

ସଂଗ୍ରହ ଅଧ୍ୟାୟ ୫

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THE (EMERGENCY) REQUISITION OF PROPERTY ACT, 1948
(EAST BENGAL ACT XIII OF 1948)

[The text of the Act printed here is as on 16-8-82- the
 date on which the Act expired or ceased to have effect.]

An Act to provide for special measures for (emergency) requisition of property in connection with the administration and development of Bangladesh.

[Whereas it is expedient to provide for special measures for the emergency requisition of property in connection with the administration and development of Bangladesh:] 1

It is hereby enacted as follows:-

1. **Short title, extent and duration:** (1) This act may be called The (Emergency) Requisition of Property Act, 1948.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force in such areas on such dates as the Government may, by notification in the Official Gazette, direct.

(4) It shall remain in force for a period of [thirty-four]² years.

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

(i) "Deputy Commissioner" includes an Additional Deputy Commissioner and a Joint Deputy Commissioner and also an Assistant Commissioner or Deputy Magistrate and Deputy Collector or an Officer of the E.P. Civil Service (Executive) Class II authorised by the Deputy Commissioner to exercise any power conferred, or perform any duty imposed, on the Deputy Commissioner by or under this Act;

(ii) "Owner" includes the occupier;

(iii) "Property" means any movable or immovable property; and

(iv) "Repair" means all repairs for the proper maintenance of a requisitioned property and does not include any amenities added to the property for the convenience of the allottee.

3. **Requisitioning of property:** When any property is required for a public purpose or in public interest, the Deputy Commissioner may requisition it by an order in writing:

Provided that the projects covering more than one district or the projects of which the requiring body is the Dhaka Improvement Trust, the Chittagong

1. Substituted by Article 2 of P.O. No. 92 of 1972.

2. Substituted by section 2 of Ordinance No. VII of 1981.

Development Authority or the Khulna Development Authority, the proposal shall require the approval of the Government before proceedings under the Act are started:

Provided further that no property used by the public for the purpose of religious worship, graveyard and cremation ground shall be requisitioned:

Provided further that when a property is required permanently for public purpose or in public interest, the Deputy Commissioner may also requisition it with a view to its permanent acquisition for such public purpose or in such public interest.

4. Service of order of requisition: [(1) When an order of requisition has been made under section 3, it shall be served on the owner of the property personally by delivering or tendering it to him. or, where the owner cannot be found, it shall be served by leaving an authentic copy thereof with some adult male member of the family of such owner, or, if no such adult male member of the family can be found, it may be served by affixing an authentic copy thereof to some conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for gain and also by affixing another such copy to some conspicuous part of the requisitioned property. An authentic copy of such order shall also be affixed on the notice board of the local Union Council and the local Tahsil Office and the order shall also be proclaimed by beat of drum in the locality in which the property is situated.]3

4A. Appeal and Revision: (1) An appeal against an order made under section 3 shall, if presented within 30 days from the date of service of the order, lie to the Commissioner.

(2) The Government may, at any time, either on its own motion or on application by an aggrieved party, revise any order passed by the Deputy Commissioner under section 3, where no appeal has been filed under subsection (1) and, also any order passed by the Commissioner on appeal under subsection (1).

5. Acquisition of property.- (1) The Government may, if it thinks fit acquire any requisitioned property on the proposal of the Deputy Commissioner in the manner hereinafter provided in this section.

(1a) The Deputy Commissioner shall, if he considers that the acquisition of any requisitioned property is expedient for a public purpose or in public interest cause a public notice to be given at convenient places on or near the requisitioned property stating that the property is proposed to be acquired.

3. Substituted by section 5 of the E.P. Ordinance No. VIII of 1966.

(2) Such notice shall state particulars of the property to be acquired, and shall require all persons interested in the property to appear personally or by agent before the Deputy Commissioner at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice) and to state the nature of their respective interests in the property, their objections (if any) to the acquisition of the property and particulars of their claims to compensation for their respective interests.

(3) Notice shall also be served to the above effect on the owner of such property and on all such persons known or believed to be interested therein or to be entitled to act for persons so interested as reside or have agents authorised to receive service on their behalf within the revenue district in which the property is situated.

(4) In case any person so interested resides elsewhere and has no such agent, the notice shall be sent to him by registered post in a letter addressed to him at his last known residence, address or place of business.

(4a) Every person, required to make or deliver a statement under sub-sections (2), (3) and (4) shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Penal Code.

(5) The Deputy commissioner shall, after hearing all objections and after making such further enquiry, if any, as he thinks necessary, submit the case for the decision of the Government together with the record or the proceedings held by him and report containing his recommendations on the objections.

(6) The Government, after considering the report made under sub-section (5) shall make a decision about the acquisition of the requisitioned property and such decision of the Government shall be final.

(7) The Government shall then publish in the Official-Gazette a notice to the effect that the Government has decided to acquire the requisitioned property. On and from the beginning of the day on which the notice is so published the requisitioned property shall vest absolutely in the Government free from all encumbrances and the period of such requisition of such property shall end.

5A. The Deputy Commissioner shall have the power to summon and enforce the attendance of witnessess, including the parties interested or any of them and to compel the production of documents by the same means, and (so far as may be) in the same manner, as is provided in the case of Civil Court under the Code of Civil Procedure.

[5B. Payment of compensation in advance: Subject to the provisions of sections 6 and 7. When a property is requisitioned under section 3 with a view to its permanent acquisition under section 5, the owner of such property shall be offered and, if agreeable, paid in advance, before possession is taken over under sub-section (2) of section 4, a compensation to the extent of-

- (a) 100% for structure and buildings, and
- (b) 90% for lands,

on the basis of a provisional estimate prepared on rough and ready calculation]⁴

[5C. Mode of payment of rent of requisitioned property: (1) The owner of a holding or part of a holding requisitioned for the purpose of permanent acquisition shall not be liable to pay rent of such holding or such part of the holding with effect from the date of publication of the notice of acquisition under sub-section (7) of section 5 or from the date of taking over possession of such holding or part of the holding under sub-section (2) of section 4 whichever is earlier.

(2) The requiring body other than the Government for whom the holding or part of the holding referred to under sub-section (1) is requisitioned shall pay rent for the holding or part of the holding, as the case may be, at such rate as may be assessed by the Deputy Commissioner, with effect from the date of publication of the notice of acquisition under sub-section (7) of section 5 or from the date of taking over possession of such holding or part of the holding under sub-section (2) of section 4 whichever is earlier.]⁵

6. Compensation for movable property: Whenever any movable property is requisitioned or acquired under the Act, the owner thereof shall be paid such compensation as may be determined by the Deputy Commissioner subject to revision by the Commissioner and the Government.

7. Compensation of immovable property: Whenever any immovable property is requisitioned or acquired under this Act, there shall be paid compensation the amount of which shall be determined in the manner, and in accordance with the principles, hereinafter set out, that is to say,-

- (a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;
- (aa) where no such agreement can be reached, the Deputy Commissioner shall, having regard to the provisions of clause (e), assess compensation for the immovable property, and shall after obtaining the approval of the Government thereto, give immediate notice of the assessment to the person or persons interested;

4. Substituted by section 2 of the E.P. Ordinance No. IV of 1969.

(aaa) [(i) any persons interested, who has not accepted the assessment made under clause (aa) may make an application to an arbitrator appointed under clause (b), for an award within the time specified in sub-clause (ii) of this clause and where there is no arbitrator appointed for the time being, within six weeks of the appointment of such an arbitrator.]⁶

(ii) the application shall state the grounds on which objection to the assessment is taken:

Provided that every such application shall be made within six weeks of the service of the notice by the Deputy Commissioner under clause (aa);

[(b) the arbitrator referred to in sub-clause (i) of clause (aaa) shall be a judicial officer not below the rank of a Subordinate Judge and shall be appointed by the Government by notification in the Official Gazette.]⁷

[(bb) applications hitherto filed and pending with the Government for making references to an arbitrator for awards shall stand transferred to the arbitrator concerned appointed under clause (b).]⁸

(c) the Government may, in any particular case, nominate a person having expert knowledge as to the nature of the property requisitioned or acquired, to assist the arbitrator, and where such nomination is made, the person to be compensated may also nominate an assessor for the said purpose;

[(cc) on receipt of an application under clause (aaa) the arbitrator shall give notice of such application to the Deputy Commissioner who shall forward a copy thereof to the requiring person, if any;]⁹

[(d) at the commencement of the proceedings before the arbitrator, the Deputy Commissioner, the person to be compensated and the requiring person, if any, shall state what, in their respective opinions, is a fair amount of compensation and shall produce all the documents in their possession or power on which they intend to rely ;]¹⁰

5. Inserted by section 6 of the E.P. Ordinance No. VIII of 1966 published in the then Dhaka Gazette, Extraordinary, dated January 27, 1967, page 161.

6. Substituted section 7 ibid.

- (e) the arbitrator in making his award shall have regard to the provision of sections 23 and 24 and sub-section (2) of section 35 of the Land Acquisition Act, 1894, so far as the same can be made applicable:

Provided that—

- (i) the market value of any immovable property for the purposes of this section shall be the [weighted average value, calculated in the manner prescribed by rule made by the Government and after excluding abnormally high and low sale figures,]¹ of the properties of a similar description and with similar advantages in the vicinity during the twenty-four months preceding the date of the service of notice under sub-section (1a) of section 5;

- (ii) where the public purpose, for which the immovable property is acquired under section 5, is the establishment of an industry by a person other than the Government, the arbitrator shall, in addition to such market value of the immovable property, award a sum of twenty-five per centum on the market value, instead of fifteen per centum as provided in sub-section (2) of section 23 of the Land

Acquisition Act, 1894, in consideration of the compulsory nature of the acquisition; and

- (iii) in awarding compensation for the requisition of any immovable property to which the provisions of the Premises Rent Control Ordinance, 1961, or any other law for the time being in force, for the control of house rent, apply, the arbitrator shall have regard to those provisions, so that the compensations awarded may not exceed the amount of rent allowable in respect of such property under those provisions;

- (f) an appeal shall lie to the High Court against an award of any arbitrator except in cases where the amount thereof does not exceed an amount specified in this behalf by rule made by the Government;

7. Substituted by *ibid.*

8. Inserted by *ibid.*

9. Inserted by section 2 of the E.P. Ordinance No. IV of 1968.

10. Substituted by *ibid.*

11. Substituted by *ibid.*

- (g) save as provided in this section and in any rules made thereunder nothing in any law for the time being in force shall apply to arbitrations under this section.

7A. (1) where there is any dispute as to the apportionment of compensation or any part thereof or as to the person to whom the same or any part thereof is payable the Deputy Commissioner after hearing the claimants or giving them an opportunity to be heard shall decide the dispute and make an award and shall give immediate notice of the award to the person or persons interested.

(2) Any person interested who has not accepted the award made under sub-section (1) may bring a suit in a Civil Court of competent jurisdiction for the determination of the dispute:

Provided that no such suit shall be entertained unless it is instituted-

- (a) if the person instituting it was present or represented before the Deputy Commissioner at the time when he made his award, within six weeks from the date of Deputy Commissioner's award;
- (b) in other cases, within six weeks of the service of notice by the Deputy Commissioner under sub-section (1) or within three months from the Deputy Commissioner's award, whichever period shall later expire.
- (3) Any person who has instituted a suit in the Civil Court under sub-section (2) shall produce evidence before the Deputy Commissioner that he has instituted such a suit in the Civil Court within two weeks of the date of expiry of the period referred to in the proviso to sub-section (2), failing which the Deputy Commissioner shall disburse the compensation according to the award made by him under sub-section (1).

7B. When the compensation has been assessed under section 7, the Deputy Commissioner shall tender payment of such compensation to the persons entitled thereto;

Provided that when there is any dispute under sub-section (1) of section 7A as to the apportionment of compensation or any party thereof or as to the person to whom the same or any part thereof is payable, or when any suit has been brought under sub-section (2) of the said section and evidence of such suit has been produced before the Deputy Commissioner under sub-section (3) of that section, such payment shall not be made by the Deputy Commissioner until an award has been made by him under sub-section (1) of that section or until the final determination of the suit, as the case may be:

Provided further that when a suit has been instituted under sub-section (2) of section 7A the Deputy Commissioner shall deposit the amount of compensation in the Court in which the suit has been instituted.

7C. Recovery of money from allottee of requisitioned property: (1) If any requisitioned property is allotted to and placed in possession of any person, it shall be lawful, and shall be deemed always to have been lawful, for the Deputy Commissioner to recover from such person such portion of the costs of litigation incurred by the Deputy Commissioner in respect of such requisitioned property as he may deem fit and a sum equivalent to the compensation payable by him under this Act in respect of such property for the period of such allotment and possession. The recovery shall be made in such instalments and by such dates as the Deputy Commissioner may fix from time to time.

(2) Any sum due from an allottee under sub-section (1), if not paid within the date fixed, as also the sum which prior to the coming into force of this section, became due from an allottee for the use and occupation of any requisitioned property and is outstanding, shall be recoverable as a public demand.

7CC. Repairs of requisitioned property: During the period of requisition, the Deputy Commissioner shall be responsible for the proper maintenance of a requisitioned property and it shall be lawful for the Deputy Commissioner to recover a sum equivalent to the amount spent on repairs. If he is satisfied on the report of the local Executive Engineer of the Works Department that such repairs are necessary to prevent deterioration of the property, out of the compensation payable under this Act to the owner for such a period:

Provided that in the cases of normal repairs due to the natural wear and tear the amount spent on such repairs shall not exceed one-sixth of the compensation payable to the owner:

Provided further that if at the time of release of a requisitioned property from requisition under section 8, any sum spent on repairs remains outstanding, it shall be recoverable from the owner of the property as a public demand.

7D. Transfer of acquired property to a company: (1) When a property is proposed to be transferred on acquisition under section 5, to any person other than the government such person shall enter into an agreement with the Government in such form as may be prescribed by the Government before the possession of such property is delivered to the person.

(2) When the property in respect of which an agreement has been entered into with a person under sub-section (1) is acquired under section 5, the Government shall, on the performance by such person of his part of the agreement, transfer the property of the person by executing a deed of transfer in

such form as may be prescribed by the Government, and in accordance with the law for the time being in force.

7E. Recovery of compensation paid in advance: When any compensation paid in advance is in excess of the amount payable to the owner of any property requisitioned with a view to its permanent acquisition, such excess amount or when a payment has been made to a person other than the rightful owner the amount of such wrong payment or when a requisitioned property is derequisitioned due to change of alignment or abandonment of the scheme, either partly or wholly, the compensation paid in advance in respect of such property, whether paid before or after the commencement of the (Emergency) Requisition of Property (Amendment) Ordinance, 1963 shall be recoverable from such owner as a public demand.

7F. Payment of compensation to the heirs of a deceased owner: when a person entitled to receive compensation for requisition or acquisition of any property under this Act dies and the amount of compensation payable in respect of such property does not exceed five hundred rupees, the compensation may be paid to any person claiming it, who appears to the Deputy Commissioner to be entitled to receive such compensation without requiring production of any probate. Letters of Administration or Succession Certificate and such payment shall be a full discharge to the Deputy Commissioner from all liability in respect of compensation, but nothing in this section shall affect the claim of any executor or administrator or other representative or any creditor of the deceased against the person to whom the payment has been made.

8. Release from requisition: (1) Where any requisitioned property is to be released from requisition, the Deputy Commissioner may restore it to the persons from whom the property was requisitioned or to his successor-in-interest or to such other persons as may appear to the Deputy Commissioner to be entitled to such restoration.

