

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS
(Law Division)

President's Order No. 16 of 1971

THE BANGLADESH ABANDONED PROPERTY CONTROL,
MANAGEMENT AND DISPOSAL ORDER, 1971

দশম অধ্যায় :
পরিত্যক্ত সম্পত্তির ব্যবস্থাপনা

পরিত্যক্ত সম্পত্তির ব্যবস্থাপনা

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**THE BANGLADESH ABANDONED PROPERTY (CONTROL,
MANAGEMENT AND DISPOSAL) ORDER 1972**

WHEREAS it is expedient to make provisions for the control, management and disposal of certain property abandoned by certain persons who are not present in Bangladesh or whose whereabouts are not known or who have ceased to occupy or supervise or manage in person their property or who are enemy aliens.

NOW, THEREFORE, in pursuance of the Proclamation of Independence of Bangladesh, 1971, read with the Provisional Constitution of Bangladesh Order 1972, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following order :-

1. (1) This order may be called the Bangladesh Abandoned Property Control, Management and Disposal) Order, 1972;
- (2) Extends to the whole of Bangladesh;
- (3) It shall come into force at once.
2. In the order unless there is anything repugnant in the subject or context :-
 - (i) "abandoned property" means any property owned by any person who is not present in Bangladesh or whose whereabouts are not known or who has ceased to occupy, supervise or manage in person his property including-
 - (ii) any property own by any person who is a citizen of a state which at any time after the 25th day of March 1971 was at war with or engaged in military operation against the People's Republic of Bangladesh.
 - (iii) any property taken over under the Bangladesh (Taking Over of Control and Management of Industrial and Commercial Concerns) Order, 1972 (Acting President's Order No. 1 of 1972) but does not include-
 - (a) any property the owner of which is residing outside Bangladesh for any purpose which, in the opinion of the Government is not prejudicial to the interest of Bangladesh;
 - (b) any property which is in the possession or under the control of the Government under any law for the time being in force.

Explanation : "Person who is not present in Bangladesh" includes any body of persons or company constituted or incorporated in the territory or under the laws of a State which at any time after the 25th day of March 1971 was at war with or engaged in military operation against the People's Republic of Bangladesh.

- (iv) company includes a banking company and insurance company.
- (v) "Government" means the Government of the People's Republic of Bangladesh.
- (vi) "prescribed" means prescribed by any rule, order or direction made or given in pursuance of any of the provisions of this Order:
- (vii) "property" means property of any kind, movable or immovable and includes any right or interest in such property and any debt or actionable claim any security or negotiable instrument, any right under a contract and any industrial or commercial undertaking.

Explanation- "Security" includes share, script, stock, bond, debenture, debenture stock or other marketable security of a like nature in or of any body corporate and Government security.

(3) The provisions of this order and any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

4. On the commencement of this Order all abandoned properties in Bangladesh shall vest in the Government and shall be administered, controlled, managed and disposed of by transfer or otherwise in accordance with the provision of this Order.

5. (1) For the purpose of carrying the provisions of this Order into effect and in particular for the purpose of securing administration, control, management and disposal by transfer or otherwise of abandoned property the Government may take such measures as it considers necessary or expedient and do all acts and incur all expenses necessary or incidental thereto.

(2) Without prejudice to the generality of the foregoing provisions, the Government may for the said purposes:-

- (a) constitute one or more Boards for such area or areas or for such abandoned property or such class or classes of abandoned properties and in such manner as may be prescribed;
- (b) appoint an administrator for any abandoned property on such terms and

conditions as may be prescribed;

- (c) carry on the business in respect of any abandoned property;
- (d) take action for recovering any money in respect of any abandoned property;
- (e) make any contract and execute any document in respect of any abandoned property;
- (f) institute, defend or continue any suit or other legal proceeding, refer any dispute to arbitration and compromise any debts, claims or liabilities arising out of or in connection with any abandoned property;
- (g) raise on the security of any abandoned property such loans as may be necessary;
- (h) pay taxes, duties, cesses and rates to the Government or to any local authority in respect of abandoned property and
- (i) transfer by way of sale, mortgage or lease or otherwise dispose of any abandoned property or any easement interest, profit or right present or future arising therefrom or incidental thereto.

6. No person shall except in accordance with the provisions of this Order or any rule made thereunder, transfer any abandoned property in any manner or create any charge or encumbrance on such property and any transfer made or charge or encumbrance created in contravention of this Order shall be null and void.

7. (1) Where any abandoned property is not in possession of any person the Deputy Commissioner or the Subdivisional Magistrate shall take possession of the property in such manner as may be prescribed.

(2) Where any abandoned property is in possession of any person, such person shall within seven days of the commencement of this Order, surrender such property to the Deputy Commissioner or the Subdivisional Magistrate.

(3) Where the person in possession of any abandoned property fails to surrender such property as he is required to do under clause (2), the Deputy Commissioner or the Subdivisional Magistrate shall serve a notice on him in the prescribed manner requiring him to surrender possession of the property within seven days of the service of the notice, to the person mentioned in the notice or to show-cause against such surrender within the said period and if he fails to do so, the Deputy Commissioner or the Subdivisional Magistrate shall take possession of the property in such manner as may be prescribed.

(4) Where the person on whom a notice is served under clause (3) shows cause, within the period specified in that clause against the surrender of the abandoned property the Deputy Commissioner or the Subdivisional Magistrate, as the case may be, shall after making such local enquiry as he may consider necessary and after giving the person an opportunity of being heard pass such order as he deems fit.

8. (1) Where any abandoned property consists of shares in any company-

- (a) the Government shall be deemed to be the registered holder of such shares and notwithstanding anything in the memorandum or articles of association of the company or in any agreement or instrument shall have the same rights in the matter of making a requisition for the convening of a meeting or of prosecuting a petition to the Court under the provisions of the Companies Act, 1913 (Act VII of 1913) or under any other law or under the articles of association or in any other matter as the person whose shares have vested in the Government had immediately before such vesting and
- (b) the Government shall have the power to acquire at its option all or any portion of the remaining shares in such company in the prescribed manner on such terms as it deems fit.

(2) Where under clause (1) the Government becomes the holder of more than fifty percent of the total number of shares in the company the Government may by order in writing-

- (a) dissolve the Board of Directors of the company;
- (b) remove its Managing Director or any other Director;
- (c) dissolve its Managing Committee, Executive Committee, Advisory Committee or any other Committee or Board;
- (d) remove its General Manager or other Manager;
- (e) terminate any Managing Agency Agreement;
- (f) remove any of its officers or employees;
- (g) constitute any Board or Committee or appoint any person for its administration and management; and
- (h) give such directions in respect of its administration and management as it may deem fit.

(3) Notwithstanding anything contained in the memorandum or articles of association of a company the Government may in respect of a company mentioned in clause (2) by notification in the official Gazette do all such things which but for the power conferred by this clause would have required the passing of a special or extraordinary resolution by the share-holders.

(9) When any property is vested in the Government under this order only such liabilities in respect of such property shall be deemed to be the liabilities in respect of the property as may be determined by such authority and in such manner as may be prescribed.

