

Recommendations for amendment of certain laws

1. Although the **Criminal Law (Amendment) Act, 1948** (Act XIV of 1948) was an amending Act by name, in reality it did not amend any law. Rather it was a mere **duplication** of the **Criminal Law Amendment Ordinance, 1944** (Ordinance No. XXXVIII of 1944). The applicability of both Acts creates confusion as the provisions of both the laws are almost alike. Both the laws were included in the Bangladesh Code which may be perused at pages 137-148 and 249-259 of Volume X of Bangladesh Code.

In order to remove this confusion we suggest that being the latest Act the **Criminal Law (Amendment) Act, 1948** (Act XIV of 1948) be retained and at the same time the **Criminal Law Amendment Ordinance, 1944** (Ordinance No. XXXVIII of 1944) be removed from the Code.

2. The **Alluvion (Amendment) Act, 1868** (Act IV of 1868) appearing at pages 312-313 of the Bangladesh Code Volume-I does not have any provision saying that it is applicable in Bangladesh. In its preamble it has been stated that it was enacted to amend the provisions of the **Bengal Alluvion and Diluvion Act, 1847** (Act IX of 1847). In fact Act IX of 1847 stands repealed and it is not included in the Bangladesh Code. In this circumstance, we think that the **Alluvion (Amendment) Act, 1868** has lost its importance and it can be repealed as well.
3. “The Board of Land Administration” has been cited in different laws such as section 3 of the **Alluvion (Amendment) Act, 1868**, section 9 of the **Treasure-trove Act, 1878** (Act VI of 1878) and Sections 2(29), 124, 147, 149, 151A and 151B of the **State Acquisition and Tenancy Act, 1950** (Act XXVIII of 1951). Those Acts are available at pages 312-313 Volume-I, pages 274-281 Volume II and pages 371-529 Volume X respectively in Bangladesh Code. “The Board of Land Administration” has already been buried on 16 March 1989 by section 8 of the Land Appeal Board Act, 1989 (Act No. II of 1989). So it is expedient to

make necessary amendments to these Acts to ensure effective implementation of laws for which the Ministry of Land may be requested to take necessary steps.

4. Hoarding and catapulting of prices of essential commodities is one of the most serious problems faced by the present Government. However, it is impossible to enforce the provisions of the **Essential Articles (Price Control and Anti-Hoarding) Act, 1953** (Act XXII of 1953) which is available at Bangladesh Code Volume XI page 374-380 without amending section 13 of the said Act. Section 13 of the Act provides that if any person contravenes any of the provisions of this Act, he shall be deemed to have committed an offence under section 3 of the Hoarding and Black Market Act, 1948. However, the **Hoarding and Black Market Act, 1948** has been repealed and thus is not capable of being implemented.

In 1957 the **Essential Commodities Act** (Act III of 1957) was passed to provide for price control and regulation of trade and commerce between different areas in Bangladesh in respect of certain commodities which is described in its preamble. This law has very clear provision as to the penalty and procedure to impose penalty, if any person contravenes any provision of this Act. Similar penalty and procedure have been suggested in the **Control of Essential Commodities Act, 1956** (Act I of 1956). Taking example from the similar laws, same penalty and procedure can be inserted in the **Essential Articles (Price Control and Anti-Hoarding) Act, 1953** to enforce this law practically.

M. A. Mobarak
Member
Law Commission

Professor M. Shah Alam
Chairman (In-charge)
Law Commission