(2) The delivery of possession of the requisitioned property to the person referred to in sub-section (1) shall be a full discharge of the Deputy Commissioner from all liability in respect of such delivery, but shall not prejudice any rights in respect of the property which any other person may be entitled by due process of law to enforce against the person to whom possession of the property is so delivered:

Provided that when the person, to whom the requisitioned property is to be restored on release from requisition, wilfully neglects or refuses to take delivery

of the requisitioned property on being directed in writing to take possession of such requisitioned property by the Deputy Commissioner such requisitioned property shall be deemed and shall always be deemed to have been restored to such person within the meaning of this sub-section with effect from the date and time specified in the aforesaid direction.

(3) Where the person to whom possession of any requisitioned property is to be given cannot be found and has no agent or other person empowered to accept delivery on his behalf the Deputy Commissioner shall cause a notice declaring that the property is released from requisition to be affixed on some conspicuous part of the property and published in the Official Gazette.

(4) When a notice referred to in sub-section (3) is published in the Official Gazette, the property specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof; and the Deputy Commissioner shall not be liable for any compensation or other claim in respect of the property for any period after the said date.

8A. Certain allottees to become tenants on de-requisition: (1) When an immovable requisitioned property, situated in any area to which the Premises Rent Control Ordinance, 1961, or any other similar law for the time being in force, applies, which has been allotted to and placed in possession of any person for commercial or industrial purposes, is to be released from requisition, the actual possession of it, notwithstanding the provision of sub-section (1) of section 8, shall not be liable to be restored to any one, but such property may, subject to the provisions of sub-section (4) of that section, be released from requisition only in the manner laid down in sub-section (3) thereof.

(2) Notwithstanding anything contained in any other law for the time being in force, when a requisitioned property as aforesaid is released from requisition under sub-section (1), the allottee in possession of such property shall, on and from the date of its release from requisition, be deemed to be a tenant from month to month under the person or persons who, but for the provision of sub-section (1) would have been entitled to restoration of actual possession thereof under sub-section (1) of section 8, at a rental equivalent to the amount of monthly compensation which, prior to the release of the property, was payable by him for it, or if that rent as may be admissible or fixed under the provisions of the Premises Rent Control Ordinance, 1961 or any other similar law for the time being in force.

(3) The authority releasing such property from requisition shall inform, in the manner prescribed by rules, the fact of release thereof, to the person or persons referred to in sub-section (2).

(4) The Premises Rent Control Ordinance, 1961, or any other similar law for the time being in force, so far as it is applicable, shall apply to the tenancy referred to in sub-section (2).

8B. Withdrawal from acquisition: When the owner of any property which has been acquired under section 5 is willing to receive back the property, the Government may at any time before the payment of compensation, withdraw from the acquisition of any such property by notification published in the official Gazette, and on such withdrawal, the property shall be restored to the possession of the owner and with effect from the date of such restoration, the property shall vest back in the owner in the rights which he had before such property was acquired.

9. Powers to enter on land and into premises to collect information: With a view to requisitioning or acquiring any property or determining the compensation payable under this Act, the Deputy commissioner may-

- (a) authorise any person to enter upon any land or into any premises and inspect such land or premises and any property thereon or therein; and
- (b) by written order require any person to furnish to such authority such information in his possession relating to the property as may be specified in the order.

Provided that no premises shall be entered without the consent of the occupier, unless at least twenty-four hours previous notice in writing has been given.

10. Penalty: Any person who contravenes or attempts to contravene, or abets or attempts to abet a contravention of any order, made under this Act or who wilfully obstructs any person in doing any of the acts authorised or permitted under this Act or any rule made thereunder shall be punishable with imprisonment for a term which may extend to six months or with fine not exceeding five hundred rupees or with both.

11. Offences by Corporation: If the person contravening any order, made under this Act, is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised due diligence to prevent such contravention, be deemed to be guilty of such contravention.

12. Enforcement of surrender: If the Deputy Commissioner is opposed or impeded in taking possession under this Act of any property, he shall enforce the surrender of the property to him.

12A. Eviction of allottees: Notwithstanding anything contained in any other law for the time being in force, if any immovable property under requisition which has been allotted to any person or is in unauthorised occupation of any person is required by the Deputy Commissioner for any other use or purpose during the period of requisition or for restoring the property under section 8 on its release from requisition, the Deputy Commissioner may at any time by written order, direct such person to vacate the property by such date as may be specified in such order, and if such person does not vacate the property by the date so specified, the Deputy Commissioner may evict such person from such property and may use or cause to be used such force for the purpose as may be necessary:

Provided that no person shall be so evicted between sunset and sunrise.

12B. Eviction when allottee erects or purchase house for residence: Notwithstanding anything contained in any other law for the time being in force, if a person, to whom any requisitioned premises have been, allotted for residential purposes, erects a house for such purposes or purchases a house for such purposes and secures vacant possession thereof, such person shall be evicted from the requisitioned premises under the provisions of section 12A if he does not voluntarily vacate the said premises as soon as the creation of the house has been completed or as soon as the house purchased by him is available for his occupation.

12C. (1) Service of notice under this Act shall be made by delivering or tendering a copy thereof, signed by the Deputy Commissioner.

(2) Wherever it may be practicable, the service of the notice shall be made on the person therein named.

(3) When such person cannot be found, service may be made on any adult male member of his family residing with him; and if no such adult male member can be found the notice may be served by affixing the copy on the outer door of the house in Bangladesh in which the person therein named ordinarily dwells or carries on business or is known to have last resided or carried on business and by affixing a copy thereof in some conspicuous place in the office of the Deputy Commissioner or in the Court House and also in some conspicuous part of the property to be requisitioned or acquired:

Provided that, if the Deputy Commissioner shall so direct, a notice may be sent by registered post in a letter addressed to the person named therein at his last known residence, address or place of business in Bangladesh.

13. Offense under the Act is cognizable: Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence under section 10, shall be a cognizable offence within the meaning of clause (f) of sub-section (1) of section 4 of the Code.

14. Protection of action taken under the Act: (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any order or rule made thereunder.

(2) No suit or other legal proceedings shall lie against the Government or against any person for any damage caused or likely to be caused by any thing in good faith done or intended to be done in pursuance of this Act or any order or rule made thereunder.

14A. Bar to jurisdiction of Civil Court: Except as expressly provided in this Act, no Civil Court shall entertain any suit or application against any order passed or any action taken under this Act and all suits and appeals pending in any such Court against any order passed or any action taken under this Act shall abate with effect from the date of coming into force of the (Emergency) Requisition of Property (Amendment) Ordinance, 1963.

15. Delegation of functions: The Government may, by order, notified in the Official Gazette, direct that any power conferred or any duty imposed on it by this Act shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer as may be so specified.

16. Saving: On the expiry of this Act, the provisions of section 8 of the General Clauses Act, 1899 shall apply as if this Act has been repealed by an Act of the Legislature.

17. Continuance of action, appointment, proceedings, etc: (1) Anything done or any action taken or any appointment made or any proceedings commenced in exercise of any power conferred by or under the Requisition of Property Ordinance, 1947, shall be deemed to have been done, taken, made or commenced under this Act as if this Act was already in force when such thing was done or such action was taken or such appointment was made or such proceedings commenced.

(2) The expiry of the said Ordinance shall not affect any right, privilege, obligation or liability acquired, accrued or incurred thereunder.

18. Power to make rules: The Government may make rules and may from time to time alter and add to the rules so made for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely:-

- (a) procedure in making an order for requisition of property under section 3;
- (c) the form of the order of requisition referred to in sub-section (1) of section 4;
- (d) the form of the notice of acquisition referred to in sub-section (1a) of section 5;
- (e) manner and principle of assessment and payment of compensation in respect of properties requisitioned or acquired, mentioned in section 6 and clause (a) of section 7;
- (f) the procedure to be followed in arbitration under section 7:
 - [ff) manner of calculation of weighted average value referred to in clause (I) of the proviso to clause (e) of section 7;]¹²
- (g) the principles to be followed in apportioning the costs of proceedings before the arbitration and on appeal under section 7;
- (h) the maximum amount of an award against which no appeal shall lie under clause (f) of section 7;
- (i) the form of the notice or release referred to in sub-section (3) of section 8 and procedure for release;
- (j) the procedure to be followed in making entry on a property referred to in clause (a) of section 9;
- (k) manner of collection of information referred to in clause (b) section 9;
- (l) manner of enforcement of surrender referred to in section 12;
- (m) various forms and registers considered necessary for the guidance of officers in all matters connected with the enforcement of the law.

12. Inserted by section 3 *ibid.*

THE (EMERGENCY) REQUISITION OF PROPERTY RULES, 1948

1. (1) These rules may be called the (Emergency) Requisition of Property Rules, 1948,
- (2) In these rules, unless there is anything repugnant in the subject or context-
 - (i) "The Act" means the (Emergency) Requisition of Property Act, 1948 (East Bengal Act XIII of 1948);
 - (ii) "Section" means a section of the Act;
 - (iii) "Compensation" means compensation payable under sections 6 and 7 of the Act; and
 - (iv) "Form" means a form appended to these rules.
2. (1) A separate proceeding shall be started with each proposal for the requisition of any property under the Act.
- (2) Before making an order for the requisition of a property under section 3, the officer competent to make such order shall satisfy himself that the proposed requisition falls within the scope of the provisions of section 3.
3. An order of requisition referred to in sub-section (1) of section 4 shall be in Form A.
4. The notice referred to in sub-section (1), (3) and (7) of section 5 shall be in Form B, in Form C and in Form D, respectively.
5. (1) In assessing the compensation payable for the requisition of any movable property under section 6, the District Magistrate shall take into consideration-
 - (i) the nature and the condition of the property;
 - (ii) the prevailing letting value, if any, of similar property in the locality;
 - (iii) the market value, or where any control or ceiling price has been fixed by Government for similar property, the control or ceiling price of the property in the locality immediately before the requisition; and
 - (iv) the compensation which would be payable if the rate were fixed at not more than ten per centum per annum of such market value.
- (2) In assessing the compensation payable for the acquisition of any movable property under section 6, the District Magistrate shall take into consideration-
 - (i) the nature and the condition of the property;

- (ii) the market value or where any control or ceiling price has been fixed by Government for similar property, the control or ceiling price or the property in the locality immediately before the requisition; and
 - (iii) the depreciation that has been occasioned to the property by normal wear and tear.
6. In assessing compensation for requisition or acquisition of any immovable property under clause (a) of section 7, the officer making the assessment shall have regard to the principle laid down in clause (e) of the section.
- 6A. Where weighted average value is required to be calculated under clause (1) of the proviso to clause (e) of section 7-
- (i) all the available sale figures of the properties of a similar description and with similar advantages in the vicinity during 24 months preceding the date of service of notice under sub-section (1a) of section 5 shall be collected;
 - (ii) the sale figures which appear to be abnormally high or low with reference to the majority of sale figures shall be excluded; and
 - (iii) the weighted average value per acre of land transferred shall, after excluding abnormally high or low sale figures, if any, be calculated by giving due weightage to the total quantity of land transferred in each case.

Illustrations No. I

Sl. No.	Area in acre	Value per acre.	Sale price	Remarks
1	2	3	4	5
1	0.02	RS. 1,00,00,000.00	RS. 2,00,000.00	Sale figure in Sl. No. 1 is abnormally high and in Sl. No. 7 is abnormally low in relation to majority of sale figures and as such they shall be excluded.
2	1.25	50,000.00	62,500.00	
3	0.75	60,000.00	45,000.00	
4.	2.10	40,000.00	85,000.00	
5.	1.02	45,000.00	45,900.00	
6.	0.85	55,000.00	46,750.00	
7.	0.01	20,000.00	200.00	
Total	5.97		2,84,150.00	

Weighted average value per acre= Rs. 2,84, 150.00÷5.97= Rs. 47,600.00

7. (1) When compensation has been assessed, it shall be paid to the person who is entitled to receive it unless there is any dispute as to the adequacy of the amount assessed or as to the title to receive the amount or any portion thereof.

(2) Where there is a dispute as to the adequacy of the amount of compensation payable to any person, the dispute shall be referred to arbitration as provided under section 7.

(3) If there is any dispute as to the title to receive the amount of compensation or any portion thereof, the Officer assessing the compensation shall after hearing the rival claimants decide the dispute and make an award.

The amount awarded may be kept in Revenue deposit pending the decision of the dispute by a competent Civil Court or, when so ordered by such court, remitted to that court.

8. (1) If the property acquired belongs to any person who has no power to alienate it the compensation payable in respect of the property shall be deposited in the Principal Civil Court of original civil jurisdiction in the district in which the said property is situated and the provisions of section 32 of the Land Acquisition Act. 1894, shall apply to such a deposit.

9. (1) The appointment of an Arbitrator under clause (b) of section 7 of the Act shall be made by the Government by an order.

- (2) If the Arbitrator neglects or refuses to act, or is incapable of acting or dies, the Government shall appoint some other person in his place.

- (3) Where the amount of compensation payable for the requisition of any property under section 7 of the Act cannot be fixed by agreement, the person or persons to be compensated shall submit an application to the Officer making the assessment for referring the case to arbitration with necessary written statements of his or their claims. Such Officer shall refer the case with all relevant papers to the Arbitrator and give notice of such reference having been made to the person or persons to be compensated, and inform the Government.

- (4) The Arbitrator shall have the like powers and shall follow the like procedure as the Court has and follows in the exercise of its ordinary original civil jurisdiction under the Code of Civil Procedure, 1908:

Provided that the Arbitrator shall have the right to decide the points referred to arbitration summarily in non-appealable cases referred to in subrule (16).

- (5) Where the Government nominates a person, having expert knowledge of the nature of the property acquired, under clause (e) of section 7 to assist the Arbitrator, the Government shall inform the Arbitrator of such nomination. On receipt of the intimation, the Arbitrator shall inform the person or persons to be compensated about the nomination with a view to enabling such person to nominate an Assessor under the said clause. The nomination of an Assessor shall be made within thirty days of the receipt of the intimation.

- (6) The person to be nominated by the Government under clause (c) of section 7 and the Assessor to be nominated thereunder by the person or persons to be compensated may be given such fees as may be fixed by the Government in such case.

- (7) The person to be nominated by the Government and the Assessor to be nominated by the person or persons to be compensated under clause (c) of section 7 shall render such assistance to the Arbitrator in connection with the arbitration as may be required by the Arbitrator.

- (8) If the person nominated by the Government to assist the Arbitrator or the Assessor nominated by the person or persons to be compensated neglects or refuses to act, or is incapable of acting or dies, the Arbitrator shall inform the Government or the person or persons to be compensated, as the case may be, of such an event who may nominate another person or Assessor within fifteen days of the receipt of the information.

- (9) On receipt of the reference, the Arbitrator shall inform the person or persons to be compensated as also the Officer who referred the case, of the place and time of meeting and such other particulars relating to the appearance of the parties to the reference and their witnesses and lawyers, as may be deemed necessary by the Arbitrator. The Arbitrator shall also issue such instructions to the parties to the reference from time to time as he may consider necessary.
- (10) The parties may appear either in person or by their authorized agent and may produce such evidence as they desire to adduce in support of their respective cases and which the Arbitrator considers to be relevant and necessary for the purpose of making an award.
- (11) The parties to the reference and all persons claiming under them shall submit to be examined by the Arbitrator on oath or affirmation in relation to the matters in difference and shall produce before the Arbitrator, all books, deeds, plans, papers, accounts, writings and other documents within their possession or power respectively, which may be required or called for, and do all other things which, during the proceedings on the reference, the Arbitrator may require.
- (12) The Arbitrator shall keep a record of the proceedings but such record need not be a verbatim record.
- (13) Every party to a reference shall do all the acts necessary to enable the Arbitrator to make a just award and shall not wilfully do or cause or allow to be done any act to delay or to prevent the Arbitrator from making an award.
- (14) When the Arbitrator has made his award, he shall sign it and shall give notice in writing to the parties to the reference of the making and signing thereof. He shall also send a copy of the award to the person or persons to be compensated and forward to the Officer who made the reference the award, in original, together with the records of the proceedings.
- (15) The costs of the Arbitration including fees paid to persons nominated under clause (c) of section 7 shall be in the discretion of the Arbitrator, who made direct to and by whom, and in what manner, such part thereof shall be paid.
- (16) Any appeal against the award of the Arbitrator shall be preferred within sixty days of the receipt by the parties of the notice referred to in sub-rule (14):

Provided that no appeal shall lie against an award made under these rules where the amount of compensation awarded does not exceed Rs. 5,000 in lump or Rs. 250 per mensem.