10. (1) The Government may cancel any allotment or terminate any case or amend the terms of any lease or agreement under which any abandoned property is held occupied or managed by a person where such allotment, lease or agreement has been granted or entered into after the 25th day of March, 1971.

(2) Where by reason of any action taken under clause (1) any person has ceased to be entitled to possession of any abandoned property he shall on demand by the Government surrender possession of such property to the Government or to any person authorised by it in this behalf.

(3) If any person fails to surrender possession of any property on demand under clause (2) the Government may eject such person and take possession of such property in such manner as may be prescribed.

11. (1) Any amount payable in respect of any abandoned property shall be paid to the Government by the person liable to pay the same.

(2) Any person who makes a payment under clause (1) shall be discharged from further liability to pay to the extent of the payment made.

(3) Any payment made otherwise than in accordance with clause (1) shall not discharge the person paying it from his obligation to pay the amount due and shall not affect the right of the Government to enforce such obligation against any such person.

12. Where any abandoned property is property in trust for a public purpose of a religious or charitable nature or is a waqf, the property shall remain vested in the Government only until such time as fresh trustees or mutwallis are appointed by the Government and pending the appointment of fresh trustees or mutwallis the property and the income thereof shall be applied by the Government to fulfilling as far as possible a charitable purpose.

13. (1) Where any abandoned property consists of shares in a joint property business or firm and if the shares vested in the Government constitute the greater part of such joint property, business or firm reckoned according to the value of the whole the Government may take possession and assume control and management of the whole of such property business or firm.

(2) Notwithstanding the provision of clause (1) the Government shall on an application being made in this behalf by all or any of the persons whose shares have not vested in the Government, partition such property if capable of being partitioned and determine the share or shares of such person or persons.

14. (1) Any property vested in the Government under this Order shall be exempt from all legal process including seizure distress ejectment, attachment or sale by any officer of a Court or any other authority and no injunction or other order of whatever kind in respect of such property shall be granted or made by any Court or any other authority and the Government shall not be divested or dispossessed of such property by operation of any law for the time being in force.

(2) Any such legal process as aforesaid subsisting immediately before the commencement of this Order shall cease to have effect on such commencement and all abandoned properties in custody of any Court, guardian or other person or persons appointed by it, shall upon delivery of the same being called for by the Government be delivered to the Government.

15. (1) Any person claiming any right or interest in any property treated by Government as abandoned property may make an application to the prescribed authority on the ground that-

- (a) the property is not abandoned property or
- (b) his interest in the property has not been affected by the provision of this order.

(2) An application under clause (1) shall be made within three months of the date of the commencement of this Order.

(3) On receiving an application under clause (2) the authority to which the application is made shall hold a summary inquiry in the prescribed manner and after taking such evidence as may be produced shall pass an order stating the reasons therefor rejecting the application or allowing it wholly or in part on such terms and condition as it thinks fit to impose.

16. (1) Any person aggrieved by an order passed under Article 7 or Article 15 of this Order may within one month of such order file an appeal before such authority as may be prescribed.

(2) The Government may either of its own motion or on application at any time revise any order passed under Article 7 or Article 15 or clause (7) of this Article.

17. (1) Any person who has been in unauthorised possession of any abandoned property shall be liable to pay such compensation for such unauthorised possession as may be assessed by such authority and in such manner as may be prescribed.

(2) Any person who has caused damage to or disposed of the whole or a part of any abandoned property shall be liable to pay such compensation as may be assessed by such authority and in such manner as may be prescribed.

18. (1) The Government shall maintain a separate account of each abandoned property in such manner as may be prescribed and shall cause to be made entries therein of all receipts and expenditures in respect thereof.

(2) The Government shall cause the accounts of the abandoned properties to be inspected and audited in the prescribed manner.

19. Without prejudice to the provision of Article 17 any person who wilfully cause damage to or disposes of the whole or a part of any abandoned property or

allows damage to be caused to or disposed of the whole or a part of any abandoned property shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

20. Any person who fails to surrender any abandoned property as required under clause (2) or clause (3) of Article 7 or Article 10 shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

21. No provision of law relating to the winding up of companies bank or business or dissolution of firm shall apply to any company bank business or firm vested in the Government as abandoned property under this Order and such company bank, business or firm shall not be wound up or dissolved save by order of the Government and in such manner as it may direct.

22. The Government may by order published in the official Gazette direct that any power or duty which is conferred or imposed by the Order upon the Government shall in such circumstances and under such condition if any as may be specified in the direction be exercised or discharged by any other authority subordinate to it.

23. No suit or other legal proceeding shall lie against the Government or any person for anything which is in good faith done or intended to be done under this Order or the rule made thereunder.

24. Anything done, any action taken or any order passed under this Order shall not be called in question in any court.

25. The Government can make rule for carrying out the purpose of this order.

DACCA

at 20th February 1972

A. S. CHOWDHURY

Government of the People's Republic of Bangladesh

AZIMUDDIN AHMAD

Deputy Secretary

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

General Section

NOTIFICATION

No. 6E-20/72/489-General-8th May 1972- In exercise of the power conferred by article 25 of the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972 (P.O. No. 16 of 1972), the President is pleased to make the following rules, namely :-

**THE BANGLADESH ABANDONED PROPERTY (LAND, BUILDING
AND ANY OTHER PROPERTY) RULES, 1972**

- 1. Short title.-** These rules may be called the Bangladesh Abandoned Property (Land, Building and Any Other Property) Rules, 1972.
- 2. Definitions.-** In these rules, unless there is anything repugnant in the subject or context,-
 - (a) "Article" means an Article of the Order;
 - (b) "Deputy Commissioner" includes an Additional Deputy Commissioner or a Joint Deputy Commissioner;
 - (c) "Order" means the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972, and
 - (d) "Property" means-
 - (i) 'Building' including a structure of any kind and the land covered by it and necessary adjuncts thereto but not including a building connected with commercial or industrial undertaking or residential and other building falling within the category of abandoned property under item 2 of Sub-Rule (1) of rule 6 of the Bangladesh Abandoned Property (Taking Over Possession) Rules, 1972.
 - (ii) 'Land' including agricultural, horticultural and non-agricultural land and land which is covered with water at any time of the year, and including benefits to arise out of such land but not including any land connected with commercial or industrial undertaking or any land referred to in item (i) above,
 - (iii) 'Any other property' falling within the category of abandoned property under item 10 of sub-rule (1) of rule 6 of aforesaid Rule.

3. Determination of liabilities, under Article 9.- (1) Deputy Commissioner shall, in respect of property taking in possession under Article 7, be the authority for determining the liabilities under Article 9.

(2) In determining the liabilities, the Deputy Commissioner may, after giving the claimants an opportunity of being heard, make such enquiries and examine such documents and records, as he may deem necessary:

Provided that, no liability which does not directly relate to the property or which is a direct charge thereon shall be deemed to be a liability in respect thereof:

Provided further that the aggregate of the liabilities in respect of the property determined by the Deputy Commissioner shall not exceed percentum of the market value of the property and the various liabilities shall, if necessary, be scaled down proportionately.

