

**THE PREVENTION OF TRANSFER OF PROPERTY AND
REMOVAL OF DOCUMENTS AND RECORDS ACT, 1952**

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**THE PREVENTION OF TRANSFER OF PROPERTY AND
REMOVAL OF DOCUMENTS AND RECORDS ACT, 1952**

ACT NO. V OF 1952

[30th October, 1952]

***An Act to provide against certain difficulties in the way of speedy acquisition of interest in land under the¹[* * *] State Acquisition and Tenancy Act, 1950.**

WHEREAS it is expedient to provide against certain difficulties created or sought to be created by certain classes of persons in the way of speedy acquisition of estates, *taluks*, tenures and other interests in land, under the provisions of the²[* * *] State Acquisition and Tenancy Act, 1950;

It is hereby enacted as follows:-

Short title,
extent and
commencement

1. (1) This Act may be called the³[* * *] Prevention of Transfer of Property and Removal of Documents and Records Act, 1952.

(2) It extends to the whole of Bangladesh.

(3) It shall be deemed to have come into force on the 21st day of July, 1951.

* Throughout this Act, unless otherwise provided, the words “Bangladesh” and “Government” were substituted for the words “East Pakistan” or “the Province of East Pakistan” and “Provincial Government” respectively by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

¹ The words “East Bengal” were omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President’s Order No. 48 of 1972).

² The words “East Bengal” were omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President’s Order No. 48 of 1972).

³ The words “East Bengal” were omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President’s Order No. 48 of 1972).

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

- (a) “Collector” means the Collector of a district and includes ¹[* * *] such other officers not below the rank of a Deputy Collector as may be appointed by the Government to discharge all or any of the functions of a Collector under this Act;
- (b) “*cutchery* building” means a building or part of a building which, on the 16th May, 1951, or thereafter, was or is used primarily as office or *cutchery* for the management including collection of rents and cesses of any estate, *taluk*, or tenure or as the residence of staff employed in such management, with the land under it and necessary adjuncts thereto;
- (c) “transfer” means transfer by private sale, exchange, lease, gift, mortgage or charge; and
- (d) all other words and expressions used in this Act and in the ²[* * *] State Acquisition and Tenancy Act, 1950, shall have the same meanings as in that Act.

3. (1) Notwithstanding anything contained in any other law for the time being in force or in any contract, no person shall transfer, without the previous permission of the Collector in writing,-

Prohibition against transfer of *cutchery* buildings and certain lands contiguous thereto

- (i) any *cutchery* building; or
- (ii) any land contiguous to any *cutchery* building which, on the 16th May, 1951, lay vacant and was not used for agricultural purposes; or
- (iii) any vacant land situated within any *hat* or *bazar*.

(2) Every transfer made in contravention of sub-section (1) shall be null and void.

¹ The words “a Sub-divisional Officer and” were omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words “East Bengal” were omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President’s Order No. 48 of 1972).

Provision regarding transfers made between the 16th May, 1951, and the 21st day of July, 1951

4. (1) Any *cutchery* building or land as is referred to in sub-section (1) of section 3, if transferred by any person between the 16th day of May, 1951, and the 21st day of July, 1951, shall, notwithstanding anything contained in any other law for the time being in force or in any contract, be deemed to have been re-transferred to such person on the 21st day of July, 1951.

(2) The transferor in respect of such transfer shall be liable to refund to the transferee or his successor-in-interest, the consideration of such transfer; and the amount or value of such consideration shall, on an application of the transferee or his successor-in-interest to the Collector within two years from the 21st day of July, 1951, be recoverable from such transferor as a public demand.

Safeguards against removal of records

5. (1) No rent-receiver shall, after the coming into force of this Act, remove or cause to be removed any document or record relating to any estate, *taluk*, or tenure, to any place outside Bangladesh, or destroy or cause to be destroyed such document or record.