- (17) (a) The Arbitrator shall specify a time in the award within which it shall be satisfied; and if the awardee is not satisfied within the time so specified the Arbitrator shall report the case for the orders of the Government.
- (b) Execution shall not be issued on any such award unless it remains unsatisfied for the period of three months computed from the date of such report.
- (c) The award of the Arbitrator shall be enforceable in the same manner and to the same extent as a decree of a Civil Court and may be filed for execution in the Civil Court which, if the subject matter of the arbitration reference wherein the award was made were subject-matter of a civil suit, would have jurisdiction to try such suit:

Provided that where an appeal against an award has been filed no process shall be issued for the realisation of such amount of compensation awarded as is in excess of the amount of compensation assessed by the Deputy Commissioner.

- 9A. (1) The notice referred to in clause F(aa) of section 7 shall be in Form J.
- 2) The notice referred to in sub-section (1) of section 7A shall be in Form K.
- 10.(1) For the purpose of ascertaining the person or persons to whom a requisitioned property, on release, is to be restored, the Officer competent to release the property shall give to all persons who are believed to be interested in such property a notice in Form E calling upon them to file within the time specified in such notice applications stating their claims to the restoration of the property. A copy of the notice shall be affixed to some conspicuous part of the property and also to the notice board of the Deputy Commissioner.
- (2) The officer shall consider the application under sub-rule (1) and shall after giving the applicants an opportunity of being heard and after making such enquiry, if any, as he considers necessary, serve on the person or persons who appear to be entitled to such restoration a notice in Form F for the release of the property and calling upon him or them to take delivery of the property on the date specified in such notice. A copy of the notice shall be affixed to some conspicuous part of the property to be released and to the notice board of the Deputy Commissioner.

11A. (1) In releasing a requisitioned property under section 8A, notice to that effect shall be published in the Official Gazette as required under sub-section (1) of that section. The notice shall be in Form H.

(2) The Officer competent to release the property shall also give to all persons who are believed to be interested in such property as well as to the allottees a notice in Form I informing them of the fact of release from requisition. A copy of the notice shall be affixed to some conspicuous part to the property to be released and to the notice board of the Deputy Commissioner.

12. A person authorised under clause (a) of section 9 to enter upon any land or into any premises shall not do so during the time from sunset to sunrise.

13. The order referred to in clause (b) section 9 shall be served in the manner laid down in sub-section (1) of section 4.

SCHEDULE A
SCHEDULE B

Additional District Magistrate of _____
N. B. (1) Claims for compensation should be submitted to the District Magistrate of _____
(2) Occupants are advised to report their new address (village, gram, union post office, district) immediately to the District Magistrate of _____
(3) Strike out what is not applicable.

FORM A.**Order of Requisition of Movable/Immovable Property, (Section 3 of the Act.)**

Whereas in my opinion it is expedient and necessary in the public interest to requisition the movable/immovable property described in Schedule A below/annexed to this order, for the

- * administration/development of the Province of East Bengal.
- * improvement of communications / waterways / drainage / the town / port of in the Province of East Bengal.
- * development of commerce/industries of the Province of East Bengal.
- * maintenance of supplies and services essential to the life of the community in the Province of East Bengal.

Now, therefore, in exercise of the powers conferred by section 3, read with section 9 of the East Bengal (Emergency) Requisition of Property Act, 1948 (East Bengal Act XIII of 1948), in which powers have been delegated to me by the Provincial Government, I requisition the said property and hereby make the following orders :-

..... (name) of (address) the
*owner/occupier of the said property-

- (a) shall place the said property at my disposal and under my control with effect from the 194 and deliver possession thereof on the said date to who has been authorised to receive it on my behalf;
- (b) shall furnish to the said such information in *his/her/their/possession relating to the said property as the said may by an order in writing specify;
- (c) shall on or before 194 remove from the said property the movable properties as specified in the Schedule, "B" *below/annexed to this order or any other movable properties which may be specified in an order in writing by the said
- (d) shall not dispose of the said property in any way which may disturb or interfere with the use or the dealing of the said property in the manner desired by me so long as this order remains in-force.

SCHEDULE A.
SCHEDULE B.

Addl. District Magistrate of Dated the 194

N. B.-(1) Claims for compensation should be submitted to the District Magistrate of

- (2) Occupants are advised to report their new address (village, thana, union, post office, district) immediately to the District Magistrate of
- * (3) Strike out what is not applicable.

FORM B.

Notice under section 5(1) stating the intention of Government to acquire a property.

Notice is hereby given that in exercise of the power conferred by sub-section (1) of section 5 of the East Bengal (Emergency) Requisition of Property Act, 1948 (E.B. Act XIII of 1948), the Provincial Government intends to acquire the property/ properties described in the schedule below which was/were requisitioned by an order, dated the, under section 3 of the said Act and which is/are still continuing to be subject to requisition. All persons interested in the property/properties are hereby called upon to appear personally or by agent on the * at the office of at to state the nature of their respective interest in the property/properties, their objection (if any) to the acquisition of the property/properties and particulars of their claims to compensation for their respective interests.

SCHEDULE.

District Magistrate of

Add. District Magistrate of

Dated 194.....

* Enter a date not less than fifteen days from the date of the publication of this notice.

FORM C.

Notice under section 5(3) for filing objection, if any, to requisition of a property, or claim for compensation.

Notice is hereby given that in exercise of the power conferred by sub-section (1) of section 5 of the East Bengal (Emergency) Requisition of Property Act, 1948 (E. B. Act XIII of 1948), Government intends to acquire the property/properties described in the schedule below which was/ were requisitioned by an order, dated the, under section 3 of the said Act, which is/are still continuing to be subject to requisition. If you have any interest in the property/properties or are entitled to act for persons so interested, you are hereby called upon to appear personally or by agent on the* at the office of at to state the nature of such interest in the property/properties, your objection (if any) to the acquisition of the property/properties and particulars of any claim you wish to prefer for the same.

SCHEDULE.

District Magistrate of
Addl. District Magistrate of
Dated the 195

* Enter a date not less than fifteen days from the date of publication of the notice under section 5 (1).

SCHEDULE A.
SCHEDULE B.

Add. District Magistrate of Dated 195

- N.B.-(1) Claims for compensation should be submitted to the District Magistrate of
- (2) Claimants are advised to report their new address (village, thana, and post office) immediately to the District Magistrate of
- (3) Strike out what is not applicable.

FORM D.

Notice under section 5(7) for acquisition of a property.

Whereas by order, dated the the property/properties described in the schedule below was/were requisitioned under section 3 of the East Bengal (Emergency) Requisition of Property Act, 1948 (E. B. Act XIII of 1943);

And whereas the said property/properties continues/continue to be subject to requisition;

And Whereas after considering the report made under sub-section (5) of section 5 of the said Act, Government have decided to acquire the said property/properties;

Now, therefore, in exercise of the power conferred by sub-section (7) of section 5 of the said Act it is hereby notified that the said requisitioned property/properties as described in the schedule hereunder is/are acquired by Government.

SCHEDULE

*By order the Governor,
Secy./Dy. Secy.
Date the*

SCHEDULE

District Magistrate of

Add. District Magistrate of

Dated the

195

FORM E.

Notice under rule 10(1) for enquiry for release of a requisitioned property.

To
 Please take notice that the property/properties described in the schedule below which was/were requisitioned under section 3 of the East Bengal (Emergency) Requisition of Property Act, 1948 (East Bengal Act XIII of 1948), will be released from such requisition and possession of the same will be given to the party who may, on enquiry, be held to be entitled to such possession. a.m./p.m. on the has been fixed as the time specifying the person entitled to possession of the said property/properties. Any person having claims to possession of the said property/properties should file by the an application to the undersigned stating his claims to the restoration of the same to him and should appear in person or by an agent before the undersigned at the time and place fixed for enquiry as specified above.

SCHEDULE

District Magistrate of
 Addl. District Magistrate of
 Dated the 195

FORM F.

Notice under rule 10(2) for release and restoration of requisitioned property.

To

Whereas by order, dated the the property/properties described in the schedule below was/were requisitioned under section 3 of the East Bengal (Emergency) Requisition of property Act, 1948 (East Bengal Act XIII of 1948);

And whereas it has been decided to release the said property/properties from such requisition;

And whereas it has been held that you are entitled to get possession of the said property/properties;

Now, therefore, in exercise of the power conferred by sub-section (1) of section 8, in which power has been delegated to me by the Provincial Government, I hereby order that possession of the said property/properties has restored to you.

Possession of the said property/properties will accordingly be restored to you at a.m./p.m. on the when you are called upon to attend personally or by an agent on the spot to take delivery of possession of the property/properties.

SCHEDULE.

District Magistrate of

Addl. District Magistrate of

Dated the 195

FORM G.

Notice under section 8(3) for restoration of a requisitioned property when the owner is not found.

Whereas by order, dated the the property/properties described in the schedule below was/were requisitioned under section 3 of the East Bengal (Emergency) Requisition of Property Act, 1948 (East Bengal Act XIII of 1948);

And whereas it has been decided to release the said property/properties from such requisition;

And whereas it has been held that Mr. is/are entitled to get possession of the said property/properties;

And whereas the aforesaid person/persons cannot be found and has/have no agent or other person empowered to accept delivery of the said property/properties on his/her/their behalf;

Now, therefore, in exercise of the power conferred by sub-section (3) of section 8 of the said Act, it is hereby declared that the property/properties is/are released from requisition.

SCHEDULE.

District Magistrate of

Addl. District Magistrate of

Dated the 195

M. R. ALI
Dy. Secy.

FORM H.

Notice under rule 11A(1) for release of a requisitioned peroperty under section 8A(1).

Whereas by order, dated the the property/properties described in the schedule below was/were requisitioned under section 3 of the East Bengal (Emergency) Requisition of Property Act. 1948 (East Bengal Act XIII of 1948);

And whereas the said property/properties has been allotted to and placed in possession of for commercial/industrial purpose;

And whereas under sub-section (1) of section 8A of the said Act, the possession of the property/properties, on released from requisition is not liable to be restored to any one;

Now, therefore, in exercise of the power conferred by sub-section (1) of section 8A of the said Act, it is hereby declared that property/properties is/are released from requisition with the allottee in possession.

SCHEDULE

District Magistrate of

Addl. District Magistrate of

Dated the 195

Inserted by notification No. 78. Reqn, dated 1st January, 1955, Published in the Dacca Gazette, Part-1, dated 3rd February, 1955.

FORM I.

Notice under rule 11A(2) informing the release of a requisitioned property

To

..... owner/allottee.

Whereas by an order, dated the the property/properties described in the schedule below was/were requisitioned under section 3 of the East Bengal (Emergency) Requisition of Property Act, 1948 (East Bengal Act XIII of 1948);

And whereas the said property/properties which is/are situated within the area to which the East Bengal Rent Control Act applies, has been allotted to and placed in possession of for commercial/industrial purpose;

And whereas it has been decided to release the said property/properties from such requisition;

And whereas the allottee in possession of the property shall on and from the date of its release from requisition be deemed to be a tenant from month to month under the person or persons who, but for the provision of sub-section (1) of section 8A would have been entitled to restoration of actual possession thereof under sub-section (1) of section 8, at a rental equivalent to the amount of monthly rental compensation prior to release.

Now therefore in pursuance of sub-section (3) of section 8A read with sub-rule (2) of rule 11A; you are hereby informed that the said property/properties shall be treated as released from requisition with effect from the

SCHEDULE

District Magistrate of

Addl. District Magistrate of

Dated the 195

FORM J.

Notice under rule 9A(1) informing the assessment of requisitioned property.

Project/Holding No.

No. of Case

To

Notice is hereby given that in the above case in which you have been treated as the persons/a person interested, Government have assessed compensation on19 under section 7 (aa) of the East Bengal (Emergency) Requisition of Property Act, 1948 (East Bengal Act XIII of 1948) at the rate of Rs. per month/at the rate of Rs. per acre of bhiti land Rs.

The sum payable to you is Rs. up to 19 for the above requisitioned holding/Rs. as advance payment up to the extent of per cent of the total assessment for permanent acquisition of acres of land. If you are willing to accept payment you should appear before me personally or by a duly authorised agent on or before

District Magistrate of

Add. District Magistrate of

Dated the 195

FORM K.

Notice under rule 9A(2) informing the District Magistrate's award.

Project
 No. of Case

To

Whereas a dispute did exist between the parties interested (or between A and B) as to the apportionment of compensation (or of a portion of compensation) or as to the person or persons to whom the compensation is payable and whereas the dispute was decided by me and I have made the award on 19 under section 7A of the East Bengal (Emergency) Requisition of Property Act, 1948 (East Bengal Act XIII of 1948).

Notice is hereby given that in the award you have been treated as a party interested. The sum payable to you is Rs. Your acceptance of the award should be communicated to me on or before

If you are not willing to accept you should inform me the action taken by you under sub-section (2) of section 7A of the said East Bengal Act XIII of 1948 and should produce before me necessary documents as required under sub-section (3) of that section, by

District Magistrate/Additional
 District Magistrate.

Date the of of

1. Inserted by notification No. 5821 Reqn. dated 6th April, 1955, published in the Daily Gazette, Part I, dated 5th May, 1955.

GOVERNMENT REVENUE DEPARTMENT

REQUISITION

Me mo no. 8779 (16)- Reqn.

Date Dacca the 27th May 1959.

To: The District Officer of -----

Sub: Authority of District Magistrate to appoint temporary staff for any new requisition and acquisition project, the expenditure being within 1% of the estimated cost of acquisition which should be charged from the requiring Government department concerned.

The undersigned is directed to say that the District Magistrate is perhaps aware that in the Commissioner's Conference held in 1957 it was decided that in order to make speedy payment of compensation in case of requisition and acquisition projects under the East Bengal (Emergency). Requisition of Property Act extra staff and officers should be placed at the disposal of the District Officers and that to meet the financial needs, the cost of establishment should be charged from the requiring Department of the Government in every case of acquisition as in the case of Central Government and private bodies. It has finally been decided in consultation with the Finance Department that while preparing the estimate for acquisition of land for any development project or scheme, drawn up by any particular Government Department, a charge on account of temporary establishment and contingency should be included in the estimate which should not exceed 1% of the total estimated cost of acquisition in any case.

In view of the availability of fund for appointment of additional temporary staff actually needed with the taking up of a new requisition and acquisition project, the Collector is authorised to appoint such additional temporary staff for any new project for such disposal of the case and to bear the expenditure for their maintenance against the possible receipts from the requisition and acquisition projects at an average rate not exceeding 1% of the estimated cost of such new projects, as decided above. The savings out of one per cent in bigger cases may be utilised in smaller cases, if necessary.

Sd/- Illegible
Secretary.

Sd/- A. Muzumdar
Deputy Secretary.