(3) The payment on account of the liabilities may be made in such instalments as the Deputy Commissioner may decide:

Provided that, where any property yields an income, the total amount of payment on account of the liabilities in any year shall not exceed the net income derived from such property.

4. Application under Article 15. - An application under clause (1) of article 15 shall be made to the Deputy Commissioner of the district or the Sub-divisional Magistrate of the Subdivision in which the property is situated. The Deputy Commissioner or the Subdivision Magistrate holding the summary enquiry shall have the power to summon and enforce the attendance of witnesses and 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 a Civil Court under the Code of Civil Procedure, 1868.

5. Appellate authority under Article 16.- An appeal under clause (1) of Article 16 shall lie to the Divisional Commissioner when the order is passed by the Deputy Commissioner and to the Deputy Commissioner when the order is passed by the Subdivision Magistrate.

6. Assessment of Compensation under Article 17.- (1) The authority for assessment of compensation under Article 17 shall be Deputy Commissioner or the Subdivision Magistrate.

(2) In assessing compensation under clause (1) of the said Article for the period of unauthorized possession of any property or part thereof, the Deputy

Commissioner or the Subdivision Magistrate shall take into consideration-

- (a) the profit that in his estimation may accrue or have accrued to the possessor from the property or from part thereof,
 - (b) the rent, if any, of the property or part of the property for the period of unauthorized possession, and
 - (c) the loss or inconvenience that, in his estimation may be caused or have been caused to the Government other damage caused to the property itself.
- (3) In assessing compensation under clause (2) of the said Article:
- (a) For damage to the whole or a part of the property the Deputy Commissioner or the Subdivision Magistrate shall take into consideration-
 - (i) the amount by which in his estimation, the value of the property or part thereof has been decreased by such damage,
 - (ii) the cost or probable cost of repairing such damage, and
 - (iii) any special loss or inconvenience that in his estimation may be caused or have been caused to the Government or the public during the time required for repairing such damage.
 - (b) For the disposal of the whole or a part of the property, the Deputy Commissioner or the Subdivision Magistrate shall take into consideration-
 - (i) the market value of the property or a part thereof, and
 - (ii) the consideration money received by the transferor for the disposal.

7. Maintenance and audit of accounts under Article 18.- A Separate account shall be maintained in respect of each property according to the instructions that may be issued by the Government from time to time. Such Accounts shall be audited at least once a year either by the Accountant-General Bangladesh or by such other agency as the Government may, by a special order, direct.

8. Control, management and disposal of the property.- (1) The Deputy Commissioner or the Subdivisional Magistrate shall manage the property taken possession under Article 7.

(2) Till the expiry of the time for filing the applications under Article 15, and when such application has been filed till the disposal of such application and when any appeal, has been filed under clause (1) of Article 16, till the disposal of such appeal, the lands and buildings shall be managed by leasing them out on a temporary basis for a period not exceeding one year at a time, on such terms as conditions and in such manner as the Government may from time to time direct. Thereafter, such lands shall be managed in accordance with the rules and orders applicable to Government khas lands and the buildings if they are not required for

any public purpose or in public interest, shall be sold to the highest bidder in open auction, the lands underneath being leased out on long term basis according to rules applicable to Government Khas lands.

(3) A temporary lessee under sub-rule (2) of any abandoned land or building shall not acquire any right or occupancy in such land or building and shall not be entitled to hold over after the expiry of the period of the lease.

(4) If any abandoned land or building taken possession of under Article 7 by the Deputy Commissioner or the Subdivisional Magistrate is subsequently

released as a result of any order passed under Article 15 or clause (1) of Article 16, the release shall be subject to any lease granted under sub-rule (2).

(5) Any other property shall, under intimation to the Ministry of Land Administration and Land Reforms about the details of the property, be kept in safe custody by the Deputy Commissioner or the Subdivisional Magistrate and further instructions be sought from the said Ministry about their disposal or preservation, as the case may be:

Provided that, if any such other property consists of perishable commodities, such commodities shall be sold to highest bidder in open auction.

(6) During the period of temporary management, all receipts from lands, buildings and any other property shall be credited to a personal ledger account to be opened in the name of the Deputy Commissioner and all expenditure for the control, management and disposal of such property shall be met from such account.

By order of the President

M.A. TAHER

Secretary to the Government of Bangladesh.

"CONFIDENTIAL"

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
 MINISTRY OF LAW AND LAND REFORMS
 LAND ADMINISTRATION AND LAND REFORMS DIVISION
 SECTION-IX

Memo. No. IL-7/82/2984(19)-VP/AP

Dated 13-09-1982.

To
 The Deputy Commissioner,

Sub : Policy for disposal of Vested/Abandoned Properties.

The undersigned is directed to say that Government have been pleased to prescribe the following principles for disposal of the Abandoned and Vested properties under effective control of Land Administration and Land Reforms Division:-

1. The houses at present being used for accommodation of Government offices and residence of officers and staff which are in good maintainable condition will be retained for the purposes for which they are now being used. Such houses shall be handed over to the Ministry of Public Works for proper maintenance.

2. The dilapidated and kutchha houses and the houses which are not required by the Government may be offered for sale to the existing lessees at an evaluated price, provided that the lessees have no house or plot of land in any urban area anywhere in the country in their own names or in the names of their dependants. If, however, the existing lessees are unable, unwilling or disqualified to take advantage of the offer, the houses may be sold by public announcement through sealed tenders restricted to persons who have no residential houses or plots in the urban area in their own names or in the names of their dependants. Contravention of this condition or benamee transition in this respect shall render the sale void apart from being publishable by law.

3. Vested vacant land in urban areas which are not required for any public purpose may be settled on long-term basis with genuine institutions like Schools, Colleges, Madrashes, Mosques, etc., However, such vacant land, if considered suitable for residential use, may be handed over to Town Development for development and distribution for residential use in accordance with the policy of the Government.

4. No urban vested property whether house or vacant land, should be disinvested, sold or leased out on long-term basis without prior approval of the Government. Such cases should be referred to this Division with all-relevant information and documents for consideration.

5. The Vested houses and vacant land available at outlying Thana Head-quarters may not be desposed of till the re-structuring of Thana level administration set-up now under consideration of the Government has been finalized. However, after such re-structuring the houses and land not required for the Government Office or for residential purpose of the Government officers and staff may be disposed of in the manner prescribed for houses and vacant land situated in urban areas.

6. (a) Vested and Abandoned Agricultural land not affected by civil suits or otherwise disputed and in effective control of the Government may be settled with bona fide landless or near landless cultivators strictly in accordance with the rules and orders applicable to Government Khas land.

(a) Properties involved in exchange cases and litigation should be taken up for expeditious disposal. Deputy Commissioner should finalize exchange cases within a time schedule but not later than December 31st 1982. The Government Pleaders/Lawyers engaged for Vested Property cases should deal with the cases with all seriousness for disposal of civil suits and should also ensure that no delay occurs and no expert judgment is passed by any Court against Government for their default. The properties that would be available after disposal of exchange cases, civil suits and other disputes or recovered under Martial Law Order No. 15 of 1982 may be settled in the same manner as has been stated above in cases of properties under effective control of the Government.