(2) If any document or record as aforesaid has been removed by any rent-receiver before the commencement of this Act to any place outside the Bangladesh, the Collector may serve an order on such rent-receiver directing him to bring back such document or record to Bangladesh within the time specified in such order.

(3) For the purpose of inspection of any document or record relating to any estate, *taluk*, or tenure, it shall be lawful for the Collector or any officer authorised by him in writing, to enter into or upon any *cutchery* building or premises, where the Collector or such officer has reason to believe that such document or record has been kept:

Provided that no such entry shall be made between sunset and sunrise and without giving two hours' notice to the rent-receiver concerned of his intention to do so.

(4) Before entering into or upon any *cutchery* building or premises under the provisions of sub-section (3), the Collector or any officer authorised by him may issue a direction upon the rent-receiver to inform him in writing, within the time specified in such direction, the place where such document or record has been kept.

6. (1) If any person has transferred any *cutchery* building or land in contravention of sub-section (1) of section 3, the Collector may impose on him a fine which may extend to twice the value or amount of the consideration for such transfer and may also pass an order forfeiting such *Cutchery* building or land to the Government. Penalty

(2) If any rent-receiver has removed or destroyed or caused to be removed or destroyed any document or record in contravention of sub-section (1) of section 5, or fails to comply with an order under sub-section (2) of that section, the Collector may impose on him a fine which may extend to ten thousand ¹[taka].

(3) The fine imposed under this section shall be recoverable as a public demand.

(4) When the Collector has passed an order under sub-section (1) forfeiting any *cutchery* building or land to the Government, it shall be lawful for him to take actual possession thereof, and in doing so, he may use or cause to be used such force as may be necessary.

7. (1) An appeal against any order passed by the Collector under sub-section (1) or sub-section (2) of section 6, if presented within thirty days from the date of the order appealed against, shall lie to the ²[Commissioner of Division]. Appeal and revision

³[(2) If no appeal has been preferred under sub-section (1), the Government may, at any time, of its own motion, revise any order passed by the Collector under sub-section (1) or sub-section (2) of section 6.]

¹ The word "taka" was substituted for the word "rupees" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words "Commissioner of Division" were substituted for the word "Government" by section 2 and the Schedule of the Bangladesh Laws (Amending) Ordinance, 1976 (Ordinance No. IX of 1976).

³ Sub-section (2) was substituted by Article 3 and the Schedule of the Bangladesh Laws (Repealing and Amending) Order, 1973 (President's Order No. 12 of 1973).

¹[(2a)The Government may, of its own motion or on application of the aggrieved person made within thirty days from the date of the order, revise any order passed by the ²[Board of Land Administration] on appeal under sub-section (1).]

³[(3) An order of the Government passed under sub-section (2) or sub-section (2a) shall be final.]

Public servant **8.** Any person empowered to perform any function under this Act shall be deemed to be a public servant within the meaning of section 21 of the ⁴[* * *] Penal Code.

Indemnity **9.** (1) No suit or legal proceeding shall lie against the Government in respect of anything which is, in good faith, done or intended to be done under this Act.

(2) No suit, prosecution or legal proceeding shall lie against any person in respect of anything which is, in good faith, done or intended to be done under this Act.

10. [*Repeal and saving.- Omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).*]

Power to make rules **11.** The Government may make rules for carrying out the purposes of this Act.

¹ Sub-section (2a) was inserted by section 2 and the Schedule of the Bangladesh Laws (Amending) Ordinance, 1976 (Ordinance No. IX of 1976).

² The words “Board of Land Administration” were substituted for the words “Commissioner of Division” by section 4 and the Schedule of the Laws (Amendment) Ordinance, 1982 (Ordinance No. XLI of 1982).

³ Sub-section (3) was substituted by section 2 and the Schedule of the Bangladesh Laws (Amending) Ordinance, 1976 (Ordinance No. IX of 1976).

⁴ The word “Pakistan” was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President’s Order No. 48 of 1972).