

THE BANGLADESH (ADAPTATION OF EXISTING LAWS) ORDER, 1972

(PRESIDENT'S ORDER NO. 48 OF 1972).

[22nd May, 1972]

WHEREAS the Laws Continuance and Enforcement Order provides that all laws which were in force on the 25th day of March, 1971, in the territories now comprised in the People's Republic of Bangladesh shall continue to be in force in Bangladesh subject to such consequential changes as may be necessary;

NOW, THEREFORE, in pursuance of Proclamation of Independence of Bangladesh read with the Provisional Constitution of Bangladesh Order, 1972 and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Order:-

1. (1) This Order may be called the Bangladesh (Adaptation of Existing Laws) Order, 1972.

(2) It shall come into force at once and shall be deemed to have taken effect on the 26th day of March, 1971.

2. In this Order, "existing law" means any Act, Ordinance, Regulation, Rule, Order or bye-law which immediately before the 26th day of March, 1971, had the force of law in whole or any part of the territories now comprised in the People's Republic of Bangladesh.

3. As from the 26th day of March, 1971, all "existing laws" shall, until repealed or altered or amended by competent Legislature or other competent authority, in their application to Bangladesh, be subject to the Adaptation directed in this Order.

4. Where an existing law, other than the Income-Tax Act, 1922, the Excess Profits Tax Act, 1940, the Business Profits Tax Act, 1947, the Estate Duty Act, 1950, the Sales Tax Act, 1951, the Gift Tax Act, 1963 and the Wealth Tax Act, 1963, contains any provision extending the law to the whole of Pakistan or to whole of East Pakistan, that provision shall be so construed as to refer to the whole of the People's Republic of Bangladesh.

5. References in any existing law, other than the Income-Tax Act, 1922, the Excess Profits Tax Act, 1940, the Business Profits Tax Act, 1947, the Estate Duty Act, 1950, the Sales Tax Act, 1951, the Gift Tax Act, 1963 and the Wealth Tax Act, 1963, to 'Pakistan' or 'East Pakistan' shall, except where the reference occurs in a title 1[* * *] or any citation or description of an Act, Ordinance or Regulation and except where context otherwise requires, be replaced by references to Bangladesh.

6. References in any existing law to 'Pakistan', 'Bengal', 'East Bengal' or 'East Pakistan' in a title 2[* * *] or any citation or description in any Act, Ordinance or Regulation shall, except where the context otherwise requires, shall be omitted.

3[7. (1) Unless the context otherwise requires-

(a) any reference in any law for the time being in force, to the High Court, the High Court of Dacca or the High Court of Bangladesh, exercising original, appellate, revisional or other jurisdiction, shall, as from the 16th day of December, 1972, be construed as reference to the High Court Division of the Supreme Court of Bangladesh established under the Constitution.

(b) any reference in any existing law to the Supreme Court exercising original, appellate or revisional or other jurisdiction shall, as from the 16th day of December, 1972, be construed as reference to the Appellate Division of the Supreme Court of Bangladesh established under the Constitution.

(2) Except as otherwise provided in sub-clauses (a) and (b) of clause 1 and where the context so requires, any reference in any law for the time being in force to the Supreme Court or to the High Court of Dacca or the High Court of Bangladesh shall, as from the 16th day of December, 1972, shall be construed as reference to the Supreme Court of Bangladesh established under the Constitution.

(3) Any reference in any law to an Advocate entitled to practise before the High Court, shall, as from the 16th day of December, 1972, be construed as an Advocate entitled to practise before the Appellate Division and the High Court Division of the Supreme Court of Bangladesh established under the Constitution.]

8. Any reference in any existing law to "the Central Government", "the Government of Pakistan", "the Provincial Government" or "the Government of East Pakistan" shall be construed as a reference to the Government of the People's Republic of Bangladesh.

9. Any reference in any existing law to the President of Pakistan, the President, the Governor of East Pakistan or the Governor shall, except where the context otherwise requires, be replaced by reference to Government of the People's Republic of Bangladesh.

10. Any Court, Tribunal or Authority required or empowered to enforce an existing law shall, notwithstanding that this Order makes no provision or insufficient provision for adaptation of the law for the purpose of rendering it consistent with the Proclamation of Independence or the Provisional Constitution of Bangladesh Order, 1972, construe the law with such adaptations as are necessary for the said purpose:

Provided that if any question arises regarding the adaptation with which such laws should be construed for the said purpose, the question shall be referred to the Government of the People's Republic of Bangladesh and the decision of the Government on any such matter shall be final.

4[11. (1) Any reference in any existing law to the "Advocate General" shall be construed as a reference to the "Attorney General".

(2) Any reference in any existing law to "Government Pleader" shall be construed as referring to an "Advocate", or where appropriate, "the Deputy Attorney General (Civil)", appointed by the Government.]

Annotations

1 The words "or Preamble" were omitted by the Bangladesh Adaptation of Existing Laws (Amendment) Order, 1972 (President's Order No. 150 of 1972), Article 2.

2 The words "or Preamble" were omitted by the Bangladesh Adaptation of Existing Laws (Amendment) Order, 1972 (President's Order No. 150 of 1972), Article 2.

3 Article 7 was substituted by the Bangladesh Adaptation of Existing Laws (Amendment) Order, 1972 (President's Order No. 150 of 1972), Article 3.

4 Article 11 was inserted by the Bangladesh Adaptation of Existing Laws (Amendment) Order, 1972 (President's Order No. 150 of 1972), Article 4.

Amending Law(s)

The Bangladesh Adaptation of Existing Laws (Amendment) Order, 1972 (President's Order No. 150 of 1972).

Provision(s) Repealed/Omitted by Law(s) Referred

The Laws Continuance and Enforcement Order.

The Proclamation of Independence of Bangladesh.

The Provisional Constitution of Bangladesh Order, 1972.

The Wealth Tax Act, 1963.

The Gift Tax Act, 1963.

The Sales Tax Act, 1951.

The Estate Duty Act, 1950.

The Business Profits Tax Act, 1947.

The Excess Profits Tax Act, 1940.

The Income-Tax Act, 1922.

This law has been updated upto (last amending law):

The Bangladesh Adaptation of Existing Laws (Amendment) Order, 1972 (President's Order No. 150 of 1972).