Sd/- M. L. Barua

Deputy Secretary (Admn.).

Memo No. IL-7/82/2984/1(24)-VP/AP.

Date 13-09-1982.

Copy forwarded for information to :-

1. The Divisional Commissionier, Dacca/Rajshahi/Chittagong/Khulna
2. The Chairman, Board of Land Administration.
3. The Addl. Deputy Commissioner (Rev.).

Sd/- M.L. Barua

13-09-82

Deputy Secretary (Admn.).

IMMEDIATE

**GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF LAW AND LAND REFORMS
LAND ADMINISTRATION AND LAND REFORMS DIVISION
VESTED RPROPERTY (ADMINISTRATION) CELL
BANGLADESH SECTT., DHAKA.**

Memo. No. 987/82/3528(19)-V.P.

Dated, 19-12-1982.

To: The Deputy Commissioner,

**Sub: Clarification of this Division's Memo. No. 1L-7/82/3159 (19)-V.P./A.P.
dated 26-9-82.**

The undersigned is directed to say that some confusion seems to prevail on the interpretation of the instructions regarding allotment and lease of Vested and Abandoned Lands and Vested Houses issued under this Division's Memo. No. 1L07/82/3159(19)-V.P. dated 26-9-82. The following clarifications are issued for information and guidance of all concerned:

Bar has been imposed on all fresh settlements or leases of Vested and Abandoned lands only. Vested houses (buildings and structures) taken over under M.L.O. 15 may, however, be leased out for one year only and lease already granted in respect of houses and lands on temporary and yearly basis may be renewed for one year until further orders.

All concerned are requested to take necessary action accordingly.

Sd/- Nurul Anwar Hossain Chowdhury

19-12-82

Sr. Scale Section Officer.

The Bangladesh Abandoned Property (Taking over possession)

Rules, 1972. (Notification No 6E-2:/72/247- Gueral-9th March,1972).

In exercise of the power conferred by Article 25 of the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972, (P. O 16 of 1972). the president is pleased to make the following rules namely;

The Bangladesh Abandoned Property (Taking over possession Rules, 1972).

1. Short Title: These rules may be called the Bangladesh Abandoned Property (Taking over possession) Rules, 1972.

2. Definitions: In these rules, unless there is anything repugnant in the subject or context : -

(a) "Abandoned Property" means any abandoned property within the meaning of the order;

(b) "Article" means an Article of the Order;

(c) "Form" means a form appended to these rules;

(d) "The Order" means the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972 (P.O No. 16 of 1972).

(e) "Property" means any property within the meaning of the order.

3. Manner of taking possession of abandoned property under Article7:-

(1) Where any abandoned Property is not in possession of any person or where a person surrenders any abandoned property under clause (2) of Article 7 or in pursuance of a notice under clause (3) or of an order under clause (4) of the said Article, the Deputy Commissioner or the Sub-divisional Magistrate shall pass an order in Form No1 and depute an officer for taking possession of such property.

(2) The officer so deputed shall affix an another copy of such order on the notice board of the office of the local union Panchayat/Saher Committee/Paurashava where the property consists of immovable property, another copy to some conspicuous part of such property.

(3) The order may if the Deputy Commissioner or Sub-divisional Magistrate deem fit, be proclaimed by beat of drum in the locality in which the property is situated.

(4) The officer deputed to take possession shall take such steps as he may consider necessary for securing possession of the property including breaking open any lock or door, if necessary, and make an inventory in duplicate, containing the full particulars of the property, including machineries installations, fixtures, fittings, stock in trade, furniture, equipments, cash, bullions, books, documents, papers, house-hold effects, standing crops, trees and all other things found there in;

(5) The inventory so made shall be signed by the officer himself and by two witnesses.

(6) On the completion of these formalities, the possession of property shall be deemed to have been taken by the Deputy Commissioner or the Sub-Divisional Magistrate.

(7) The officer shall submit a report to the Deputy Commissioner or the Sub-divisional Magistrate about taking possession of the property in the aforesaid manner, along with the both copies of the inventory prepared by him.

(8) The notice referred to in clause (3) of Article 7 shall be in Form Note-11 and shall be served on the person in possession or any adult male member of his family or, where none of them is available or they refuse to receive the notice, by affixing a copy of the notice to a conspicuous part of the residence of such person and also, where the abandoned property consists of any immovable property on conspicuous part of such immovable property in the presence of two witnesses.

(9) Where the person in possession fails to surrender the abandoned property or to show cause in pursuance of the notice under clause (3) of Article 7 or where he shows cause, but fails to surrender the property in accordance with an order passed under clause (4) of the Article, the Deputy Commissioner or the Sub-divisional Magistrate shall pass an order in form No, III and depute an officer to take possession of the property, by taking all steps necessary in that behalf, including evicting such person and for such eviction, such force may be used as may be necessary.

(10) The officer so deputed shall also publish the order entered upon the property and prepare an inventory in the same manner as prescribed in sub-rules (2), (3) and (4).

(11) After eviction and on completion of these formalities the possession of the property shall be deemed to have been taken by the deputy Commissioner or the Sub-divisional Magistrate.

(12) The officer shall submit a report to the Deputy Commissioner or the Sub-Divisional Magistrate about taking possession of the property in the aforesaid manner, along with both copies of the inventory prepared by him.

4. Manner of taking possession of abandoned property under clause (3) of Article-1:-

(1) For taking possession of any abandoned property under clause (3) of Article 10, the Deputy Commissioner or the Sub-divisional Magistrate, to whom the power of Government has been delegated under Article-22, shall pass an order in Form No, IV and depute an officer to take possession of the property who shall take all necessary steps in that behalf including eviction of the person in possession and for such eviction, such force may be used as may be necessary.

(2) The officer so deputed shall publish the order, enter upon the Property and prepare an Inventory in the same manner as prescribed in sub-rules (2), (3) and (4) of rule 3.

(3) After eviction and on completion of those formalities the possession of the property shall be deemed to have been taken by the Deputy Commissioner or the Sub-divisional Magistrate.

(4) The officer shall submit a report to the Deputy Commissioner or the Sub-Divisional Magistrate about taking possession of the property in the aforesaid manner, along with both copies of the inventory prepared by him.

5. Custody of abandoned property The Deputy Commissioner or Sub-Divisional Magistrate shall make proper arrangement for the safe custody and guarding of all abandoned property during the time of taking its possession to the time of making it over to the Ministry concerned under Rule 6.

6. Report and making over of an abandoned property to the Ministry concerned for control, management and disposal:-

(1) The Deputy Commissioner or the Sub-divisional Magistrate shall submit a report to the Ministry concerned as mentioned below setting out the particulars of the property, Possession of which has been taken over by the Deputy Commissioner or the Sub- divisional Magistrate:-

Category of abandoned property	Name of Ministry to whom the property is to be made over
1. Agricultural, horticultural and non agricultural lands not connected with any commercial or industrial under taking.	Ministry of Revenue
2. Residential and other building in urban areas	Ministry of Works
2A. Properties connected with the film industry and trade including cinema houses and equipment and distribution of the films and other institutions and agencies connected with film trade and industry.	Ministry of Information and Broadcasting
3. Shops, Godowns and other commercial undertakings with or without stock in trades, (other then those mentioned in items 2A & 3A)	Ministry of Commerce
3A. Shops, Godowns and other commercial undertakings with or without stock in trade located in buildings owned by any ministry or statutory body under it.	Ministry to which the building belongs.

