animals .....	1197
5.1573 Wild Elephants .....	1197
5.1574 Wild Life .....	1198
5.1575 Wills .....	1198
5.1576 Wireless .....	1198
5.1577 Witness .....	1198
5.1578 Woman .....	1198
5.1579 Woman and Children .....	1200
5.1580 Women Trafficking .....	1200
5.1581 Women Federation .....	1200
5.1582 Women Members of Parliament .....	1200
5.1583 Women's Rehabilitation .....	1201
5.1584 Wood .....	1201
5.1585 Workers .....	1201
5.1586 Workmen's Compensation .....	1202
5.1587 Works of Defence .....	1202
5.1588 Woman and Child Trafficking .....	1202
5.1589 World Bank .....	1202
5.1590 Worship .....	1203
5.1591 Young Offenders .....	1203
5.1592 Youth .....	1203



5.1593 Zakat.....	1204
5.1594 Zamindar.....	1204
5.1595 Zila.....	1205
5.1596 Zilla Parishad .....	1205

## Volume III

1209-1560

### Chapter 6 Rules in Operation : Chronological Order ..... 1209-1348

6. An Overview of the Chapter.....	1209-1210
6.1 Rules in Operation in Chronological Order.....	1210-1328
6.1.1 Nineteen Fifteen .....	1210
6.2 Nineteen Twenty Four .....	1211
6.3 Nineteen Twenty Five.....	1211
6.4 Nineteen Twenty Six .....	1211
6.5 Nineteen Thirty One.....	1211
6.6 Nineteen Thirty Three .....	1211
6.7 Nineteen Thirty Four.....	1212
6.8 Nineteen Thirty Five .....	1212
6.9 Nineteen Thirty Seven .....	1212
6.10 Nineteen Thirty Eight.....	1213
6.11 Nineteen Forty .....	1213
6.12 Nineteen Forty Two.....	1213
6.13 Nineteen Forty Four .....	1213
6.14 Nineteen Forty Six .....	1213-1214
6.15 Nineteen Fifty .....	1214
6.16 Nineteen Fifty One.....	1214
6.17 Nineteen Fifty Two .....	1215
6.18 Nineteen Fifty Three.....	1215
6.19 Nineteen Fifty Four .....	1216
6.20 Nineteen Fifty Five .....	1216
6.21 Nineteen Fifty Seven.....	1216-1217
6.22 Nineteen Fifty Eight .....	1218
6.23 Nineteen Fifty Nine .....	1218-1219
6.24 Nineteen Sixty .....	1219-1220
6.25 Nineteen Sixty One.....	1220-1221
6.26 Nineteen Sixty Two .....	1221