সরকারী রাজস্ব বিভাগ

মেমো নং- ৮৭৭১ (১৬) হুকুমদখল

তারিখঃ ২৭-৫-৫৯ খ্রীঃ

প্রাপকঃ জেলা কর্মকর্তা -----।

বিষয় : ভূমি অধিগ্রহণ ও হুকুমদখল কেসের জন্য জেলা প্রশাসকের অস্থায়ী কর্মচারী নিয়োগের ক্ষমতা ও ব্যয় প্রাক্কলিত ব্যয়ের ১% এর মধ্যে থাকিতে হইবে।

নিম্নস্বাক্ষরকারী আদিষ্ট হইয়া জানাইতেছে যে, ১৯৫৭ সালে অনুষ্ঠিত কমিশনার সম্মেলনে এই সিদ্ধান্ত গ্রহণ করা হইয়াছিল যে, অধিগ্রহণ ও হুকুমদখল ক্ষেত্রে দ্রুত ক্ষতিপূরণ প্রদানের উদ্দেশ্যে জেলা প্রশাসকগণকে অতিরিক্ত কর্মকর্তা/ কর্মচারী দেওয়া হইবে এবং সরকারী বা বেসরকারী প্রতিষ্ঠানের জন্য অধিগ্রহণের বেলায় অনুসৃত নিয়মে এই অতিরিক্ত অফিসার/ কর্মচারীর জন্য প্রয়োজনীয় ব্যয় সংশ্লিষ্ট সরকারী দপ্তর বহন করিবে। এই বিষয়ে অত্র দপ্তরের সহিত আলোচনাক্রমে সিদ্ধান্ত গ্রহণ করা হইয়াছে যে, কোন উন্নয়ন প্রকল্পের জন্য ভূমি অধিগ্রহণ প্রয়োজন হইলে অধিগ্রহণের জন্য প্রাক্কলন ব্যয় নির্ধারণকালে সংশ্লিষ্ট দপ্তর অধিগ্রহণ ব্যয়ের অনধিক ১% অস্থায়ী প্রাতিষ্ঠানিক ব্যয় খাতে প্রকৃত ব্যয়ের অন্তর্ভুক্ত করিবে।

অস্থায়ী কর্মচারী নিয়োগের জন্য এই ব্যয় বরাদ্দের প্রেক্ষাপটে, জেলা প্রশাসকগণ নতুন প্রকল্পের জন্য জমি অধিগ্রহণের ক্ষেত্রে প্রয়োজনীয় সংখ্যক কর্মচারী নিয়োগ করিবেন এবং এই অতিরিক্ত কর্মচারী খাতে ব্যয় অধিগ্রহণ ও হুকুমদখল খাতে সমর্পিত অর্থ হইতে অনধিক ১% প্রাক্কলিত ব্যয় মিটানো হইবে। এই খাতে বড় প্রকল্পের উদ্বৃত্ত অর্থ প্রয়োজনে অন্যান্য ছোট প্রকল্পের অতিরিক্ত কর্মচারী নিয়োগ খাতে ব্যয় করা যাইবে।

স্বাক্ষর/- (অস্পস্ট)

সচিব।

GOVERNMENT REVENUE (REQUISITION) DEPTT.

SECTION-1

No. Ku-68/65/755(16-Reqn.

Dated Dacca, the 24th May, 1965.

From : S.A. Mazumdar Esqr.
Deputy Secretary.

To : The Deputy Commissioner, -----

Sub : Delay in payment of compensation in respect of land acquisition cases.

It has been noticed that the payment of compensation in respect of the land acquired under the East Bengal (Emergency) Requisition of property Act, 1948 is held up for yours in most of the cases causing hardships to the people affected thereby and unusual delay in completing the acquisition proceeding. The main reasons for their unsatisfactory delay have been found to be the following:

- (i) The final estimate of the cost of acquisition is not prepared by the Deputy Commissioner before submitting his proposals for final publication of the notice of acquisition u/s 5 (7);
- (ii) The requiring bodies once they get possession, right & title on the land make unusal delay in getting the balance amount sanctioned and place the same at the disposal of the Dy. Commissioner for payment;
- (iii) The L, A Department also ceases to have necessary interest in the final disposal of such cases for obvious reasons.

The result is, the affected people who are poor cultivators in large number of cases, suffer for years and Govt. have to face unnecessary public complaints on the allegation of non-payment of compensation for years.

In view of the above, it has been decided by the Govt. that henceforward no case for publication of the notice of acquisition u/s 5 (7) of the East Bengal (Emergency) Requisition of Property Act, 1948, should be forwarded to Govt. for final publication in the official Gazette unless the D.C. gets the final estimate duly prepared and until he receives the estimated amount in full from the requiring bodies, Needless to state, this is absolutely necessary to enable the Deputy Commissioner to start payment of compensation as soon as the final notice is published in the Gazette. It should also be made clear to the requiring bodies that unless they are able to deposit the final estimated amount of the cost of acquisition within a 'reasonable time, the Dy. Commissioner will be obliged to cancel the requisition orders and the requiring bodies will have to be held liable for the unfortunate consequences.

Sd/- S.A. Mazumdar
Deputy Secretary.

GOVERNMENT OF REVENUE (REQUISITION) DEPTT.

SECTION-1.

No. Al-18/65/654(16)-Reqn.

Dated Dacca, the 28th April 1967.

To : The Deputy Commissioner, -----

Sub : Cost of eastablishment and contingency charges for superior supervision in land acquisition cases.

The undersigned is directed to say that it has been decided by the Government in partial modification of the G.O. Nos. 6B-12/60/19-Reqn dated 5-1-61 and Al-26/62/388 (16)-Reqn. dated 6-4-64 on the above mentioned subject that in the cases where Special Land Acquisition Officers and staff are appointed exclusively for acquiring land for the autonomous bodies like D.I.T., C.D.A., K.D.A & EPWPDA etc. and the pay and allowances of the spl. L. A.O. and his staff are borne entirely by these bodies the cost of establishment and contingency for superior supervision at the levels of the Deputy Commissioners, Commissioners of Division and the Government should be realized from these requiring bodies at a fixed rate of 1% of the estimated cost of acquisition instead of the graded rates of 1% to 5% of the estimated cost.

Sd/-Illegible
Deputy Secretary.

No. Al-18/65/654(16)-Reqn.

Dated Dacca, the 28th April 1967.

Copy forwarded for information and necessary action to:-

- (1) The Chairman, Dacca Improvement Trust, Dacca, with reference to his memo. No. DIT/439(2) 1-L. dated 20-2-67 addressed to the Secy., B. D. & L.G. Deptt.,
- (2) Chairman -----
- (3) B.D. & L.G. Department of this Govt.
- (4) Requisition Section ----- of this Department.
- (5) Commissioner, ----- Division.

Sd/-Illegible
Deputy Secretary.

অনুবাদিত

সরকারী রাজস্ব (হুকুমদখল) বিভাগ
শাখা-১

নং-এ.এল-১৮/৬৫/৬৫৪/(১৬)-হুকুমদখল

তারিখ ২৮ এপ্রিল, ১৯৬৭ ইং।

প্রাপক : জেলা প্রশাসক, -----

বিষয় : ভূমি অধিগ্রহণ ব্যাপারে তত্ত্বাবধান খাতে প্রাতিষ্ঠানিক ও আনুষঙ্গিক ব্যয় প্রসঙ্গে।

৫-১-৬১ তারিখের ৬বি-১২/৬০/১৯-অধি ও ৬-৪-৬৪ তারিখের এ.এল-১৮/৬৫/৬৫৪/(১৬)-অধি স্মারকস্বরের আংশিক সংশোধনক্রমে নিম্নস্বাক্ষরকারী আদিষ্ট হইয়া জানাইতেছে যে, যে সকল ক্ষেত্রে ডি.আই.টি., সি.ডি.এ, ওয়াপদা ইত্যাদি স্বায়ত্তশাসিত প্রতিষ্ঠানের জন্য ভূমি অধিগ্রহণের উদ্দেশ্যে স্পেশাল ল্যান্ড এ্যাকুইজিশান অফিসার এবং তার ষ্টাফ-কর্মচারী নিয়োজিত আছে এবং তাহাদের বেতন-ভাতা ঐ সকল স্বায়ত্তশাসিত প্রতিষ্ঠান বহন করে, সেই সকল ক্ষেত্রে জেলা প্রশাসক, কমিশনার ও সরকারী পর্যায়ে উর্ধ্বতন তদারকি কাজের জন্য অধিগ্রহণেচ্ছু প্রতিষ্ঠান হইতে প্রাতিষ্ঠানিক ও আনুষঙ্গিক খরচ আদায় করিতে হইবে। তবে এই খরচ বাবদ প্রাক্কলন ব্যয়ের ১% হইতে ৫% এর পরিবর্তে অধিগ্রহণ প্রাক্কলন ব্যয়ের ১% হিসাবে আদায় করিতে হইবে।

স্বা/- (অস্পষ্ট)

উপ-সচিব।

নং-এ.এল-১৮/৬৫/৬৫৪/(১৬)-হুকুমদখল

তারিখ ২৮ এপ্রিল, ১৯৬৭ ইং।

অবগতি ও কার্যক্রম গ্রহণের জন্য অনুলিপি দেওয়া গেলঃ

১। চেয়ারম্যান,

ঢাকা ইমপ্রভমেন্ট ট্রাষ্ট,

ঢাকা।

২। চেয়ারম্যান,

৩। বিডি এ্যাণ্ড এল.জি বিভাগ।

স্বা/- (অস্পষ্ট)

উপ-সচিব।

GOVERNMENT REVENUE (REQUISITION) DEPTT.

SECTION-1

No. Mise-34/67/1541(22)-Reqn.

Dated Dacca, the 03/10/1967.

To (1) Deputy Commissioner -----
 (2) Estate Officer, Works (B) Deptt.,
 (3) Commissioner, ----- Division.

Sub: Policy on de-requisition of private houses.

The undersigned is directed to say that the policy of Government has been to de-requisition private houses gradually in order to avoid hardship to the owners. In pursuance of the above policy a large number of houses has been de-requisitioned in consideration of the genuine needs of the owners. The process of de-requisition has, however, been slow due to various reasons.

2. Government have now been pleased to decide that the following principles shall be adopted in implementing the Government policy of gradual de-requisition of houses other than those which have vested in the custodian of enemy properties:-

- (i) Requisitioned houses in possession of Government servants or other allottees, who have built, purchased or acquired any house in their names or in the names of their wives or dependants for residential purpose shall be de-requisitioned without arranging any alternative accommodation for the occupants except for Dacca and Narayanganj where six years grace period has been allowed to Government servants who have got only one house in these areas.
- (ii) Requisitioned houses which have been under requisition for long and are in a dilapidated condition may be de-requisitioned after due consideration being given to the length of the period of requisition and the extent of dilapidation.
- (iii) Requisitioned houses belonging to persons who have no other house in their names or in the names of their wives or dependants should be de-requisitioned if they genuinely require their house for their own residence.
- (iv) Requisitioned houses falling vacant due to the transfer or retirement of the allottees or for any other reasons shall ordinarily be de-requisitioned and restored to the owners unless they are essentially required for accommodation of their successor.

(v) Requisitioned houses in occupation of private and autonomous organizations and the refugees should be de-requisitioned with 6 months notice to the occupants to arrange alternative accommodation themselves or to arrange with the owners to continue occupation on amicable settlement of rent after the date of de-requisition.

(vi) Allottee of the requisitioned houses referred to in clauses (ii) and (iii) above should be given alternative accommodation if necessary, in Government flats, as far as practicable.

3. He is requested to take necessary action in the light of the above principles and submit quarterly reports showing progress of de-requisition. The first quarterly report should be submitted by 10-1-68 and the subsequent reports by the 10th of the month following each quarter.

Sd/-S.A. Chowdhury
Secretary.

স্বাক্ষরিত হইল।
১৯৬৭ সালের ১০ জানুয়ারি

১৯৬৭ সালের ১০ জানুয়ারি

১৯৬৭ সালের ১০ জানুয়ারি

১৯৬৭ সালের ১০ জানুয়ারি

সরকারী রাজস্ব (হুকুমদখল) বিভাগ।

শাখা-১

নম্বরবিবিধ/৩৪/৬৭/১৫৪১(২২) হুকুমদখল

তারিখঃ ৩-১০-৬৭ ইং।

- প্রাপক : (১) জেলা প্রশাসক,।
 (২) এস্টেট অফিসার, পূর্ত বিভাগ।
 (৩) কমিশনার,।

বিষয় : ব্যক্তিগত মালিকানাধীন বাড়ী হুকুমদখল মুক্ত করণ নীতি।

নিম্নস্বাক্ষরকারী আদিষ্ট হইয়া জানাইতেছে যে, বাড়ী মালিকদের কষ্ট লাঘব করার উদ্দেশ্যে ব্যক্তিমালিকানাধীন হুকুমদখলকৃত বাড়ী পর্যায়ক্রমে ছাড়িয়া দেওয়ার জন্য সরকার নীতিগত সিদ্ধান্ত গ্রহণ করিয়াছেন। এই নীতির অনুসরণে অনেক বাড়ী ইতিমধ্যে ছাড়িয়া দেওয়া হইয়াছে। তবে সঙ্গত কারণে হুকুমদখলকৃত বাড়ী ছাড়িয়া দেওয়ার কাজ মছুর গতিতে চলিতেছে।

২। শ্রদ্ধ সম্পত্তি হিসাবে তত্ত্বাবধায়কের নিকট অর্পিত সম্পত্তি ব্যতীত অন্যান্য ব্যক্তি-মালিকানাধীন হুকুমদখল বাড়ী অবমুক্তির ব্যাপারে সরকার নিম্নলিখিত নীতিসমূহ অনুসরণের জন্য সিদ্ধান্ত গ্রহণ করিয়াছেন।

- (ক) ঢাকা ও নারায়ণগঞ্জ শহর এলাকা ব্যতীত অন্যান্য স্থানে সরকারী কর্মচারী বা অন্যদের নামে হুকুমদখলকৃত বাড়ী বরাদ্দ থাকিলে এবং যদি বরাদ্দকারীগণ নিজের নামে বা স্ত্রীর নামে কোন বাড়ী নির্মাণ/ ক্রয় বা অন্যভাবে মালিক হইয়া থাকেন তবে তাহাদের বাসস্থানের জন্য কোন বিকল্প ব্যবস্থা গ্রহণ ছাড়াই হুকুমদখলকৃত বরাদ্দ বাড়ী অবিলম্বে ছাড়িয়া দিতে হইবে। ঢাকা ও নারায়ণগঞ্জ শহরে এরূপ কোন বরাদ্দকারীর যদি একটি মাত্র বাড়ী তাহার নিজ/ স্ত্রী বা পোষ্য এর নামে থাকে তবে তাহাকে ছয় বৎসরের গ্রেস পিরিয়ড বা সময় দেওয়া হইবে।
- (খ) হুকুমদখল কাল এবং জরাজীর্ণতার পরিমাণ বিবেচনা করিয়া দীর্ঘকাল যাবত হুকুমদখলকৃত এবং জরাজীর্ণ বাড়ী ছাড়িয়া দিতে হইবে।
- (গ) হুকুমদখলকৃত বাড়ীর মালিকের নিজের বা স্ত্রী বা পোষ্যের নামে অন্য কোন বাড়ী না থাকিলে এবং তাহার নিজ বাসস্থানের জন্য অত্যন্ত প্রয়োজন হইলে এরূপ হুকুমদখলকৃত বাড়ী ছাড়িয়া দিতে হইবে।
- (ঘ) বদলী বা অবসর গ্রহণজনিত কারণে কোন হুকুমদখলকৃত বাড়ী খালি হইলে এবং তাহার স্থলাভিষিক্ত কর্মচারীর বাসস্থানের জন্য প্রয়োজন না হইলে এরূপ বাড়ী হুকুমদখলমুক্ত করিয়া মালিকের নিকট দখল বুঝাইয়া দিতে হইবে।

- (ঙ) বেসরকারী ব্যক্তি বা স্বায়ত্তশাসিত প্রতিষ্ঠানের বা উদ্বাস্তুদের দখলে হুকুমদখলকৃত বাড়ী থাকিলে তাহাদিগকে ৬ মাসের নোটিশ দিয়া বাড়ী হুকুমদখলমুক্ত করিতে হইবে। এরূপ ব্যক্তি বা প্রতিষ্ঠান অন্যত্র বাসস্থান খুঁজিয়া নিবে বা মালিকের সহিত ভাড়ার হার স্থির করিয়া হুকুমদখলমুক্ত হওয়ার পর থাকার ব্যবস্থা করিতে পারেন।
- (চ) (ঘ) ও (ঙ) এ উল্লেখিত হুকুমদখলকৃত বাড়ীর বরাদ্দকারীগণকে প্রয়োজন হইলে এবং যথাসম্ভব সরকারী ফ্লাটে বিকল্প বাসস্থানের ব্যবস্থা করিতে হইবে।

৩। উপরোক্ত নীতিমালার আলোকে প্রয়োজনীয় কার্যক্রম গ্রহণ করার জন্য তাহাকে অনুরোধ করা হইল। হুকুমদখলমুক্তকরণ কাজের অগ্রগতির একটি ত্রৈমাসিক প্রতিবেদন প্রেরণ করিতে হইবে। ১ম ত্রৈমাসিক প্রতিবেদন ১০-১-৬৮ তারিখে এবং পরবর্তী প্রতিবেদনসমূহ প্রতি তিন মাস অতিবাহিত হওয়ার পরবর্তী মাসের ১০ তারিখের মধ্যে পৌঁছাইতে হইবে।

স্বা/- এস.এ. চৌধুরী
সচিব।

৫৬৮

GOVERNMENT REVENUE (R.L.) DEPARTMENT

No. 2I-13/67/409-R-I. Date Dacca, the 18th August, 1968.