4. Industrial undertakings (including Jute Industry) other than those mentioned in item 2A. : Ministry of Industry.
5. Tea Gardens : Ministry of Commerce
6. Trucks, buses and other means of transport. : Ministry of Communication.
7. Negotiable instruments and securities i.e., shares, scrip, stocks, bonds, debentures, stock or other marketable securities of a like nature in or of any body corporate and Government security. : Ministry of Commerce.
8. Goods in transit or at port, railway stations and terminals. : Ministry of Communication
9. Cash, ornaments and bullion not connected with any commercial or industrial under takin. : Ministry of Finance.
10. Any other property not covered by the above classifications. : Ministry of Revenue.

(2) An abandoned property taken possession of by the Deputy Commissioner or the Sub-divisional Magistrate under the order along with a copy of the inventory, shall be made over, under proper receipt, to the Ministry concerned in such manner as is directed by that Ministry for control, management and disposal according to the rules to be framed by such Ministry.

THE LAW OF ENEMY PROPERTY 181

Form 1

[See rule 3(1)]

ORDER

Whereas it appears that the property specified in the schedule below, owned by ----- of ----- P.S. -----

----- district ----- is an abandoned property within the meaning of the Bangladesh Abandoned property (Control, Management and Disposal) Order 1972 (P.O. No. 16 of 72) hereby order that the possession of the said property shall be taken by (name and designation of the Officer deputed).

Schedule

(Full particulars of the property to be given)

Deputy Commissioner/Sub-divisional Magistrate.

Date -----

Form II

[See rule 3(8)]

Whereas it appears that the property specified in the schedule below, owned by ----- of ----- P.S. ----- dis-

trict ----- is an abandoned property within the meaning of the Bangladesh abandoned property (Control, Management and Disposal) Order, 1972 (P.O No. 16 of 1972).

and whereas you Mr. ----- of ----- P.S. ----- district ----- are in possession of the said property:

You are hereby directed to surrender possession of the property to (name and designation of the officer) within seven days of the service of the notice or to show cause against such surrender within the said period.

Schedule

(Full Particulars of the property to be given.)

Deputy Commissioner/Sub-divisional Magistrate.

Date -----

Seal.

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF INDUSTRIES & COMMERCE
COMMERCE DIVISION
DHAKA.

No. 14(2)-Fin/83

Dated, the 28th April 1983.

Sub : Modifications in the disposal policy for AP/VPCC units and instalment facility.

To expedite disposal of abandoned and vested property commercial concerns and to streamline the procedure thereof, the Government have been pleased to modify the policy/procedure regarding disposal of AP/VPCC units and to allow instalment facility to the buyers of all commercial concerns in the following manner :-

- (i) Lessee/allottee would be given the privilege of right of first refusal only if he participates in the tender under usual terms and conditions and would be given the option to buy the unit at the highest tendered/evaluated price (whichever is higher) even if he is not the highest tenderer;
- (ii) In case the lessee/allottee does not agree to buy the unit at the highest tendered/evaluated price, the property would be offered to the highest bidder, and
- (iii) In case the property is tendered, the property would be sold to the highest tendered straightway; provided the tender is otherwise acceptable and no right of first refusal would be extended (for the second time) to the existing lessee/allottee.

2. The instalment facility henceforth shall be allowed to the buyer of all commercial concerns, irrespective of the value of the properties, on the following terms and conditions:-

- (i) (a) 50% of the bid money to be paid within one month from the date of acceptance of the tender. This will be inclusive of 5% earnest money already paid. This will be applicable in respect of properties whose tendered/evaluated price does not exceed Tk. 1.00 crore.
- (b) Remaining 50% of the bid money to be paid in 4 equal half-yearly instalments against unconditional and irrevocable bank guarantee;
- (ii) (a) In respect of properties whose tendered/evaluated price exceeds Tk. 1.00 crore, 25% down payment within one month of acceptance of tender, inclusive of 5% of the earnest money already paid;
- (b) Balance 75% of the bid money to be paid in 4 equal half-yearly instalments against unconditional and irrevocable bank guarantee;
- (c) There will be no interest on the usual payment of instalments.

- (iv) There will however, be a penal rate of interest at 8% in case of default on the payment of instalments on due dates.

3. Possession of the property may be handed over to the buyer only after receipt of the stipulated down-payment and unconditional and irrevocable bank guarantee.

4. The modified policy and the new terms and conditions will be applicable prospectively and will have no retrospective effect and as such tender deals which have already been completed and where full payment has been made by the buyers will not be affected by the new terms and conditions. However, in those cases where a buyer could not make full payment or had submitted a petition for extension of time for payment may now be asked to deposit 50% of the bid money within 30 days and pay the balance in 4 half-yearly instalments and also to submit an unconditional and irrevocable Bank Guarantee. In these cases, however, where the Tender Committee have already cancelled the offer for non-payment of bid money within specified time, those decisions also will not be affected by these new terms & conditions.

5. Government will reserve the right to resume ownership of a property in the case of default in payment of instalments. Consequently a buyer who fails to pay-

- (a) any two consecutive installments,
Or

- (b) in the case of last instalment, such last instalment within 6 months of its falling due,
shall be treated as a defaulter and his tender bid may be cancelled and ownership of the property resumed by the Government at any subsequent date.

6. The guidelines and terms of tender may as such be modified as above.

7. This is issued in partial modification of this division's circular No. IR-1/82 AP dated 23-8-1982 and No. IR-1/82-AP dated 24-4-1982.

Sd/- Suhel Ahmed
Deputy Secretary.

1. To
Mr.
Deputy Commissioner,
.....
2. Chief, Department of Special Properties, 8, Nauratan Colony, Dhaka.

IMMEDIATE

**GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF LAW AND LAND REFORMS
LAND ADMINISTRATION AND LAND REFORMS DIVISION
VESTED PROPERTY (ADMINISTRATION) CELL
BANGLADESH SECTT. DHAKA.**

Memo. No. 987/82/1637919)-VP.**Dated 16-5-83****To : The Deputy Commissioner,****Sub: Allotment of Vested and Abandoned Lands.**

The undersigned is directed to say that the Government has decided to withdraw the ban imposed on fresh lease/settlement of Vested and Abandoned Lands as communicated vide Memo. No. IL-7/82/3159(19)-VI-/AP dated 26-9-82.

Such leases will, however, be allowed on purely temporary and annual basis only until further orders (on the same principle as governs the annual lease of Government Khas land).

Sd/-Md. Aftabuddin Mondal**15-5-83****Sr. Scale Section Officer.****Memo. No. 987.82/1637/1(6)-VP.****Dated 16-5-83.****Copy forwarded for information and necessary action to:-**

1. The Chairman, Board of Land Administration, Land Admn. & Land Reforms Division.
2. The Deputy Secretary (M), Land Admn. & Land Reforms Division.
3. The Commissioner, Dhaka/Chittagong/Rajshahi/Khulna Division.