6.27 Nineteen Sixty Three ..... 1221-1222

6.28 Nineteen Sixty Four..... 1222-1224

6.29 Nineteen Sixty Five ..... 1224-1225

6.30 Nineteen Sixty Six..... 1225-1227

6.31 Nineteen Sixty Seven ..... 1227

6.32 Nineteen Sixty Eight ..... 1227-1228

6.33 Nineteen Sixty Nine..... 1228

6.34 Nineteen Seventy ..... 1228-1229

3.35 Nineteen Seventy Two..... 1229-1232

3.36 Nineteen Seventy Three ..... 1231-1232

3.37 Nineteen Seventy Four ..... 1232-1234

3.38 Nineteen Seventy Five..... 1234-1235

3.39 Nineteen Seventy Six ..... 1235-1238

6.40 Nineteen Seventy Seven..... 1238-1244

6.41 Nineteen Seventy Eight..... 1244-1247

6.42 Nineteen Seventy Nine ..... 1247-1255

6.43 Nineteen Eighty..... 1255-1264

6.44 Nineteen Eighty One..... 1264-1269

6.45 Nineteen Eighty Two ..... 1269-1274

6.46 Nineteen Eighty Three..... 1274-1279

6.47 Nineteen Eighty Four..... 1279-1289

6.48 Nineteen Eighty Five ..... 1289-1298

6.49 Nineteen Eighty Six..... 1298-1300

6.50 Nineteen Eighty Seven ..... 1300-1305

6.51 Nineteen Eighty Eight ..... 1305-1307

6.52 Nineteen Eighty Nine..... 1308-1309

6.53 Nineteen Ninety..... 1309-1311

6.54 Nineteen Ninety One..... 1311-1312

6.55 Nineteen Ninety Two ..... 1312-1314

6.56 Nineteen Ninety Three ..... 1314-1315

6.57 Nineteen Ninety Four..... 1316-1318

6.58 Nineteen Ninety Five ..... 1318-1320

6.59 Nineteen Ninety Six..... 1320-1321

6.60 Nineteen Ninety Seven ..... 1322-1323

6.61 Nineteen Ninety Eight ..... 1323-1324

6.62 Nineteen Ninety Nine..... 1324-1326

6.63 Two Thousand ..... 1326-1327

6.64 Two Thousand One ..... 1327-1328

**6.2. Pre-independence Rules on Local Government in**

<b>Chronological Order</b> .....	1328-1348
6.2.1 Nineteen Sixty .....	1329-1336
6.2.1 Nineteen Sixty One.....	1336-1338
6.2.3 Nineteen Sixty Three .....	1338-1339
6.2.4 Nineteen Sixty Five .....	1339-1340
6.2.5 Nineteen Sixty Eight .....	1340-1346
6.2.6 Nineteen Sixty Nine.....	1347-1348

**Chapter 7 Rules in Operation : Alphabetical Order ..... 1349-1506**

7. An Overview of the Chapter.....	1349-1350
7.1 Rules Framed in English in Alphabetical Order .....	1350-1451
7.1.1 A .....	1350-1354
7.1.2 B.....	1354-1372
7.1.3 C.....	1372-1379
7.1.4 D .....	1379-1385
7.1.5 E.....	1385-1388
7.1.6 F.....	1388-1390
7.1.7 G .....	1390-1404
7.1.8 H .....	1405
7.1.9 I.....	1405-1407
7.1.10 J.....	1407-1408
7.1.11 K.....	1408-1409
7.1.12 L .....	1409-1411
7.1.13 M .....	1411-1415
7.1.14 N.....	1415-1423
7.1.15 O .....	1423-1429
7.1.16 P .....	1429-1434
7.1.17 R.....	1434-1439
7.1.18 S .....	1439-1444
7.1.19 T .....	1444-1448
7.1.20 U .....	1448-1450
7.1.21 V .....	1450
7.1.22 W .....	1450-1451
7.1.23 Z .....	1451-1452
7.2 Rules Framed in Bangla in Alphabetical Order.....	1452-1487

৭.২.১ জ	1452-1453
৭.২.২ জা	1453-1454
৭.২.৩ জ্জ	1454
৭.২.৪ জ্জ্জ	1454
৭.২.৫ এ	1455
৭.২.৬ ক	1455-1456
৭.২.৭ খ	1456-1457
৭.২.৮ গ	1457-1458
৭.২.৯ চ	1458-1459
৭.২.১০ জ্জ	1459-1460
৭.২.১১ ট	1460-1461
৭.২.১২ ড	1461
৭.২.১৩ ঢ	1461-1462
৭.২.১৪ ত	1462
৭.২.১৫ দ	1462-1462
৭.২.১৬ ন	1463
৭.২.১৭ প	1464-1467
৭.২.১৮ ফ	1467
৭.২.১৯ ব	1468-1479
৭.২.২০ ভ	1479
৭.২.২১ ম	1479-1480
৭.২.২২ য	1480-1481
৭.২.২৩ র	1481-1482
৭.২.২৪ শ	1482-1483
৭.২.২৫ স	1484-1486
৭.২.২৬ হ	1486-1487
৭.২.২৭ অন্যান্য	1487
<b>7.3 Pre-independence Rules on Local Government in</b>	
<b>Alphabetical Order</b>	1488-1506
7.3.1 L	1488-1496
7.3.2 M	1496-1501
7.3.3 U	1501-1506
7.3.4 Z	1506