From : Mr. S.A. Chowdhury
Secretary to the Govt.

To. : The Secretary
Board of Revenue.

Sub : Transfer of Provincial Government khas land to the Dacca Improvement Trust, the Chittagong Development Authority and the Khulna Development Authority.

Ref: Board's U/O. notes, dated 1-8-68 in its file no. V-113/65.

The undersigned is directed to say that Government have been pleased to take the following decisions in the matter of transfer of Provincial Government khas land to the Dacca Improvement. Trust or the Chittagong Development Authority or the Khulna Development Authority:-

- (1) When any Provincial Government khas land is required by the Trust or Authority for the construction of any road, the land should be handed over to it free of cost, subject to the condition that the ownership of the land shall continue to belong to the Provincial Government and the land shall, whenever the road ceases to exist, revert to the Provincial Government without payment of any compensation.
 - (2) For any Provincial Government khas land falling outside road alignment, the Trust or Authority shall pay the price at the normal acquisition cost in the same area as payable to private owners under the Land Acquisition Act, minus the 15 per cent extra compensation payable for compulsory acquisition.
2. The local Officers concerned may be informed accordingly.

Sd/- S.S. Chowdhury
Secretary to the Govt.

No. 2I-13/67/409-R-I. Date

Dacca, the 18th August 1968.

Copy forwarded for information to:

1. Department of the Government.
2. The Secretary, Dacca Improvement Trust, Dacca.
3. The secretary, Chittagong Development Authority, Chittagong.
4. The Secretary, Khulna Development Authority, Khulna.

Sd/- Aziz Ahmed
Section Officer.

সরকারী রাজস্ব (আর এল) বিভাগ।

নম্বর ২-এল-১৩/৬৯/৪০৯ আল-এল

তারিখঃ ১৮ই আগস্ট, ১৯৬৮ইং

প্রেরক : জনাব এস.এ. চৌধুরী
সচিব।

প্রাপক : সচিব
বোর্ড অব রেভিনিউ।

বিষয় : ঢাকা ইমপ্ৰুভমেন্ট ট্রাস্ট, চট্টগ্রাম উন্নয়ন কর্তৃপক্ষ ও খুলনা উন্নয়ন কর্তৃপক্ষের নিকট খাস-
জমি হস্তান্তর প্রসঙ্গে।

সূত্র : বোর্ডের ৫-১১৩/৬৫ নং নথিতে ১-৮-৬৫ তারিখের ইউ, নোট।

নিম্নস্বাক্ষরকারী নির্দেশিত হইয়া জানাইতেছে যে, ঢাকা ইমপ্ৰুভমেন্ট ট্রাস্ট, খুলনা ও চট্টগ্রাম উন্নয়ন কর্তৃপক্ষের নিকট প্রাদেশিক সরকারের খাস জমি হস্তান্তর বিষয়ে সরকার নিম্নে বর্ণিত সিদ্ধান্ত গ্রহণ করিয়াছেনঃ

- ১। ট্রাস্ট বা কর্তৃপক্ষ রাস্তা নির্মাণের জন্য সরকারের খাসজমি চাহিলে, খাসজমি বিনামূল্যে তাহাদিগকে প্রদান করা হইবে। তবে শর্ত থাকিবে যে জমির মালিকানা সরকারের থাকিবে এবং রাস্তার প্রয়োজন শেষ হইলে বা উঠিয়া গেলে সরকারের দখলে বর্তাইবে।
 - ২। রাস্তার এলাইনমেন্ট ব্যতীত অন্য কাজে খাসজমির প্রয়োজন হইলে, ভূমি অধিগ্রহণ আইনে ঐ এলাকার ব্যক্তি মালিককে যে হারে অধিগ্রহণ মূল্য পরিশোধ করিতে হয় সেই হারে ট্রাস্ট বা কর্তৃপক্ষকে মূল্য পরিশোধ করিতে হইবে। তবে এই নির্ধারিত মূল্য হইতে অধিগ্রহণজনিত ১৫% অতিরিক্ত ক্ষতিপূরণ খরচ বাদ দিতে হইবে।
- স্থানীয় সংশ্লিষ্ট সকল অফিসারকে ইহা জানাইয়া দিতে হইবে।

স্বা/- এস,এ, চৌধুরী,
সচিব।

নম্বর ২-এল-১৩/৬৯/৪০৯ আল-এল

তারিখঃ ১৯-৮-৬৮ ইং

অবগতির জন্য কপি দেওয়া হইলঃ

- ১। ----- বিভাগ।
- ২। সচিব, ঢাকা ইমপ্ৰুভমেন্ট ট্রাস্ট, ঢাকা।
- ৩। সচিব, চট্টগ্রাম উন্নয়ন কর্তৃপক্ষ, চট্টগ্রাম।
- ৪। সচিব, খুলনা উন্নয়ন কর্তৃপক্ষ।

স্বা/- আজীজ আহমদ,
শাখা প্রধান।

GOVERNMENT REVENUE (REQUISITION) DEPTT.

SECTION-1

No. AI.- 38(69/1040(21)-Reqn.

Dated Dacca, the 20th August, 1969.

To : (1) The Commissioner, Division
(2) The Deputy Commissioner,

Subject : Payment of final compensation on the basis of provisional estimates.

The undersigned is directed to say that the question of making quick payment of arrear compensation of the persons affected by land acquisition cases has been engaging the attention of Government for some time past. As final payment cannot be made before publication of notice under section 5 (7) of the East Bengal (Emergency) Requisition of Property Act, which usually takes long time, so new section was provided in the Act. in 1963 as section 5B, to give temporary relief to the affected land-owners. According to the provisions of this section, which has, since been amended, advance payment to the extent of 100% for structures and 90% for lands can be made on the basis of rough and ready calculation. The final payments are however made only after the issue of notices under section 5 (7) when the final estimates are prepared and approved by the appropriate authority.

2. This provision for making advance payment has accorded substantial relief to the owners of the land who now get bulk of the compensation at the time of giving possession of their lands. But as they still have to wait for a long time for the balance amount of compensation pending finalization of acquisition proceedings and as there is further scope of giving relief to the affected persons by giving them full payment on agreement as provided in section 7 (a) of the Emergency Act it has since been decided that full payment may be made to all the parties who agree to such payments, on the basis of provisional awards or on the basis of final estimates which have not yet been approved by the appropriate authorities such as Deputy Commissioner, Commissioner or the Government as the case may be, provided that the following conditions are fulfilled:-

- (a) The award or awardees accept the award money as per provisional estimates and agree in writing to be paid finally on the basis of such estimates;
- (b) The requiring bodies agree to the payment;
- (c) An Indemnity Bond is obtained from such awardee so that any amount wrongly paid can be realized as public demand in section 3 of the Public Demand Recovery Act.

3. This offer for full payment on the basis of provisional awards or on the basis of unapproved final estimates is to give immediate relief to the owners of land without waiting for completion of acquisition proceedings. As such this offer should be made in the form of a notice to all landowners irrespective of whether they have been paid advance under section 5B, or not. In those cases where advances under section 5B have not been paid, they should be given this offer of full payment in the notice instead of giving them advance payment under section 5B. In other cases where advances have been paid, the land owners should be offered the balance amount of compensation on the basis of provisional award or on the basis of unapproved final estimates as the case may be as full and final payment by signing the agreement and the Indemnity Bond in Form 'A' copy of which is enclosed. In other cases where the parties are not agreeable under the Emergency Act should be followed as usual and the acquisition proceedings be completed expeditiously.

4. It is requested that these instructions be followed with immediate effect and final payment of compensation be completed whenever possible on the above lines without waiting for preparation and approval of final estimates and the issue of the notices under section 5 (7) of the Emergency Act.

Sd/S.A. Chowdhury
Secretary
Revenue Department.

রাজস্ব (হুকুমদখল) বিভাগ
শাখা-১

স্মারক নং- এ,এল-৩৮/৬৯/১০৪০(২১)/হুকুমদখল

তারিখঃ ২০শে আগষ্ট, ১৯৬৯ইং।

প্রাপক : ১। কমিশনার, বিভাগ।

২। জেলা প্রশাসক,।

বিষয় : সাময়িক প্রাক্কলনের ভিত্তিতে চূড়ান্ত ক্ষতিপূরণ প্রদান প্রসঙ্গে।

নিম্নস্বাক্ষরকারী নির্দেশিত হইয়া জানাইতেছে যে, ভূমি অধিগ্রহণ কেসে ক্ষতিগ্রস্ত ব্যক্তিগণকে প্রদেয় ক্ষতিপূরণ দ্রুত পরিশোধের বিষয়টি সরকারের বিবেচনাধীন আছে। যেহেতু সম্পত্তি জরুরী হুকুমদখল আইনের ৫(৭) ধারা মোতাবেক নোটিশ প্রকাশিত হওয়ার পূর্বে চূড়ান্তভাবে ক্ষতিপূরণের টাকা পরিশোধ করা যায় না এবং নোটিশ প্রকাশনার অনেক সময় প্রয়োজন হয়, সেইহেতু ১৯৬৩ সালে একটি নূতন ৫খ ধারা সংযোজন করিয়া অস্থায়ী প্রতিকার প্রদানের ব্যবস্থা করা হয়। এই ধারা মোতাবেক ঘরবাড়ী/বৃক্ষ ইত্যাদির জন্য খসড়া ক্ষতিপূরণ প্রাক্কলন মোতাবেক সম্পূর্ণ ১০০% ক্ষতিপূরণ এবং জমির জন্য ৯০% ক্ষতিপূরণের টাকা পরিশোধের বিধান করা হইয়াছে। উপযুক্ত কর্তৃপক্ষ কর্তৃক ক্ষতিপূরণ প্রাক্কলন অনুমোদনের পর এবং ৫ (৭) ধারার নোটিশ প্রকাশিত হওয়ার পর চূড়ান্তভাবে ক্ষতিপূরণ পরিশোধ করা যাইবে।

২। এই সাময়িক ক্ষতিপূরণ প্রদান ব্যবস্থায় ক্ষতিগ্রস্ত ব্যক্তি জমির দখল বুঝাইয়া দেওয়ার সময় বেশীর ভাগ ক্ষতিপূরণের টাকা পাইবে বলিয়া আশ্বস্ত হইয়াছে। কিন্তু যেহেতু অবশিষ্ট ক্ষতিপূরণের টাকা পাইতে যথেষ্ট বিলম্ব হয় এবং ৭ (ক) ধারা মোতাবেক সম্মতিপত্র প্রদান করিলে সম্পূর্ণ টাকা পরিশোধের বিধান আছে, সেইহেতু ক্ষতিগ্রস্ত ব্যক্তি/ ব্যক্তিগণ যদি প্রাথমিক প্রাক্কলন ভিত্তিতে অথবা জেলা প্রশাসক/বিভাগীয় কমিশনার/ সরকার ইত্যাদি উপযুক্ত কর্তৃপক্ষের অনুমোদিত চূড়ান্ত ক্ষতিপূরণ সাপেক্ষে টাকা গ্রহণ করিতে সম্মত থাকে, তবে প্রাথমিক প্রাক্কলনের ভিত্তিতে নির্ধারিত ক্ষতিপূরণের সম্পূর্ণ টাকা পরিশোধ করিয়া দেওয়ার জন্য সরকার সিদ্ধান্ত গ্রহণ করিয়াছেন। তবে সম্পূর্ণ টাকা পরিশোধের জন্য নিম্নোক্ত শর্ত পূরণ করিতে হইবেঃ

- (ক) প্রাথমিক প্রাক্কলন মোতাবেক নির্ধারিত ক্ষতিপূরণের টাকা গ্রহণ করিতে এবং এই ভিত্তিতে চূড়ান্তভাবে পরিশোধিতে বলিয়া গণ্য করিতে প্রাপকগণ লিখিতভাবে সম্মতিপত্র প্রদান করিবেন;
- (খ) ভূমি অধিগ্রহণেচ্ছুক কর্তৃপক্ষ এইরূপ পরিশোধে সম্মত থাকিলে;
- (গ) প্রাপকগণ এই মর্মে অঙ্গীকার পত্র প্রদান করিবেন যে যদি ভুলক্রমে বেশী টাকা গ্রহণ করিয়া থাকেন, তবে তাহা পিডিআর আইনের ৩ ধারা মোতাবেক সরকারী প্রাপ্য হিসাবে আদায়যোগ্য হইবে।

৩। ক্ষতিপূরণ চূড়ান্তকরণ সাপেক্ষে সম্পূর্ণ টাকা পরিশোধের ব্যবস্থা করার ফলে ক্ষতিগ্রস্ত মালিকগণ যথেষ্ট উপকৃত হইবেন এবং তাহাদিগকে দীর্ঘদিন আর অপেক্ষা করিতে হইবে না। ৫খ খণ্ড মোতাবেক অগ্রিম দেওয়া হউক বা না হোক, সম্পূর্ণ ক্ষতিপূরণের টাকা পরিশোধের প্রস্তাব নোটিশ আকারে জমির মালিকগণকে দিতে হইবে। অন্যান্য ক্ষেত্রে অর্থাৎ অগ্রিম প্রদান করা হইয়া থাকিলে 'ক' ফরমে অংশীকারপত্র ও সম্মতিপত্র স্বাক্ষর করিলে সাময়িক প্রাক্কলনের ভিত্তিতে নির্ধারিত টাকা সম্পূর্ণভাবে পরিশোধ করার প্রস্তাব দেওয়া যাইবে। যদি সংশ্লিষ্ট প্রাপক ইহাতে অসম্মত হয়, তবে প্রচলিত আইনের বিধানমতে সাময়িক ক্ষতিপূরণ প্রদান করিতে হইবে।

৪। এই নির্দেশাবলী যথাযথ অনুসরণের জন্য এবং যথাসম্ভব চূড়ান্তভাবে ক্ষতিপূরণের টাকা পরিশোধের ব্যবস্থা ত্বরান্বিত করার জন্য অনুরোধ করা হইল।

স্বা/- এস. এ. চৌধুরী

সচিব

রাজস্ব বিভাগ।

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
 MINISTRY OF LAND ADMN. & LAND REFORMS
 SECTION-XXIV

NO. AL-14/73/28(18)Reqn,

Dated, 23-5-1973

To: The Deputy Commissioner,

Subject : Wide differences between the rough estimates and the final ones for compensation of lands acquired under the Emergency Requisition of Property Act, 1948.