Sd/- Md. Aftabuddin Mondal**16-5-83****Sr. Scale Section Officer.**

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

No. V-193/85/1071,

Dated 30-10-85.

It has been noticed by the Govt. that persons aggrieved over the orders of the Deputy Commissioners, the Divisional Commissioners and other revenue authorities file appeals before the Secretary and the Joint Secretary of the Ministry of Land Administration and Land Reforms direct which cause dislocation of work and complicate the process of disposal of business. Such appeals are generally filed in respect of the following categories of cases:-

- (a) **Vested Property cases.**
- (b) **Abandoned Property cases.**
- (c) **Fishery cases.**
- (d) **Land Acquisition cases.**
and
- (e) **Khas land cases.**

After thorough examination of matter, Govt. has been pleased to enunciate the following procedure for filing appeals:-

(i) VESTED PROPERTY CASES AND ABANDONED PROPERTY CASES.

Appeals against the orders of the Deputy Commissioners/Addl. Deputy Commissioners should first be submitted to the Divisional Commissioner and against the orders of the Commissioner/Addl. Commissioner to the Board of Land Administration. If any person is aggrieved by the orders of the Board of Land Administration, he/she may submit appeal before the Ministry of Land Administration & Land Reforms.

(ii) FISHERY CASES.

Appeals in respect of fishery cases auctioned as per guide-lines given by the Ministry shall first be filed before the Commissioners and appeal against the orders of the Commissioners/Addl. Commissioners shall be filed before the Minister. Appeal against negotiated settlement by the Ministry, shall lie before the Minister only.

(iii) LAND ACQUISITION CASES.

All appeals against acquisition and requisition cases should be submitted before the Minister of the Ministry.

(iv) KHAS LAND CASES.

(a) Appeals against the order of the Deputy Commissioners/Addl. Deputy Commissioners in respect of the settlement of Agricultural Khas Land Should first be filed before the Divisional Commissioner and appeals against the orders of the Commissioner/Addl. Commissioners should be filed before the Board of Land Administration and appeals thereafter, if any, may be filed before the Minister.

(b) Appeals against the orders of the Deputy Commissioners/Addl. Deputy Commissioners in respect of the settlement of non-agricultural khas land should be filed before the Commissioner and appeals against the order of the Commissioners/Addl. Commissioners may be filed before the Minister.

Minister may send these appeal petitions to the Secretary/the Joint secretary for disposal or he may himself pass such order as deemed proper.

2. Government have also been pleased to decide that if any Vested Property is required for any public purpose, the same may be transferred to the Requiring Body concerned with the approval of the govt. on payment of the compensation assessed by the Valuation Committee concerned, to be deposited in the Vested Property Account.

3. It has also been decided that the Vested Properties which are under requisition should be de-requisitioned and handed over to the concerned Vested Property Management Cell. Rent already realized should also be transferred to the Vested Property Account.

Sd/-M. L. Barua

30-10-85

Deputy Secretary (Admn.).

No. V-193/85/1071/1(200)

Dated 30-10-85

Copy forwarded for information and necessary action to:-

- (1) The Commissioner Division.
- (2) The Secretary, Board of Land Administration.
- (3) The Private Secretary to the Minister of Land Admn. And Land Reforms.
- (4) The Deputy "Commissioner, (.....)
- (5) The Deputy Secretary (M), (R), (Acqn.) of this Ministry.
- (6) The Addl. Dy. Commissioner (Rev.),
- (7) The Private Secretary to the Secy. to this Ministry.
- (8) The Section Officer of this Ministry.
- (9) P.A. to the Joint Secretary of this Ministry.
- (10) P. A. to the L.R. C of this Ministry.

Sd/-Sk. Md. Salahuddin

30-10-85

Senior Scale Section Officer.

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
BOARD OF LAND ADMINISTRATION
BANGLADESH SECTT., DHAKA
SECTION-VI.

Memo No. VI-8/86/46(64)-AP.

Dated 9-7-86

To
The Deputy Commissioner,

Sub: **Disposal of Abandoned Property (Land) matters.**

The Board of Land Administration has been receiving proposal for release of the abandoned property (lands, buildings and any other property) from Deputy Commissioners.

2. The Board has carefully examined the proposals with reference to the relevant Laws and Rules. In this Connection, his attention is drawn to Articles 15 and 16(1), (2) of P.O. No. 16 of 1972, which read as follows:-

"Article 15. (1) Any person claiming any right or interest in any property treated by Govt. as abandoned property may make an application to the prescribed authority on the ground that-

- (a) the property is not abandoned property; or
- (b) his interest in the property has not been affected by the provisions of this order.

- (1) An application under clause (1) shall be made within three months of the date of the commencement of this Order ;
- (2) On receiving an application under Clause (2) the authority to which the application is made shall hold a summary inquiry in the prescribed manner and, after taking such evidence as may be produced shall pass an order, stating the reasons therefor, rejecting the application or allowing it, wholly or in part, on such terms and conditions as it thinks fit to impose.

"Article 16. (1) Any person aggrieved by an order passed under Article 7 or Article 15 of this Order may, within one month of such order, file an appeal before such authority as may be prescribed.

- (2) The Government may, either of its own motion or on application, at any time, revise any order passed unde Article 7 of Article 15 or Clause (1) or this Article."

3. His Attention is further drawn to Rules 4 & 5 of the Bangladesh Abandoned Property (Land, Building & any other Property) Rules, issued by the Ministry of Land Administration and Land Reforms vide Gazette Notification No. 6E-20/72/489- Geneal dated 8th May, 1972.

“Rules-4. Application under Article 15.- An application under clause (1) of Article 15 shall be made to the Deputy Commissioner of the District or the Subdivisional Magistrate of the Sub-division in which the property is situated. The Deputy Commissioner or, the Subdivisional Magistrate holding the summary enquiry shall have the power to summon or enforce the attendance of witnesses and 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, 1868.”

“Rule-5. Appellate authority under Article 16.- An appeal under clause (1) of Article 16, shall lie to the Divisional Commissioner when the order is passed by the Deputy Commissioner and to the Deputy Commissioner when the order is passed by the Subdivisional Magistrate.”

4. Deputy Commissioners may, therefore, take action in all such cases in the light of the Laws and Rules quoted above.

Sd/- Md. Akbar Hossain
Chairman,

Board of Land Administration.

Memo. No. VI-8/86/46(64)/1/(84)-AP,

Dated 9-7-86

Copy forwarded for favour of information/necessary action to:-

- (1) The Secretary, Ministry of Land Administration & Land Reforms.
- (2) Member-I/II, Board of Land Administration.
- (3) Commissioner, Division
- (4) Land Reforms Commissioner, Ministry of Land Administration and Land Reforms.
- (5) Asstt. Secretary, Board of Land Administration.
- (6) Addl. Deputy Commissioner (Rev.)
- (7) Section Officer, Section and Board of Land Administration.