## Chapter 8 Regulations, Orders and other Bye-laws in Operation : Alphabetical Order ..... 1507-1524

8. An Overview of the Chapter .....	1507-1508
8.1 Regulations .....	1508-1520
8.1.1 Regulations Framed in English: Alphabetical Order .....	1508-1513
8.1.1.1 A .....	1508
8.1.1.2 B .....	1508-1510
8.1.1.3 C .....	1510
8.1.1.4 D .....	1511
8.1.1.5 I .....	1511
8.1.1.6 J .....	1511
8.1.1.7 M .....	1512
8.1.1.8 S .....	1512-1513
8.1.2 Regulations Framed in Bangla: Alphabetical Order .....	1513-1519
৮.১.২.১ ই .....	1513
৮.১.২.২ গ .....	1513
৮.১.২.৩ চ .....	1513
৮.১.২.৪ জ .....	1514
৮.১.২.৫ ট .....	1514
৮.১.২.৬ ন .....	1514-1515
৮.১.২.৭ প .....	1515
৮.১.২.৮ ব .....	1515-1518
৮.১.২.৯ র .....	1518
৮.১.২.১০ স .....	1518-1519
8.2. Orders Framed under Laws .....	1520-1523
8.2.1 Orders Framed in English: Alphabetical Order .....	1520
8.2.1.1 B .....	1520
8.2.1.2 E .....	1520
8.2.1.3 G .....	1520
8.2.1.4 R .....	1521
8.2.1.5 S .....	1521
8.2.2 Orders Framed in Bangla: Alphabetical Order .....	1521-1523
৮.২.২.১ আ .....	1521
৮.২.২.২ চ .....	1521-1523
৮.২.২.৩ প .....	1523
8.3 Other By-laws Framed under Laws .....	1524

<b>Chapter 9 Repealed and Suppressed Rules, Regulations and Orders.....</b>	<b>1525-1558</b>
9. An Overview of the Chapter.....	1525-1526
9.1. Repealed Rules .....	1526-1551
9.1.1 Repealed Rules Framed in English: Alphabetical Order .....	1526
9.1.1.1 A .....	1526
9.1.1.2 B .....	1526-1529
9.1.1.3 C .....	1529-1531
9.1.1.4 D .....	1531-1533
9.1.1.5 E .....	1534-1535
9.1.1.6 G .....	1535-1537
9.1.1.7 I .....	1537-1538
9.1.1.8 K .....	1538-1539
9.1.1.9 L .....	1539-1540
9.1.1.10 M .....	1540-1541
9.1.1.11 N .....	1541-1542
9.1.1.12 O .....	1542
9.1.1.13 P .....	1542-1543
9.1.1.14 R .....	1543-1544
9.1.1.15 S .....	1544-1545
9.1.1.16 T .....	1545-1546
9.1.1.17 U .....	1547-1548
9.1.1.18 V .....	1548-1549
9.1.2 Repealed Rules Framed in Bangla: Alphabetical Order .....	1549-1551
৯.১.২.১ অ .....	1549
৯.১.২.২ ই .....	1549
৯.১.২.৩ ক .....	1549
৯.১.২.৪ গ .....	1550
৯.১.২.৫ জ .....	1550
৯.১.২.৬ ত .....	1550
৯.১.২.৭ ন .....	1551
৯.১.২.৮ ম .....	1551
৯.১.২.৯ য .....	1551
9.2. Repealed Regulations.....	1551-1552
9.2.1 Repealed Regulations Framed in English: Alphabetical Order .....	1551
9.2.1.1 B .....	1551-1552

9.2.2 Repealed Regulations Framed in Bangla: Alphabetical Order .....	1552
৯.২.২.১ ন .....	1552
৯.২.২.২ স .....	1552
9.3. Repealed Orders .....	1553-1554
9.3.1 Repealed Orders Framed in English: Alphabetical Order .....	1553-1554
9.3.1.1 C .....	1553
৯.৩.১.২ চ .....	1553-1554
9.4 Suppressed Rules .....	1554
9.4.1 Suppressed Rules Framed in English: Alphabetical Order .....	1554-1558
9.4.1.1 A .....	1554
9.4.1.2 F .....	1554-1555
9.4.1.3 I .....	1555
9.4.1.4 N .....	1555
9.4.1.5 P .....	1555-1557
9.4.1.6 T .....	1557-1558
9.4.1.7 U .....	1558

## Volume IV

1561-1952

### Chapter 10 Repealed Laws : Alphabetical Order ..... 1561-1896

10. An Overview of the Chapter .....	1561
10.1 Repealed Laws : Enacted in English .....	1561-1885
10.1.1 A .....	1561-1584
10.1.2 B .....	1585-1652
10.1.3 C .....	1652-1687
10.1.4 D .....	1688-1698
10.1.5 E .....	1698-1732
10.1.6 F .....	1732-1742
10.1.7 G .....	1742-1747
10.1.8 H .....	1747-1751
10.1.9 I .....	1752-1771
10.1.10 J .....	1772-1774
10.1.11 K .....	1774-1775
10.1.12 L .....	1775-1788
10.1.13 M .....	1788-1801