It has been observed by Govt. that in spite of the instructions contained in this Ministry's circular No. Misc-79/67/533(19)-Reqn, Dated 20-04-68 (copy enclosed) the differences between the provisional and the final estimates prepared under sections 5 B & 7 respectively of the Emergency Requisition of Property Act, 1948, continue to be wide. This places the requiring body in embarrassing position to find out additional funds to meet the enhanced amount of compensation and causes delay in the process of acquisition. In order to reduce the wide differences between rough estimates and final ones the following procedure is laid down for guidance of the Land Acquisition Officers:

1. When any land is required with a view to permanent acquisition the notice under sub-sections 5 (1a) & 5(3) should be issued immediately after the issue of the notice u/s 3 to peg the land value.
2. The possession of the requisitioned land under section 4 (2) should also be taken without delay as envisaged in the Act so that no unauthorized construction can take place on the land.
3. The rough and ready estimate should always be prepared as accurately as possible according to the principles adopted in preparing the final one so that two estimates may not widely differ.
4. All final estimates exceeding the provisional ones by more than 20% should be accompanied with explanations from the Officers/ Staff responsible for the preparation of such estimates. When adequate justifications are not forthcoming for such variations more than 20% of the original estimate, disciplinary action should be taken against those responsible for the preparation of such estimates.

Sd/-(M.L. Barua)
 Deputy Secretary.

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF LAND ADMINISTRATION AND LAND REFORMS

SECTION-XXIV

No. AL-23/73/63(18)-Reqn.,

Dated 28-7-73

To : The Deputy Commissioner, -----

Sub : Payment of compensation for structures, additions or alterations thereto made on the land under requisition.

Ref : This Ministry's circular No. 887-Reqn. Dated 15-7-69.

The undersigned is directed to say that the question of payment of compensation for structures or additions and alteration thereto made on the land requisitioned under the East Bengal (Emergency) Requisition of Property Act, 1948, has been reconsidered by the Government. The Ministry of Law & Parliamentary Affairs has advised after reviewing the opinion given earlier by the erstwhile Law (Legislative) Department that in pursuance of clauses seventhly of section 24 of the Land Acquisition Act, 1894, read with clause of section 7 of the East Bengal (Emergency) Requisition of Property Act, 1948, no compensation is payable for the structures or addition and alterations to any structures made after publication of the notice under section 5 (1a) of the Emergency Requisition of Property Act, 1948. So the owners of the structures constructed or any additions or alterations made thereto after the publications of the notice under section 5(1a) of the said Act are not entitled to any compensation in respect of such structures or additions and alterations.

Necessary action may please be taken accordingly.

This is in cancellation of the circular no. Al-26/69/887-Reqn. Dated 15-7-69 issued by the erstwhile Government of East Pakistan, Revenue Department.

Sd/- M.L. Barua
Deputy Secretary.

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার

ভূমি প্রশাসন ও ভূমি সংস্কার মন্ত্রণালয়

শাখা-২৪

তারিখঃ ২৮-৭-৭৩।

নম্বর এ,এল-২৭/৭৩/৬৩(১৮) হুকুমদখল।

বরাবর : জেলা প্রশাসক

বিষয় : হুকুমদখলকৃত জমি/বাড়ীতে নতুন সংযোজন/পরিবর্তন/পরিবর্ধনের বাবত ক্ষতিপূরণ প্রদান প্রসংগে।

সূত্র : অত্র মন্ত্রণালয়ের ১৫-৭-৬৭ ইং তারিখের ৮৮৭-হুকুমদখল নম্বর সার্কুলার।

নিম্নস্বাক্ষরকারী আদিষ্ট হইয়া জানাইতেছে যে, সম্পত্তি (জরুরী) হুকুমদখল আইন, ১৯৪৮-এর আওতায় হুকুমদখলকৃত জমিতে ক্ষতিপূরণ প্রদানের বিষয়টি সরকার বিবেচনা করিয়াছেন। আইন ও সংসদ বিষয়ক মন্ত্রণালয় সাবেক আইন বিভাগের প্রদত্ত মতামত বিবেচনা করিয়া পরামর্শ দিয়াছেন যে, ভূমি অধিগ্রহণ আইন, ১৮৯৪-এর ২৪ ধারা এবং সম্পত্তি (জরুরী) হুকুমদখল আইন, ১৯৪৮-এর ৭ ধারার বিধানমতে সম্পত্তি (জরুরী) হুকুমদখল আইনের ৫ (ক) ধারামতে প্রদত্ত নোটিশ প্রকাশিত হওয়ার পর হুকুমদখলকৃত জমিতে কোন নতুন নির্মাণ কাজ বা বিদ্যমান বাড়ীর কোন পরিবর্তন/পরিবর্ধনের জন্য কোন ক্ষতিপূরণ প্রদেয় নয়। সুতরাং সম্পত্তি (জরুরী) হুকুমদখল আইনের ৫ (ক) ধারাবলে প্রদত্ত নোটিশ প্রকাশিত হওয়ার পর হুকুমদখলকৃত জমিতে কোন নতুন নির্মাণ বা বিদ্যমান ঘরের কোন পরিবর্তন/পরিবর্ধন কাজের জন্য মালিক কোন ক্ষতিপূরণ পাওয়ার যোগ্য নহেন।

তদানুসারে প্রয়োজনীয় কার্যক্রম গ্রহণ করার জন্য অনুরোধ করা হইল।

সাবেক পূর্ব পাকিস্তান সরকারের ১৫-৪-৬৯ তারিখের এ এল-২৬/৬৯/৮৮৭-হুকুমদখল নম্বর সার্কুলার এতদ্বারা বাতিল করা হইল।

স্বা/- এম.এল, বড়ুয়া
উপ-সচিব।

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
 MINISTRY OF LAND ADMINISTRATION AND LAND REFORMS
 SECTION-XXIV

Memo No. AL. 7/75/26-(19)-Reqn,

Date, 10-3-75.

To : The Deputy Commissioner,

Sub : Prescribed rates for assessment of compensation in respect of inferior classes of lands.

The undersigned is directed to say that it has been brought to the notice of Govt. that the District Officers are facing difficulties in assessing rates of compensation for some inferior classes of land, such as, ditch, road, halat, khal, etc. due to nonavailability of sale figures in respect of these classes of land. Their sale figures may not be available as these classes of land are not usually sold or transferred.

In view of this Govt. have been pleased to prescribe the following rates for these classes of land for the purpose of assessment of compensation when no sale figures are available.

- | | |
|---|---------------------------------------|
| (1) Homestead, Bhiti | 50% above the rate of nal land. |
| (2) Chala, Bank of Tank | 25% above the rate of nal land. |
| (3) Arable land lying fallow | 50% of the rate of nal land. |
| (4) Waste, uncultivable marshy land and bush land | $33\frac{1}{3}$ % of the rate of nal. |
| (5) Ditch, khal | 25% of the rate of nal land. |
| (6) Halat, katcha road | same as nal land. |

Sd/- M. L. Barua

10-3-75.

Deputy Secretary.

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
ভূমি প্রশাসন ও ভূমি সংস্কার মন্ত্রণালয়
শাখা-২৪

সংখ্যা এ.এল-২৫/৭৫/৫১-রিকুইন,

তারিখঃ ৯-৬-১৯৭৫ইং।

প্রতি : জেলা প্রশাসক, -----।

বিষয় : হুকুমদখলকৃত পুকুরিগীর ক্ষতিপূরণ ধার্যকরণ।

পূর্বসূত্র : এই মন্ত্রণালয়ের নির্দেশনামা সংখ্যা-এ, এল-২৫/৭৫/৩৫/১৮-রিকুইন,
তারিখঃ ২২-৪-১৯৭৫ ইং।

যে সমস্ত পুকুরের জল সেচ কার্য ও পানের অযোগ্য সেইসব পুকুরের ক্ষতিপূরণ ধার্য করিবার জন্য ল্যাণ্ড এ্যাকুইজিশন ম্যানুয়ালের নির্বাহী নির্দেশাবলীর ৭২ নং অনুচ্ছেদের (২) নং ধারায় যে পদ্ধতি বর্ণিত হইয়াছে তাহা খুবই ক্রটিপূর্ণ। সেইজন্য এই পদ্ধতিটি সরকার পরীক্ষা করিয়া সংশোধনকরতঃ নিম্নলিখিত পদ্ধতি নির্ধারণ করিয়া দিলেনঃ

- ১। (ক) যে রকম পুকুরই হোক না কেন তাহা যদি সরেজমিনে ল্যাণ্ড এ্যাকুইজিশন অফিসার ও আর,বি, (R.B) কর্তৃক নিয়োজিত দায়িত্বশীল অফিসারের তদন্তের ফলে পুকুর বলিয়া সাব্যস্ত হয় তবে ইহা যে এলাকায় অবস্থিত প্রচলিত আইনের বিধানানুযায়ী সেই এলাকার এবং তাহার আশেপাশের জমির ধার্য মূল্যানুসারে হুকুমদখলকৃত পুকুরের ক্ষতিপূরণ ধার্য করিতে হইবে এবং তৎসংগে সমকালীন খননমূল্য দিতে হইবে। পূর্ত বিভাগ কর্তৃক অনুমোদিত রেট অনুসারে খননমূল্য ধার্য করিতে হইবে। পুকুরের খননকাল নির্ণয় অত্যন্ত প্রাসংগিক যেহেতু খননকালের সাথে খননমূল্য জড়িত।
- (খ) আপাতদৃষ্টিতে পুকুর বলিয়া মনে হয় অর্থাৎ কোন এককালে পুকুর ছিল কিন্তু কালক্রমে মজিয়া ডোবায় পরিণত ইয়াছে এইরকম ক্ষেত্রে শ্রেণীবিভাগের সময় খুব কড়া সতর্কতা অবলম্বন করিতে হইবে।
- (গ) মানুষের দ্বারা খনন করা হয় নাই এবং প্রাকৃতিক নিয়মে সৃষ্ট এমন কতগুলি নীচু জায়গা আছে তাহা কোন কোন স্থানে ডাংগা বলিয়া অভিহিত। এই সমস্ত চাষের উপযোগী নয় এবং নিয়মমাফিক মৎস্যপালনও ঐ জায়গায় করা হয় না। প্রকৃতির নিয়মে কিছু কিছু মাছ ঐখানে পাওয়া যায়। এই সমস্ত জায়গাগুলি পুকুর হিসাবে গণ্য করা যাইবে না, ডোবা হিসাবেই গণ্য করিতে হইবে এবং ইহার ক্ষতিপূরণ ডিচ (ডোবা) জমির অনুরূপ হইবে। দখল বুঝিয়া নিবার আগে মালিক ঐখানে মাছ থাকিলে ধরিয়া লইয়া যাইতে পারিবেন। মাছের ক্ষতিপূরণ বাবদ কিছু দেওয়া হইবে না।

২। এই ব্যাপারে পূর্ববর্তী সার্কুলারসমূহ রদ করা হইল।

স্বা/- এম,এল, বড়ুয়া

৯-৬-৭৫

উপ-সচিব।

তারিখঃ ৯-৬-১৯৭৫ইং।

সংখ্যা এ.এল-২৫/৭৫/৫১-রিকুইন,

অনুলিপি অবগতির জন্য শাখাকে দেওয়া হইল।

স্বা/- কে, এম, আরীফ

৯-৬-৭৫

শাখা প্রধান।

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
ভূমি প্রশাসন, স্থানীয় সরকার, পল্লীউন্নয়ন ও সমবায় মন্ত্রণালয়,
ভূমি প্রশাসন ও ভূমি সংস্কার বিভাগ
শাখা-২৪

স্মারক নং- এ.এল-২৫/৭৫/৪৩(১৮)-রিকুইন,

তারিখঃ ২৬-৫-৭৬ইং।

প্রতি : জেলা প্রশাসক,

বিষয় : হুকুমদখলকৃত পুষ্করিণীর ক্ষতিপূরণ ধার্যকরণ।

সূত্র : অত্র ডিভিশনের সার্কুলার নং-এ,এল-২৫/৭৫/৫১-রিকুইন, তাং- ৯-৬-৭৫খ্রীঃ।

নিম্নস্বাক্ষরকারী আদিষ্ট হইয়া জানাইতেছে যে, যে সমস্ত পুষ্করিণী বহু বৎসর পূর্বে খনন করা হইয়াছিল সেইগুলির খননকাল নির্ণয় করা এবং তৎকালীন খননমূল্য সংগ্রহ করা অত্যন্ত দুর্লভ কাজ। এইহেতু হুকুমদখলকৃত পুষ্করিণীর ক্ষতিপূরণ ধার্য করিতে অসুবিধা হইতেছে বলিয়া কোন কোন জেলা প্রশাসক সরকারকে জানাইয়াছেন। অসুবিধা দূরকরণার্থে উপরোক্ত নির্দেশনামাটি নিম্নরূপে আংশিক সংশোধন করা হইলঃ-

আইনের বিধান অনুযায়ী পুষ্করিণীর জমির মূল্য যে সময়কালের দলিল মূল্যের উপর ভিত্তি করিয়া নির্ণয় করা হয় অনুরূপভাবে ঐ সময়কালের ভিতর সর্বশেষ খননমূল্য যাহা পূর্ত বিভাগ কর্তৃক অনুমোদিত হইয়াছে তাহার উপর ভিত্তি করিয়া পুষ্করিণীর খননমূল্য ধার্য করিতে হইবে।

পুকুরের অবস্থা ভেদে একটি ডেপ্রিসিয়েশান মূল্য স্থিরকরতঃ ইহা খননমূল্য হইতে বাদ দিতে হইবে।

স্বা/- এম,এল, বড়ুয়া

২৬-৫-৭৬

উপ-সচিব।

স্মারক নং- এ.এল-২৫/৭৫/৪৩(১৮)/১(৪) -রিকুইন,

তারিখঃ ২৬-৫-৭৬ইং।

অনুলিপি বিভাগীয় কমিশনারকে অবগতির জন্য প্রেরণ করা হইল।

স্বা/- কে, এম, আরীফ,

২৬-৫-৭৬

উপ-সচিব।

স্মারক নং- এ.এল-২৫/৭৫/৪৩(১৮)/১(৫)-রিকুইন,

তারিখঃ ২৬-৫-৭৬ইং।

অনুলিপি শাখাতে অবগতির জন্য প্রেরণ করা হইল।

স্বা/- কে, এম, আরীফ,

২৬-৫-৭৬

শাখা প্রধান।

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
ভূমি প্রশাসন, স্থানীয় সরকার, পল্লীউন্নয়ন ও সমবায় মন্ত্রণালয়,
ভূমি প্রশাসন ও ভূমি সংস্কার বিভাগ
শাখা-২৪

স্মারক নং- এ.এল-২৭/৭৬/৫৮(১৮)-রিকুইন,

তারিখঃ ১৯-৩-৭৭ইং।

প্রাপক : জেলা প্রশাসক,

বিষয় : ভূমি হুকুমদখল প্রকল্পে অবস্থিত গাছের ক্ষতিপূরণ।

সূত্র : অত্র ডিভিশনের সার্কুলার নং- ৩১৫৭(৩০)-রিকুইন, তাং- ১৪-৩-৫৩খ্রীঃ ও মিস-৫৮৪
(১৭)-রিকুইন, তাং-২১-৪-৬২খ্রীঃ।