Sd/- Shamsud-Din-Ahmed

9-7-83

Secretary

Board of Land Administration

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার

ভূমি মন্ত্রণালয়

শাখা নং-৫

স্মারক নং-ভূঃ মঃ/শা-৫/নীতি-১৮৮/৮৮৩৩৫,

তারিখ : ২৪-৫-১৩৯৫

১০-৮-১৯৮৮ইং

প্রাপক : জেলা প্রশাসক,

বিষয় : উপজেলা ও জেলা পর্যায়ে অর্পিত সম্পত্তি/পরিত্যক্ত সম্পত্তির ব্যবস্থাপনা।

বর্তমান ব্যবস্থাপনায়, উপজেলা পর্যায়ে অর্পিত সম্পত্তি/পরিত্যক্ত সম্পত্তির রক্ষণাবেক্ষণ, ব্যবস্থাপনা, নিষ্পত্তিকরণ ইত্যাদির ব্যাপারে উপজেলায় নিয়োজিত অর্পিত সম্পত্তির কমিশনভিত্তিক তহশিলদারগণ প্রায়শঃই উপজেলা রাজস্ব অফিসারে/সহকারী কমিশনার (ভূমি)-এর সহিত প্রয়োজনীয় যোগাযোগ রক্ষা করিয়া চলেছেন না। সুস্পষ্ট নির্দেশ না থাকায় উপজেলা রাজস্ব অফিসার/সহকারী কমিশনার (ভূমি) উক্ত বিষয়ের প্রশাসনিকভাবে তত্ত্বাবধান করিতে পারেন না এবং এই বিষয়ে তাহাদের করণীয় কিছুই থাকে না। উপজেলার অর্পিত সম্পত্তির কমিশনভিত্তিক তহশিলদারগণ বেশীরভাগ ক্ষেত্রে ঐ সকল সম্পত্তির ব্যবস্থাপনা/লীজ সংক্রান্ত সকল নথি সরাসরি উপজেলা নির্বাহী অফিসারের নিকট পেশ করেন। ফলে, গুরুত্বপূর্ণ অনেক প্রস্তাব সঠিকভাবে পরীক্ষা করা হয় না। কমিশনভিত্তিক তহশিলদারগণ প্রকৃত অর্থে সরকারী কর্মচারী নহেন, বিধায়, তাহাদের দ্বারা জালিয়াতি ও অর্থ আত্মসাতের ঘটনা প্রায়ই ঘটিতেছে। যেহেতু, অর্পিত/পরিত্যক্ত সম্পত্তি খাসজমির নামান্তর মাত্র এই কারণে এই সকল জমির ব্যবস্থাপনায় উপজেলা পর্যায়ের এই শূন্যতা বাঞ্ছনীয় নয়।

২। অর্পিত ও পরিত্যক্ত সম্পত্তির সুষ্ঠু ব্যবস্থাপনার স্বার্থে এইগুলির তত্ত্বাবধানে উপজেলা রাজস্ব অফিসার/সহকারী কমিশনার (ভূমি) গণের সক্রিয় ভূমিকা এবং দায়-দায়িত্ব থাকা অত্যাাবশ্যিক। এমতাবস্থায়, এখন হইতে উল্লেখিত সম্পত্তির রক্ষণাবেক্ষণ ও ব্যবস্থাপনার ক্ষেত্রে উপজেলা পর্যায়ে তহশিলদারগণ কমিশনভিত্তিক ও উপজেলা রাজস্ব অফিসার/সহকারী কমিশনার (ভূমি) এর তত্ত্বাবধানে থাকিবেন/সহকারী কমিশনার (ভূমি)/ তাহার তত্ত্বাবধানের দায়-দায়িত্ব উপজেলা অন্যান্য তহশিলদারগণের মতই অর্পিত সম্পত্তির তহশিলদারগণ উপজেলা রাজস্ব অফিসার কর্তৃক তাহাদের দৈনিক হাজিরা বই ও মুভমেন্ট রেজিষ্টার রক্ষণাবেক্ষণ করা হইবে। সহকারী কমিশনার (ভূমি)/ উপজেলা রাজস্ব অফিসার অর্পিত/পরিত্যক্ত সম্পত্তি সম্পর্কিত সকল নথি পুঙ্খানুপুঙ্খরূপে পরীক্ষান্তে প্রয়োজনীয় ক্ষেত্রে উপজেলা নির্বাহী অফিসারের নিকট উপস্থাপন করিবেন। তহশিলদারদের মাসিক বেতনের/কমিশনের বিলে সহকারী কমিশনার (ভূমি)/উপজেলা রাজস্ব অফিসারের প্রতীক্ষার অবশ্যই থাকিতে হইবে।

৩। উপরোক্ত ব্যবস্থার প্রেক্ষিতে এতদসংক্রান্ত অত্র মন্ত্রণালয়ের আদেশ ৬০/৮৩-ডিপি-১০৬৪(২১) তারিখ ২৩-৩-৮৩ইং এতদ্বারা আংশিকভাবে সংশোধন করা হইল।

৪। প্রচলিত ব্যবস্থায় জেলা পর্যায়ে অর্পিত সম্পত্তির সুপারিনটেনডেন্ট/সহকারী সুপারিনটেনডেন্ট অর্পিত সম্পত্তির অবমুক্তি/লীজ প্রদান/লীজ প্রদানের আপীল সংক্রান্ত নথিপত্র সরাসরি অতিঃ জেলা প্রশাসক (রাঃ) এর নিকট উপস্থাপন করিয়া থাকেন। ফলে, অনেক ক্ষেত্রে সঠিক তথ্যাদি ও সরকারী

পরিপত্র/নির্দেশনার উল্লেখ না থাকায় নানারূপ বিভ্রান্তি ও জটিলতার সৃষ্টি হয়। অনেক সময় অতিরিক্ত জেলা প্রশাসক (রাঃ) গণ এই সকল নথি পুঙ্খানুপুঙ্খরূপে যাচাই করিবার সময় পান না ফলে, অর্পিত সম্পত্তির অবমুক্তি/লীজ প্রদানের বিষয়ে আইনানুগ ও সঠিক আদেশ প্রদান করা অনেক ক্ষেত্রে সম্ভব হয় না। একারণে জেলা সুপার ও সহকারী সুপারদের ক্ষেত্রেও দুর্নীতি, আত্মসাৎ ও অন্যান্য ব্যবস্থা উত্তরোত্তর বৃদ্ধি পাইতেছে।

