

THE COLLECTIVE FINES ORDINANCE, 1942

ORDINANCE NO. XX OF 1942

[13th May, 1942]

An Ordinance to provide for the imposition of collective fines.*

WHEREAS an emergency has arisen which makes it necessary to provide for the imposition of collective fines in connection with offences prejudicially affecting the defence of Bangladesh, the public safety, the maintenance of public order, the efficient prosecution of war, or the maintenance of supplies or services necessary to the life of the community;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor-General is pleased to make and promulgate the following Ordinance:-

1. (1) This Ordinance may be called the Collective Fines Ordinance, 1942.

Short title,
extent and
commencement

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once.

2. *[Interpretation.- Omitted by Article 2 and Schedule of the Central Adaptation of Laws Order, 1964 (President's Order No. 1 of 1964).]*

3. (1) If it appears to the Government that the inhabitants of any area are concerned in or abetting the commission of offences prejudicially affecting the defence of Bangladesh, the public safety, the maintenance of public order, the efficient prosecution of war, or the maintenance of supplies or services

Imposition of
collective fines
on inhabitants
of area

* Throughout this Ordinance, the words "Bangladesh" and "Government" were substituted for the words "Pakistan" and "Provincial Government" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

necessary to the life of the community, or are harbouring persons concerned in the commission of such offences, or are failing to render all the assistance in their power to discover or apprehend the offender or offenders, or are suppressing material evidence of the commission of such offences, the Government may, by notification in the *official Gazette*, impose a collective fine on the inhabitants of that area.

¹[(1A) An officer empowered in this behalf by the Government by general or special order may exercise the power conferred by sub-section (1) on the Government:

Provided that an imposition of a collective fine by any such officer may be made by publication of the order imposing the fine either in the *official Gazette* or in any such other manner as such officer considers best calculated to bring the order to the notice of the inhabitants of the area concerned.]

(2) The Government or any officer empowered in this behalf by the Government by general or special order, may exempt any person or class or section of such inhabitants from liability to pay any portion of such fine.

(3) The District Magistrate, after such inquiry as he may deem necessary, shall apportion such fine among the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the District Magistrate's judgment of the respective means of such inhabitants.

²[(3A) In any such apportionment the District Magistrate may assign a portion of such fine to a Hindu undivided family to be payable by it.]

(4) The portion of such fine payable by any person (including a Hindu undivided family) may be recovered-

- (a) in the manner provided by the Code of Criminal Procedure, 1898, for the recovery of fines imposed by a Court, as if such portion were a fine imposed by the District Magistrate acting as a Court:

¹ Sub-section (1A) was inserted by the Collective Fines (Second Amendment) Ordinance, 1942 (Ordinance No. XLIX of 1942).

² Sub-section (3A) was inserted by the Collective Fines (Second Amendment) Ordinance, 1942 (Ordinance No. XLIX of 1942).

Provided that the Government may, in lieu of the rules referred to in sub-section (2) of section 386 of the Code of Criminal Procedure, 1898, make rules under this Ordinance regulating the manner in which warrants under clause (a) of sub-section (1) of the said section of the said Code are to be executed, and for the summary determination of any claims made by any person other than the person liable to pay the fine in respect of any property attached in execution of the warrant; or

(b) as arrears of land revenue.

Explanation.- For the purposes of this section the expression “inhabitants of an area” includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area, and landlords who themselves or by their agents or servants collect rents from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

4. No suit, prosecution or other legal proceeding whatsoever shall lie against any person for or in respect of anything which is in good faith done or intended to be done under this Ordinance.

Bar of legal proceedings