বর্তমান বাজার মূল্যের পরিপ্রেক্ষিতে ভূমি হুকুমদখল পরিকল্পে গাছের মূল্য পুনঃনির্ধারণ করার প্রস্তাব কোন কোন জেলা প্রশাসকদের নিকট হইতে পাওয়া গিয়াছে। ক্ষতিগ্রস্ত জমির মালিকেরা গাছের উচিত মূল্য পান ইহা সরকারও উপলব্ধি করেন। কিন্তু পরিলক্ষিত হয় যে, গাছের বর্তমান বাজার মূল্য এক এক জায়গায় এক এক রকম। এমনকি একই জেলার মধ্যে স্থান ভেদে মূল্যের অনেক তারতম্য দেখা যায়। কাজেই সমস্ত জেলার জন্য একই নিরিখে গাছের মূল্য নির্ধারণ করিয়া দেওয়া ঠিক হইবে না। তা ছাড়া সবরকম গাছের সবরকম সাইজের জন্য বাজার দরের একটি মূল্য তালিকা প্রস্তুত করিয়া দেওয়া সম্ভবও নহে।

উপরোক্ত সার্কুলার মারফত যে মূল্য তালিকা দেওয়া হইয়াছে তাহা একটি সাধারণ নির্দেশিকা (General Guide)। এই নির্দেশিকা অনুসরণ করিয়াই গাছের মূল্য নির্ধারণ করিতে হইবে। নির্ধারিত মূল্য মালিকের মনঃপুত না হইলে অধিগ্রহণ করা জমির দখল বুঝাইয়া দেওয়ার সময় জমিতে বিদ্যমান গাছপালা তাহারা কাটিয়া লইয়া যাইতে পারেন। গাছপালা কাটিয়া লইয়া গেলে পজেশন সার্টিফিকেটে পরিষ্কারভাবে উল্লেখ থাকিবে।

এই সম্পর্কে লক্ষ্য রাখা আবশ্যিক যে, যে সমস্ত জায়গায় গাছপালা লাগানো হয় তাহা ভিটি ও বাগান হিসাবে শ্রেণীবিন্যাস হইয়া থাকে এবং ইহার মূল্য অন্যান্য জমি হইতে বেশী হইয়া থাকে। গাছের মূল্য নির্ধারণ করার সময় এই বিষয়টিও বিবেচনা করিতে হইবে।

স্বা/- সৈয়দ আবদুল হাই
উপ-সচিব।

স্মারক নং- এ.এল-২৭/৭৬/৫৮(১৮)/(১১)-রিকুইন,

তারিখঃ ১৯-৩-৭৭ইং।

অনুলিপি, অবগতির জন্য প্রেরণ করা হইলঃ-

- ১। বিভাগীয় কমিশনার,
- ২। নং শাখা অফিসার।

স্বা/- কে,এম, আরীফ,
১৯-৩-৭৭
শাখা প্রধান।

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF LAND ADMINISTRATION AND LAND REFORMS
SECTION NO. XXIV

Memo No. Al- 15/78/125(24)-Reqn.,

Dated, 15-8-1978.

To : The Deputy Commissioner,

Sub : Approval for Requisition of residential house.

The undersigned is directed to say that no residential house should be requisitioned under the Emergency Requisition of Property Act, 1948 without the prior permission of the government.

This is in modification of the Circular issued under memo No. Al-32/72/83(17)-Reqn. dated 4-10-73 of this Ministry.

Sd/- Syed Abdul Hai
Deputy Secretary.

THE ACQUISITION AND REQUISITION OF IMMOVABLE PROPERTY ORDINANCE, 1982

(Ordinance No. II of 1982)

[13th April, 1982]

An Ordinance to consolidate and amend the law relating to acquisition and requisition of immovable property.

Whereas it is expedient to consolidate and amend the law relating to acquisition and requisition of immovable property and to provide for matters connected therewith and ancillary thereto;

Now, therefore, in pursuance of the Proclamation of the twenty-fourth day of March, 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:-

PART-I Preliminary

1. Short title.- This Ordinance may be called the Acquisition and Requisition of Immovable Property Ordinance, 1982.

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

(a) "Arbitrator" means an Arbitrator appointed under section 27';

(b) "Deputy Commissioner" includes an Additional Deputy Commissioner and any other Officer authorised by the Deputy Commissioner to exercise any power conferred, or perform any duty imposed, on the Deputy Commissioner by or under this Ordinance; (Substituted by Ordi. No. XL of 1984);

(c) "Owner" includes the occupier';

(d) "Person interested", in relation to any property, includes all persons claiming, or entitled to claim, an interest in the compensation payable on account of acquisition or requisition of that property under this ordinance;

(e) "Prescribed" means prescribed by rules made under this Ordinance;

(f) "Property" means immovable property and includes any right in or over such property; and

(g) "Requiring person," means any person for whom any property is, or proposed to be, acquired under this Ordinance.

Part-II

Acquisition

3. Publication of preliminary notice of acquisition of property.-

Whenever it appears to the Deputy Commissioner that any property in any locality is needed or is likely to be needed for any public purpose or in the public interest, he shall cause a notice to be published at convenient places on or near the property in the prescribed form and manner stating that the property is proposed to be acquired:

Provided that no property used by the public for the purpose of religious worship, graveyard and cremation ground shall be acquired.

4. Objection against acquisition.- (1) Any person interested in any property which has been notified under section 3 as being needed or likely to be needed for a public purpose or in the public interest may, within fifteen days after the publication of the notice, object to the acquisition of the property.

(2) Every objection under sub-section (1) shall be made to the Deputy Commissioner in writing and the Deputy Commissioner shall give the objector an opportunity of being heard either in person or by an agent and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, prepare a report containing his opinion on the objections.

(3) The Deputy Commissioner shall then:

(a) If the property exceeds fifty standard bighas of land, submit the record of the proceedings held by him, together with his report, for the decision of the Government; and

(b) If the property does not exceed fifty bighas of land, submit the record of the proceedings held by him, together with his report, for the decision of the Divisional Commissioner: (Amended by Ordi, No. XV of 1983 and Ordi. No. XXX of 1983 and Act No. XX of 1994):

Provided that if no objection is raised within the period specified in sub-section (1), the Deputy Commissioner shall, instead of submitting the records of the proceedings to the Divisional Commissioner, make a decision about the acquisition of the property and such decision of the Deputy Commissioner shall be final (Subs. by Ordi, No. XXX of 1983 and Act No. XX of 1994).

5. Final decision regarding acquisition.- (1) The Government or, as the case may be, the Divisional Commissioner, after considering the report submitted by the Deputy Commissioner under section 4 (3), shall make a decision about the

acquisition of the property and such decision of the Government or, as the case may be, the Divisional Commissioner shall be final. (Amended by Ordi. No. XV of 1983).

Provided that-

(a) Where the decision is to be made by the Divisional Commissioner, it shall be made within fifteen days from the date of submission of the report, or within such further time but not exceeding one month, as he may think fit for reasons to be recorded by him in this behalf; (Amended by Act XX of 1994).

(b) Where decision is to be made by the Government, it shall be made within a period not exceeding ninety days from the date of submission of the report. (Amended by Act. XX of 1994).

(2) When the Government, the Divisional Commissioner or the Deputy Commissioner, as the case may be, makes a decision for acquisition of the property under sub-section (1) or the proviso the section 4 (3) (b) as the case may be, such decision shall be conclusive evidence that the property is needed for a public purpose or in the public interest. (Amended by Ordi. No. XXX of 1983).

6. Notice to persons interested:- (1) When the Government, the Divisional Commissioner or the Deputy Commissioner, as the case may be, has made a decision for acquisition of any property under section 5 or the proviso to section 4 (3) (b), as the case may be, the Deputy Commissioner shall cause public notice to be given in the prescribed manner at convenient places on or near such property stating that the Government, the Divisional Commissioner or the Deputy Commissioner, as the case may be, has decided to acquire the property and intends to take possession thereof and that claims to compensation for all interests in such property may be made to him. (Amended by Ordi. No. XXX of 1983).

(2) Such notice shall state the particulars of the property to be acquired and taken possession of, and shall require all persons interested in the property to appear personally or by agent before the Deputy Commissioner at a time, not being earlier than fifteen days after the date of publication of the notice, and place mentioned therein and to state the nature of their respective interests in the property and the amount and particulars of their claims to compensation for such interests.

(3) The Deputy Commissioner shall also serve notice to the same effect in the prescribed form on the occupier, if any, of such property and on all persons known or believed to be interested therein.

(4) The Deputy Commissioner may also, by notice, require any such person to make or deliver to him at a time, not being earlier than fifteen days after the date of service of the notice, and place mentioned therein a statement containing so far as may be practicable, the name of every other person possessing any interest in the property or any part thereof as co-sharer, mortgagee or otherwise, and of the nature of such interest and profits, if any, received or receivable on account thereof.

(5) Every person required to make or deliver a statement under this section shall be deemed to be legally bound to do so within the meaning of section 175 and 176 of the Penal Code (XLV of 1960).

7. Award of compensation by Deputy Commissioner:- (1) On the date so fixed, or on any other date to which the enquiry has been adjourned, the Deputy Commissioner shall proceed to enquire into the statement, if any, which any person has made pursuant to a notice given under section 6 and into the value of the property at the date of the publication of the notice under section 3, and into the respective interests of the persons claiming the compensation and shall make an award of:

- (a) The compensation which, in his opinion, shall be allowed for the property; and
- (b) The apportionment of the said compensation among all the persons known or believed to be interested in the property, of whom, or of whose claims he has information.

(2) The award made by the Deputy Commissioner shall, except as hereinafter provided, be final.

(3) The Deputy Commissioner shall within seven days from the date of making award of compensation:

- (a) Give notice of his award to the person interested;
- (b) Send the estimate of the award of compensation to the requiring person (Amended by Act No XX of 1994)

(4) The requiring person shall deposit the estimated amounts of the award of compensation with the Deputy Commissioner in the prescribed manner within sixty days from the date of receipt of the estimate. (Amended by Act XX of 1994).

8. Matters to be considered in determining compensation.- (1) In determining the amount of compensation to be awarded for any property to be acquired under this Part, the Deputy Commissioner shall take into consideration-

- (a) The market value of the property at the date of publication of the notice under section 3;

Provided that in determining such market value, the Deputy Commissioner shall take into account the average value, to be calculated in the prescribed

manner, of the properties of similar description and with similar advantages in the vicinity during the twelve months preceding the date of publication of the notice under section 3;

- (b) the damage that may be sustained by the person interested, by reason of the taking of any standing crops or trees which may be on the property at the time of taking possession thereof by the Deputy Commissioner;
- (c) the damage that may be sustained by the person interested, at the time of taking possession of the property by the Deputy Commissioner, by reason of severing such property from his other property;
- (d) The damage that may be sustained by the person interested, at the time of taking possession of the property by the Deputy Commissioner, by reason of the acquisition injuriously affecting his other properties, movable or immovable, in any other manner, or his earnings;
- (e) If in consequence of the acquisition of the property, the person interested is likely to be compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change; and
- (f) The damage that may be resulting from diminution of the profits of the property between the date of service of notice under section 6 and the date of taking possession of the property by the Deputy Commissioner.

(2) In addition to the market value of the property as provided in subsection (1), the Deputy Commissioner shall in every case award a sum of "fifty percent" on such market value in consideration of the compulsory nature of the acquisition. (Amended by Ord. VIII of 1993).

9. Matters not to be considered in determining compensation:- In determining the amount of compensation to be awarded for any property to be acquired under this Part, the Deputy Commissioner shall not take into consideration-

- (a) The degree of urgency which has led to the acquisition;
- (b) Any disinclination of the person interested to part with the property to be acquired;

- (c) Any damage that may be sustained by him which, if caused by a private person, would not render such person liable to a suit;
- (d) Any damage which will likely to be caused to the property to be acquired, after the date of service of notice under section 6, by or in consequence of the use to which it will be put;
- (e) Any increase to the value of the property to be acquired likely to accrue from the use to which it will be put when acquired; or
- (f) Any alteration or improvement in, or disposal of, the property to be acquired, made or effected without the sanction of the Deputy Commissioner after the date of publication of the notice under section 3.

10. Payment of compensation:- (1) On making an award under section 7, the Deputy Commissioner shall, before taking possession of the property, tender payment of the compensation awarded by him to the persons entitled thereto according to the award, and shall, unless prevented by some one or more of the contingencies mentioned in sub-section (2), pay it to them within sixty days from the date of deposit by the requiring person of the estimated amount of compensation under section 7(3). (Amended by Act. No. XX of 1994).

(2) If the person entitled to compensation do not consent to receive it, or if there be no person competent to receive the compensation, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Deputy Commissioner shall keep the amount of the compensation in deposit account in the Public Account of the Republic which shall be deemed payment for the purpose of taking over possession of the property without any prejudice to the claim of the parties to be determined by the Arbitrator:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount;

Provided further that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 28;

Provided further that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Part, to pay the same to the person lawfully entitled thereto.

10A. Payment of compensation to bargadar:- Notwithstanding anything contained in this Ordinance, when the property acquired under this part contains standing crops cultivated by bargadar, such portion of the compensation as may be determined by the Deputy Commissioner for the crops shall be paid to the bargadar in cash.

Explanation- In this section "bargadar" means person who under the system generally known as adhi, barga or bhag cultivates the land of another person on condition of delivering a share of produce of such land to that person. (Amended by Act-XX of 1994).

11. Acquisition and possession:- (1) When the compensation mentioned in the award has been paid or is deemed to have been paid in pursuance of section 10, the property shall stand acquired and vest absolutely in the Government free from all encumbrances, and the Deputy Commissioner shall thereupon take possession of the property.

(2) Immediately after the acquisition of the property under sub-section (1), a declaration by the Deputy Commissioner in the prescribed form to that effect shall be published in the Official Gazette.

12. Abatement or revocation of acquisition proceedings:- (1) Notwithstanding anything contained in this Ordinance, where in any case the estimated amount of award of compensation has not been deposited by the requiring persons for acquisition of the property under section 5 within the period specified in section 7(4), all proceedings in respect of such acquisition shall, on the expiry of that period, stand abated and a declaration by the Deputy Commissioner to that effect shall be published in the Official Gazette.

(2) The Deputy Commissioner, with the prior approval of the Government, by notification in the Official Gazette, revoke all proceedings in respect of acquisition of any property at any time before the payment of compensation. (Amended by Act. No. XX of 1994).

(3) When any proceedings stand abated or are revoked, the Deputy Commissioner shall make an award determining the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder and the costs reasonably incurred by him in the prosecution of the proceedings under this part relating to the said property and shall pay the compensation accordingly.

13. Acquisition of part of a house or buildings:- The provisions of this part shall not be applied for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desires that the whole of such house, manufactory or building should be so acquired:

Provided that the owner may, at any time, before the Deputy Commissioner has made his award under section 7, by notice in writing withdraw or modify his expressed desire that the whole of such house, manufactory or building should be so acquired;

Provided further that, if any question arises as to whether any property proposed to be taken under this part does or does not form part of a house manufactory or building within the meaning of this section, the decision of the Deputy Commissioner shall be final.

14. Acquisition of property at the cost of a person other than the Government:- Where the provisions of this part are applied for acquiring any property at the cost of any fund controlled or managed by a person other than the Government, the charges of an incidental to such acquisition shall be defrayed from or by such fund or person.

15. Transfer of acquired land to the requiring person other than the Government:- (1) When any property is proposed to be acquired for any person other than the Government, such person shall enter into an agreement with the Government in such form as may be prescribed before a notice under section 3 is published.

(2) When the property in respect of which an agreement has been entered into with a person under sub-section (1) is acquired under section 11, the Government shall, on the performance by such person of his part of the agreement, transfer the property to the person by executing a deed in such form as may be prescribed and in accordance with the law for the time being in force.

16. Recovery of compensation in certain cases:- When any compensation paid in excess of the amount payable or when any compensation is paid to a person other than the rightful owner, the amount of such excess or wrong payment shall be recoverable as public demand.

17. Use of acquired property:- (1) No property acquired under this part shall, without the prior approval of the Government, be used for any purpose other than the purpose for which it is acquired.

