

**THE STATE ACQUISITION (AD-INTERIM PAYMENT)
ACT, 1957**

ACT NO. XXXIII OF 1957

[26th October, 1957]

An Act to make provisions for more expeditious ad-interim payment.*

WHEREAS under sub-section (1) of section 6 of the ¹[* * *] State Acquisition and Tenancy Act, 1950, a rent-receiver whose rent-receiving interests not held under *wakf*, *wakf-al-aulad*, *debutter* or any other trust are acquired under sub-section (1) of section 3 of that Act is, with effect from the date of acquisition, entitled to receive annually in cash in respect of such interests an *ad-interim* payment at the rate of one-third of the net income on account of the demands of rent and cesses for any period after the date of acquisition collected by the Government for such interests in the year to which such payment relates;

AND WHEREAS in the cases of such rent-receiving interests acquired after the 1st April, 1956, under sub-section (1) of section 3 of the said Act, it will take much time to collect necessary details and start and maintain separate accounts of collections of rents and cesses made by the Government in respect of such rent-receiving interests held by each rent-receiver for complying with the provisions of sub-section (1) of section 6 of the said Act;

AND WHEREAS the making of *ad-interim* payments in such cases according to the provision of sub-section (1) of section 6 of the said Act will in the aforesaid circumstances, be much delayed and will consequently cause much hardship to the rent-receivers concerned;

AND WHEREAS in order to avoid such hardship, it is considered expedient to make provisions for more expeditious *ad-interim* payments in such cases on a simpler basis;

* Throughout this Act, the word "Government" was substituted for the words "Provincial Government" 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).

It is hereby enacted as follows:-

Short title,
extent and
commencement

1. (1) This Act may be called the ¹[* * *] State Acquisition (Ad-interim Payment) Act, 1957.

(2) It extends to the whole of ²[Bangladesh].

(3) It shall come into force at once.

Definitions

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

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

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

(3) all other words and expressions used in this Act shall have the same meanings as in the ³[* * *] State Acquisition and Tenancy Act, 1950.

Ad-interim
payment

3. (1) Notwithstanding anything contained in sub-sections (1), (3) and (4) of section 6 of the ⁴[* * *] State Acquisition and Tenancy Act, 1950 (hereinafter referred to as the said Act), a rent-receiver, whose interests in any estate, *taluk*, tenure, holding or tenancy or part thereof, not held under *wakf*, *wakf-al-aulad*, *debutter* or any other trust, have been acquired under sub-section (1) of section 3 of the said Act after the 1st day of April, 1956, shall, with effect from the date of such acquisition,

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

² The word “Bangladesh” was substituted for the words “East Pakistan” by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

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).

⁴ 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).

be entitled to receive annually, in cash, in respect of such interests, at such time and in such manner as may be prescribed, an *ad-interim* payment at the rate of one-sixth of the net income calculated according to the provisions in sub-section (2).

(2) For the purposes of sub-section (1), the net income of a rent-receiver from any estate, *taluk*, tenure, holding or tenancy or part thereof shall be calculated by deducting from the gross assets, consisting of the aggregate of the rents and cesses which were payable to such rent-receiver by his immediately subordinate tenants in such estate, *taluk*, tenure, holding, tenancy or part thereof for the agricultural year immediately preceding the date of acquisition, the following, namely:-

- (a) the sums which were or are calculated as payable by such rent-receiver for such year as land revenue or rent and cesses to the Government or to his immediate landlord, as the case may be, in respect of such estate, *taluk*, tenure, holding, tenancy or part thereof;
- (b) the sums which were or are calculated as payable by such rent-receiver in respect of such assets for such year as taxes under the Bengal Agricultural Income-tax Act, 1944 and the ¹[Income-tax Ordinance, 1984 (XXXVI of 1984)];
- (c) the average annual expenditure, if any, incurred by such rent-receiver on account of maintenance of any irrigation or protective works in such estate, *taluk*, tenure, holding, tenancy, or part thereof; and
- (d) collection charges not exceeding twenty *per centum* of the gross assets.

(3) In calculating the amounts of deduction under sub-section (2), the Revenue-officer shall be guided by such rules as may be made in this behalf by the Government.

4. (1) For the purpose of calculating the net income under section 3, the Revenue-officer shall publish a proclamation in the prescribed manner in every village requiring the rent-

Service of
notice to furnish
statements

¹ The words, comma, figures and brackets "Income-tax Ordinance 1984 (Or. No. XXXVI of 1984)" were substituted for the words, comma, figures and brackets "Income-tax Act, 1922 (Act No. XI of 1922)" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

receivers concerned to furnish, within sixty days from the date of publication of the proclamation or within such further time as may be allowed by the Revenue-officer on application, statements in the prescribed forms showing therein their gross assets and deductible amounts as referred to in sub-section (2) of section 3 and such other particulars as may be prescribed:

Provided that the Government may, at any time, by notification in the *official Gazette*, allow such of the rent-receivers, as have not already furnished such statements in pursuance of the said Proclamation, a second opportunity to furnish the same to the Revenue-Officer within such period as may be specified in the notification.

(2) The net income shall be calculated by the Revenue-officer after considering the returns furnished under sub-section (1) and making such enquiry as he thinks fit.

(3) The submission of the statements required under sub-section (1) shall be the condition precedent to the making of *ad-interim* payments under section 3.

Appeal

5. Any person aggrieved by an order of the Revenue-officer determining the amount of any *ad-interim* payment under section 3 may, within a prescribed period and in the prescribed manner, present an appeal in writing to a prescribed superior Revenue Authority, and the decision of such Authority and also, subject only to such decision an order of the Revenue-officer passed under that section shall be final.

Exemption of *ad-interim* payment from attachment

6. Notwithstanding anything contained in the Code of Civil Procedure, 1908, and the ¹[* * *] Public Demands Recovery Act, 1913, any amount payable to a rent-receiver under section 3 shall not be liable to attachment in execution of any decree or order of a Civil Court or of a certificate signed under the ²[* * *] Public Demands Recovery Act, 1913, other than a decree or certificate for the recovery of arrears of revenue, rent or cesses due in respect of the interests to which such payment relates.

¹ The word "Bengal" was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

² The word "Bengal" was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

7. With effect from the 1st day of the agricultural year next following the date of publication in the *official Gazette* of a notification under sub-section (2) of section 43 of the said Act, declaring that a Compensation Assessment-roll has been finally published, the *ad-interim* payment under section 3 in respect of the interest for which compensation has been assessed in such roll shall cease; and the total amount of *ad-interim* payments made under section 3 in respect of any such interests, less an amount calculated at the rate of three *per centum per annum* on the amount of compensation assessed for such interests in such roll from the date of acquisition of such interests under sub-section (1) of section 3 of the said Act till the last day of the agricultural year in which such notification is so published, shall be deducted from the amount of such compensation before proceeding to make payment of such compensation under sub-section (1) of section 58 of the said Act.

Ceasing of *ad-interim* payments and adjustment thereof

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

9. The Government may make rules for carrying out the purposes of this Act.

Power to make rules

10. [*Repeal and saving.- Repealed by section 3 and the Second Schedule of the Repealing and Amending Ordinance, 1966 (East Pakistan Ordinance No. XIII of 1966).*]