10.1.14 N .....	1801-1807
10.1.15 O .....	1808-1811
10.1.16 P .....	1811-1834
10.1.17 R .....	1834-1846
10.1.18 S .....	1846-1864
10.1.19 T .....	1865-1873
10.1.20 U .....	1873-1876
10.1.21 V .....	1877-1878
10.1.22 W .....	1878-1884
10.1.23 Y .....	1885
10.2 Repealed Laws : Enacted in Bangla .....	1885-1896
১০.২.১ অ .....	1885
১০.২.২ আ .....	1886
১০.২.৩ ঈ .....	1886-1887
১০.২.৪ ঊ .....	1887
১০.২.৫ ঋ .....	1887-1888
১০.২.৬ ঞ .....	1888
১০.২.৭ ট .....	1888
১০.২.৮ ঠ .....	1889
১০.২.৯ ড .....	1889-1890
১০.২.১০ প .....	1890-1891
১০.২.১১ ব .....	1891-1893
১০.২.১২ ভ .....	1893
১০.২.১৩ ফ .....	1894
১০.২.১৪ র .....	1894-1895
১০.২.১৫ শ .....	1895
১০.২.১৬ স .....	1896

## Chapter 11 Expired and Spent Laws :

### Alphabetical Order ..... 1897-1918

11. An Overview of the Chapter .....	1897
11.1 Expired Laws .....	1897-1901
11.1.1 Expired Laws: Enacted in English .....	1897-1990
11.1.1.1 B .....	1897-1898
11.1.1.2 E .....	1898-
11.1.1.3 I .....	1899



11.1.1.4 M .....	1899
11.1.1.5 P .....	1899-1900
11.1.2 Expired Laws: Enacted in Bangla .....	1900-1901
১১.১.২.১ জ .....	1900
১১.১.২.২ স .....	1901
11.2 Spent Laws .....	1901-1918
11.2.1 Spent Laws: Enacted in English .....	1901-1915
11.2.1.1 A .....	1901-1902
11.2.1.2 B .....	1902-1905
11.2.1.3 C .....	1905
11.2.1.4 D .....	1905-1906
11.2.1.5 E .....	1906-1908
11.2.1.6 F .....	1909
11.2.1.7 I .....	1909
11.2.1.8 J .....	1909-1910
11.2.1.9 K .....	1910
11.2.1.10 L .....	1910
11.2.1.11 M .....	1911
11.2.1.12 N .....	1912
11.2.1.13 O .....	1912
11.2.1.14 P .....	1912-1913
11.2.1.15 Q .....	1913
11.2.1.16 R .....	1913-1914
11.2.1.17 S .....	1914-1915
11.2.1.18 T .....	1915
11.2.1.19 U .....	1915
11.2.2. Spent Laws: Enacted in Bangla .....	1915-1919
১১.২.২.১ ই .....	1915-1916
১১.২.২.২ জ .....	1916
১১.২.২.৩ ত .....	1916
১১.২.২.৪ প .....	1916
১১.২.২.৫ ঝ .....	1916-1917
১১.২.২.৬ ঝ .....	1917
১১.২.২.৭ শ .....	1917
১১.২.২.৮ স .....	1918

**Chapter 12 Laws Declared to be No Part of the  
Laws of Bangladesh..... 1919-1929**

12. An Overview of the Chapter ..... 1919

    12.1 Laws Declared to be no Part of the Laws of Bangladesh..... 1919-1923

    12.2 Laws Declared to be no Part of the Laws of Pakistan ..... 1923-1929

**Chapter 13 Repealed British Statutes ..... 1930-1946**

13. An Overview of the Chapter ..... 1930

    13.1 Repealed British Statutes ..... 1930

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## **ABBREVIATIONS USED**

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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
BIISS	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
BRRl	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

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## PREFACE

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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,<sup>1</sup> 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.

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<sup>1</sup> 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.

The printing of this Compendium has been made possible with the financial support of the Canadian International Development Agency (CIDA), through its Canada-Bangladesh Legal Reform Project.

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

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# VOLUME IV

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**Encyclopedic Compendium  
of the  
Laws of Bangladesh**

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