(2) If any requiring person uses any acquired property in contravention of the provision of sub-section (1), or does not use it for the purpose for which it is acquired, he shall be liable to surrender the property to the Deputy Commissioner on being directed by him to do so.

(250)

Part-III
Requisition

18. Requisition of property:- (1) When any property is required temporarily for a public purpose or in the public interest, the Deputy Commissioner may, with the prior approval of the Government, by order in writing requisition it:

Provided that no such approval shall be necessary in the case of emergency requirement of any property;

Provided further that, save in the case of emergency requirement for the purpose of maintenance of transport or communication system, no property which is bonafide used by the owner thereof as the residence of himself or his family or which is used either for religious worship by the public or as an educational institution or orphanage or as a hospital, public library, graveyard or cremation ground shall be requisitioned.

(2) Where an order made under sub-section (1) has been served, the Deputy Commissioner may take possession of the requisitioned property-

- (a) in the case of emergency requirement for the purpose of maintenance of transport or communication system, at any time after the date of service of the order,
- (b) in any other case, after the expiry of thirty days from the date of service of the order,

and may use the property for the purpose for which it has been requisitioned.

(3) Except with the prior approval of the Government, no property shall be kept under requisition for a period exceeding two years from the date of taking over possession of such property.

19. Revision:- The Government may, of its own motion or on application filed by an aggrieved person, revise an order made under section 18(1):

Provided that no such application shall be entertained unless it is filed within thirty days from the date of service of the order.

20. Award of compensation by the Deputy Commissioner.- (1) Where any property is requisitioned under this part, there shall be paid compensation the amount of which shall be determined in the manner and in accordance with the principles set out in this section.

(2) The Deputy Commissioner shall, after giving the persons interested an opportunity of being heard in respect of their respective interests in the property and the amount and particulars of their claims to compensation for such interests and having regard to the provisions of sub-section (5), make an award of-

- (a) the compensation in the manner as may be prescribed; and
- (b) The apportionment of the said compensation among all the persons known or believed to be interested in the property, of whom, or of whose claims, he has information.

(3) The award made by the Deputy Commissioner shall, except as hereinafter provided, be final.

(4) The Deputy Commissioner shall give immediate notice of his award to the persons interested.

(5) The amount of compensation payable for the requisition of any property shall consist of-

- (a) A recurring payment, in respect of the period of requisition, of a sum equal to the rent which would have been payable for the use and occupation of the property, if it had been taken on lease for that period; and
- (b) Such sum, if any, as may be found necessary to compensate the persons interested for all or any of the following matters, namely:-
 - (i) Expenses on account of vacating the requisitioned property;
 - (ii) Expenses on account of reoccupying the property upon release from requisition; and
 - (iii) Damages, other than normal wear and tear, caused to the property during the period of requisition, including the expenses that may have to be incurred for restoring the property to the condition in which it was at the time of requisition.

(6) Where any property is kept under requisition for more than two years, the Deputy Commissioner shall revise his award regarding the amount payable as compensation under sub-section (5) (a).

21. Payment of compensation.- (1) On making an award under section 20, the Deputy Commissioner shall tender payment of the compensation awarded by him to the persons entitled thereto according to the award, and shall pay it to them unless prevented by some-one or more of the contingencies mentioned in sub-section (2).

(2) If the persons entitled to compensation do not consent to receive it, or if there be no person competent to receive the compensation, or if there be any dispute as to the title to receive the compensation, or as to the apportionment of it, the Deputy Commissioner shall keep the amount of the compensation in a deposit account in the Public Account of the Republic which shall be deemed payment of the compensation for the requisitioned property without any prejudice to the claim of the parties to be determined by the Arbitrator;

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount;

Provided further that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 28;

Provided further that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this part, to pay the same to the person lawfully entitled thereto.

22. Recovery of money from allottee of requisitioned property:- Where any requisitioned property is allotted to, and placed in possession of, any person, the Deputy Commissioner may recover from such person such amount of money and in such manner as may be prescribed.

23. Repair of Requisitioned property:- (1) During the period of requisition, the Deputy Commissioner shall be responsible for the proper maintenance of a requisitioned property.

(2) If the Deputy Commissioner is satisfied that repairs are necessary to prevent deterioration of the property, he may, after giving the owner an opportunity of making the repairs himself, cause the repairs to be made at cost not exceeding one-sixth of the compensation payable to the owner and such cost shall be recovered out of such compensation.

24. Release from requisition:- (1) Where any requisitioned property is to be released from the requisition, the Deputy Commissioner may restore it to the person from whom the property was requisitioned or to his seccessor-in-interest or to such other person as may appear to the Deputy Commissioner to be entitled to such restoration.

(2) The delivery of possession of the requisitioned property to the person referred to in sub-section (1) shall be a full discharge of the Deputy Commissioner from all liability in respect of such delivery, but shall not prejudice any right in respect of the property which any other person may be entitled by the process of law to enforce against the person to whom possession of the property is so delivered:

Provided that when the requisitioned property is to be restored on release from requisition wilfully neglects or refuses to take delivery of the requisitioned property on being directed in writing to take possession of such requisitioned property by the Deputy Commissioner, such requisitioned property shall be deemed to have been restored to such person within the meaning of this sub-section with effect from the date and time specified in the aforesaid direction.

(3) Where the person to whom possession of any requisitioned property is to be delivered cannot be found and has no agent or other person empowered to accept delivery on his behalf, the Deputy Commissioner shall cause a notice declaring that the property is released from requisition to be affixed on some conspicuous part of the property and shall also publish the notice in the Official Gazette.

(4) When a notice referred to in sub-section (3) is published in the Official Gazette, the property specified in such notice shall cause to be subject to requisition from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof, and the Deputy Commissioner shall not be liable for any compensation or other claim in respect of the property for any period after the said date.

25. Eviction of allottees:- Notwithstanding anything contained in any other law for the time being in force, if any property under requisition, which has been allotted to any person or is in unauthorized occupation of any person, is required by the Deputy Commissioner for any other use or purpose during the period of requisition or for restoring the property under section 24 on its release from requisition, or if the allottee of such property has defaulted in payment of any sum due from him in respect of such property, the Deputy Commissioner may, at any time, by order in writing direct such person or allottee to vacate the property by such date as may be specified in such order, and if such person or allottee does not vacate the property by the date so specified, the Deputy Commissioner may evict such person or allottee from such property and may use or cause to be used such force for the purpose as may be necessary.

26. Part not to apply to Cantonment:- Nothing in this part shall apply to any property within the limits of a Cantonment.

Part-IV

Arbitration

27. Appointment of Arbitrator:- For the purpose of this Ordinance the Government shall, by notification in the Official Gazette, appoint a Judicial Officer, not below the rank of Subordinate Judge, to be Arbitrator for such area as may be specified therein. (For substitution, see Ordi. No. XV of 1983).

28. Application to Arbitrator:- (1) Any person interested who has not accepted an award made by the Deputy Commissioner under this Act may, within forty-five days from the date of service of notice of the award, make an application to the Arbitrator for revision of the award.

(2) The applicant shall state the grounds on which objection to the award is taken.

(3) The requiring person shall be made a necessary party in the application made under sub-section (1), along with the Deputy Commissioner (Amended by Act. No. XX of 1994).

29. Notice for hearing:- The Arbitrator shall, on receipt of an application under section 28, cause a notice specifying the date on which he will proceed to hear the application, and directing their appearance before him on that day, to be served on the following persons, namely:-

- (a) the applicant;
- (b) all persons interested in the objection;
- (c) the Deputy Commissioner ;and
- (d) the requiring person.

30. Scope of proceedings:- The scope of the enquiry in every proceedings before the Arbitrator shall be restricted to a consideration of the interests of the persons affected by the objection.

31. Arbitrator to be guided by sections 8,9 and 20:- In determining the amount of compensation to be awarded for any property acquired or requisitioned under this Act, the Arbitrator shall be guided by the provision of sections 8 and 9 or 20, as the case may be:

Provided that the compensation determined by the Arbitrator in respect of each owner shall not exceed the amount specified in the award of the Deputy Commissioner by more than ten percentum. (Amended by Act. No. 20 of 1994).

32. Form of award of Arbitrator:- (1) Every award under this part shall be in writing signed by the Arbitrator, and shall specify the amounts awarded under different clauses of section 8(1) of section 20(5), as the case may be, together with the grounds of awarding each of the said amounts.

(2) Where the amount of compensation determined by an Arbitrator is higher than the amount specified in the award of the Deputy Commissioner, an additional compensation at the rate of ten percent per annum on such additional

amount shall, subject to the decision of an Appellate Arbitrator Tribunal, if any, be payable till that amount is paid or offered for payment.

(3) Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgement within the meaning of section 2 (2) and section 2 (9) respectively of the Code of Civil Procedure, 1908 (V of 1908).

33. Cost:- Every such award shall also state the amount to costs incurred in the proceedings under this part, and by what persons and in what proportions they are to be paid.

34. Appeal against the award of Arbitrator:- (1) An appeal shall lie to the Arbitration Appellate Tribunal constituted under sub-section (2), against an award of the Arbitrator.

(2) The Government shall, by notification in the Official Gazette, constitute one or more Arbitration Appellate Tribunals for such areas as may be specified therein.

(3) An Arbitration Appellate Tribunal shall consist of a member who shall be appointed by the Government from among persons who are or have been District Judges.

(4) A decision of the Arbitration Appellate Tribunal shall be final.

(5) Where the amount of compensation determined by an Arbitration Appellate Tribunal is higher than the amount specified in the award of the Arbitrator, an additional compensation at the rate of ten percent per annum on such additional amount shall be payable till that amount is paid or offered for payment;

Provided that the compensation determined by the Arbitration Appellate Tribunal in respect of each land-owner shall not exceed the amount specified in the award of the Arbitrator by more than ten per centum.

34A. Payment of additional compensation, where additional compensation is required to be paid in pursuance of an award under this part, such compensation shall be paid to the persons entitled thereto immediately after the said additional amount is deposited by the requiring person with the Deputy Commissioner;

Provided that the requiring person shall deposit the additional amount with the Deputy Commissioner within one month from the date of receipt of notice in this behalf from the Deputy Commissioner;

Provided further that the Deputy Commissioner shall send the notice to deposit the amount of additional compensation within one month from the date of the award of the Arbitrator or, as the case may be, decision of the Arbitration Appellate Tribunal (Amended by Act 20, 1994).

35. Act X of 1940 not apply- Nothing in the Arbitration Act, 1940 (X of 1940), shall apply to arbitrations under this part.

PART-V

Miscellaneous

36. Deputy Commissioner and Arbitrator to have certain powers of Civil Court:- The Deputy Commissioner and the Arbitrator, while holding any enquiry or proceedings under this Act, shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (V of 1908), for the purpose of-

- (a) Summoning and enforcing the attendance of any person, and examining him on oath;
- (b) Compelling the production of any document or record;
- (c) Reception of evidence on affidavit;
- (d) Issuing commission for examination of witnesses;
- (e) Requesting any public record from any court or office.

37. Power to enter and inspect:- (1) With a view to acquiring or requisitioning any property or determining the compensation payable in respect thereof or securing compliance with an order made under this Ordinance, the Deputy Commissioner or any officer, generally or specially authorised by the Deputy Commissioner in his behalf, and any of the assistants and workmen may-

- (a) Enter upon and survey and take levels of any property;
- (b) Inspect any property or anything therein;
- (c) Measure and set out the boundaries and prepare a plan of any property and the intended line of the work, if proposed to be made thereon;
- (d) Mark such levels, boundaries and line by placing marks and cutting trenches, and, where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, cut down and clear away any part of any standing crop, tree or jungle:

Provided that no person shall enter upon any property without the consent of the occupier thereof unless at least twenty-four hours' previous notice in writing of his intention to do so has been given.

(2) The Deputy Commissioner or the Officer authorized by him under subsection (1) shall, at the time of entry upon any property, pay or tender payment for all necessary damage to be done in such property, and, in case of dispute as to the sufficiency of the amount so paid or tendered, the decision of the Deputy Commissioner shall be final.

38. Power to obtain information:- With a view to acquiring or requisitioning any property or determining the compensation payable in respect thereof, the Deputy Commissioner may, by order in writing require any person to furnish to such officer or authority, as may be specified in the order, such information in his possession as may be specified relating to any property which is acquired or requisitioned, or intended to be acquired or requisitioned, under this Ordinance.

39. Service of notice and orders:- (1) Save as otherwise expressly provided in this Ordinance and subject to rules made thereunder, every notice or order issued or made under this Ordinance shall be served by delivering or tendering it to the person named therein or the person on whom it is required to be served under this Ordinance.

(2) When such person cannot be found or the notice or order cannot be so delivered or tendered, the service of the notice or order may be made by delivering or tendering it to any officer of such person or to any adult male member of the family of such person residing with him or, if no such officer or member can be found, by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which that person ordinarily resides or carries on business or personally works for gain, and also by affixing a copy thereof in some conspicuous place in the office of the authority or officer issuing or making it and, where possible, in some conspicuous part of the property to which it relates:

Provided that, if such authority or officer so directs, the notice or order may be sent by registered post in a letter addressed to the person named therein or on whom it is required to be served, at his last known residence, address or place of business or work.

40. Penalty.- Any person who contravenes or attempts to contravene or abets or attempts to abet a contravention of any order made under this Ordinance or who wilfully obstructs any person in doing any of the acts authorized or permitted under this Ordinance or any rule made thereunder shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand taka, or with both.

41. Enforcement of surrender.- If the Deputy Commissioner is opposed or impeded in taking possession of any property under this Ordinance, he shall

enforce the surrender of the property to himself, and may use or cause to be used such force for the purpose as may be necessary.

42. Exemption from stamps duty and fees.- No Award made under this Ordinance shall be chargeable with stamp duty, and no person claiming any interest under any such award shall be liable to pay any fee for a copy of the same.

43. Indemnity.- No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Ordinance or any other rule made thereunder.

44. Bar to Jurisdiction of Court.- Save as otherwise expressly provided in this Ordinance, no Court shall entertain any suit or application against any order passed or any action taken under this Ordinance, and no injunction shall be granted by any Court in respect of any action taken or to be taken in pursuance of any power conferred by or under this Ordinance.

45. Delegation of powers.- The Government may, by order notified in the Official Gazette, direct that any power conferred or any duty imposed on it by this Ordinance shall, in such circumstances and under such condition, if any, as may be specified in the order, be exercised or discharged also by such officer or authority as may be so specified.

46. Power to make rules.- (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters:-

(a) the procedure to be followed in taking possession of any property acquired or requisitioned under this Ordinance;

(b) the procedure to be followed by the Arbitrators and the Arbitration appellate Tribunals;

(c) the manner of enforcement of surrender of any property under section 41;

(d) any other matter which has to be or may be prescribed.

47. Special savings relating to expired E.B. Act XIII of 1948.- Notwithstanding the cesser of the Emergency Requisition of Property Act, 1948 (E.B. Act XIII of 1948), on the expiry of the period of its operation, all proceeding and matters, including all notices, notifications, and orders, relating to requisition or acquisition of any property or compensation or award in respect of

any property requisitioned or acquired and all applications and appeals pending before any authority, arbitrator or court under that Act shall be continued, enforced, heard or disposed of as if that Act had not ceased to have effect and were continuing in operation.

48. Repeals and savings.- (1) The Land Acquisition Act 1894 (I of 1894), is hereby repealed.

(2) Notwithstanding such repeal, all proceedings and matters, including all notice, notifications and order, relating to requisition or acquisition of any property or compensation or award in respect of any property requisitioned or acquired and all applications and appeals pending before any authority, arbitration or court under the said Act shall be continued, enforced, hear or disposed of as if this Ordinance had not been made and promulgated.

(3) Subject to the provisions of sub-section (2), the provisions of the General Clauses Act, 1897 (X of 1897), shall apply to the repeal and re-enactment of the said Act by this Ordinance.