৫। প্রত্যেক জেলায় ভূমি ব্যবস্থাপনার ক্ষেত্রে অতিরিক্ত জেলা প্রশাসক (রাজস্ব) কে সহায়তা করার জন্য একজন রেভিনিউ ডেপুটি কালেক্টরের পদ রহিয়াছে। এই পদটি সাধারণতঃ ভূমি ব্যবস্থাপনা সংক্রান্ত কাজে অভিজ্ঞতা সম্পন্ন একজন সিনিয়র সহকারী কমিশনার দ্বারা পূরণ করা হইয়া থাকে। অর্পিত সম্পত্তি বিষয়ক ও পরিত্যক্ত সম্পত্তি বিষয়ক সকল প্রকার নথি/কেইস রেভিনিউ ডেপুটি কালেক্টর এর মাধ্যমে অতিরিক্ত জেলা প্রশাসক (রাজস্ব)-এর নিকট উপস্থাপন করা হইলে রেভিনিউ ডেপুটি কালেক্টর তাহার পর্যায়ে যে কোন প্রস্তাব বিস্তারিতভাবে পরীক্ষা করার সুযোগ পাইবেন। সুপারিনটেনডেন্ট/সহকারী সুপারিনটেনডেন্ট কর্তৃক নথিতে প্রদত্ত সকল নোট/মন্তব্য রেভিনিউ ডেপুটি কালেক্টর ভূমি মন্ত্রণালয় হইতে জারীকৃত পরিপত্র/নির্দেশাবলীর আলোকে যাচাইক্রমে সঠিক সিদ্ধান্ত নেওয়ার জন্য অতিরিক্ত জেলা প্রশাসক (রাজস্ব) এর নিকট পেশ করিলে অর্পিত সম্পত্তি/পরিত্যক্ত সম্পত্তি রক্ষণাবেক্ষণ, ব্যবস্থাপনা, নিষ্পত্তিকরণ ইত্যাদি কাজ অধিকতর দক্ষতার সহিত ও সুষ্ঠুরূপে পরিচালনা/ব্যবস্থাপনা করা সম্ভব বলিয়া আশা করা যায়।

৬। এমতাবস্থায়, নির্দেশ দেওয়া যাইতেছে যে, এখন হইতে সুপারিনটেনডেন্ট/সহকারী সুপারিনটেনডেন্ট অর্পিত/পরিত্যক্ত সম্পত্তি সম্পর্কীয় সকল নথি জেলার রেভিনিউ ডেপুটি কালেক্টরের মাধ্যমে উপস্থাপন করিবেন। রেভিনিউ ডেপুটি কালেক্টর সংশ্লিষ্ট নথি পরীক্ষান্তে অতিরিক্ত জেলা প্রশাসক (রাজস্ব)-এর নিকট তাহা উপস্থাপন করিবেন। এখন হইতে অর্পিত/পরিত্যক্ত সম্পত্তির ব্যবস্থাপনার ক্ষেত্রে প্রতি জেলার রেভিনিউ ডেপুটি কালেক্টর উক্ত জেলার অর্পিত/পরিত্যক্ত সম্পত্তি শাখার ভারপ্রাপ্ত কর্মকর্তা হইবেন।

৭। অর্পিত ও পরিত্যক্ত সম্পত্তির সুষ্ঠু ব্যবস্থাপনার লক্ষ্যে উপরোক্ত আদেশাবলী জারী করা হইল। এই আদেশ অবিলম্বে কার্যকরী হইবে।

স্বা/- (এম, মোকাম্মেল হক)
সচিব।

স্মারক নং ভূঃ মঃ/শাকা-৫/নীতি-১৮৮/৮৮/৩৩৫(১৫০০),

তারিখ : ২৬-৪-১৩৯৫ বাং
১০-৮-১৯৮৮ ইং

অবগতি ও প্রয়োজনীয় ব্যবস্থা গ্রহণের জন্য অনুলিপি প্রেরণ করা হইল। তাহার অধীন সংশ্লিষ্ট সকলকে উক্ত আদেশ পালনের জন্য নির্দেশ দানের জন্য অনুরোধ করা হইল :-

- ১। চেয়ারম্যান, ভূমি প্রশাসন বোর্ড, সেগুনবাগিচা, ঢাকা।
- ২। মহা-পরিচালক, ভূমি রেকর্ড ও জরিপ অধিদপ্তর, তেজগাঁও, ঢাকা।
- ৩। বিভাগীয় কমিশনার
- ৪। অতিরিক্ত জেলা প্রশাসক (রাজস্ব)
- ৫। আর, ডি, সি,
- ৬। উপজেলা নির্বাহী অফিসার,
- ৭। সহকারী কমিশনার (ভূমি)/উপজেলা রাজস্ব অফিসার

স্বা/- (মুঃ আনওয়ার আলী খান)
উপ-সচিব (অর্পিত)।

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
ভূমি মন্ত্রণালয়

শাখা নং-৫

স্মারক নং-ভূঃ মঃ/শা-৫/অর্পিত (ব্যবস্থাপনা)-৬৬/৮৯/৩৫৯,

তারিখ : ১-৬-১৯৮৯ ইং

১৮-২-১৩৯৬ বাং

আদেশ

আদিষ্ট হয়ে জানাচ্ছি যে, ভূমি সংস্কার অভিযানের সক্রিয় পদক্ষেপ হিসাবে সরকার ঢাকা শহরের অর্পিত সম্পত্তি বাড়ী ও জমি এবং পরিত্যক্ত জমির সুষ্ঠু ব্যবস্থাপনা নিশ্চিত করার জন্য বিগত ২৯-১০-৯৫ বাং ১১-০২-৮৯ ইং তারিখ একটি টাস্ক ফোর্স গঠন করেন। গঠিত টাস্ক ফোর্সের কাজ সমাধা না হওয়া পর্যন্ত মন্ত্রণালয়ের আদেশ ছাড়া ঢাকা শহরের অর্পিত সম্পত্তির সকল ধরনের লীজ নবায়ন, লীজ প্রদান ও উচ্ছেদ প্রক্রিয়া বন্ধ থাকবে বলে ২৯-১০-৯৫ বাং/ ১১-০২-৮৯ ইং তারিখের একই নম্বরের যে আদেশ জারী করা হয় উহা আংশিক সংশোধনপূর্বক নিম্নলিখিত শর্ত সাপেক্ষে ঢাকা শহরের অর্পিত সম্পত্তির সকল ধরনের লীজ নবায়ন ও উচ্ছেদ প্রক্রিয়া চালু করা হলো :-

- (ক) যে সকল অর্পিত সম্পত্তির বাড়ী ও জমি এবং পরিত্যক্ত সম্পত্তি ইজারাদার কর্তৃক আংশিক অথবা সম্পূর্ণভাবে সাব-লীজ প্রদান করা হয়েছে উহা নবায়ন করা যাবে না।
- (খ) ইজারা শর্ত ভংগ করে যদি অবৈধভাবে দালান নির্মাণ করে থাকেন/অবৈধ নির্মাণ করে থাকেন সে ক্ষেত্রে নবায়ন করা যাবে না।
- (গ) আবাসিক উদ্দেশ্যে ব্যবহারের জন্য লীজ নিয়ে বাণিজ্যিক উদ্দেশ্যে ব্যবহার করলে নবায়ন করা যাবে না।
- (ঘ) ইজারার অর্থ বিগত ৩ (তিন) বৎসর যাবত পরিশোধ না করে থাকলে নবায়ন করা যাবে না।
- (ঙ) ইজারাদার যদি সংশ্লিষ্ট সম্পত্তির বাড়ী, জমি ও পরিত্যক্ত সম্পত্তির অবৈধ মালিক দাবীদার হন সে ক্ষেত্রে নবায়ন করা যাবে না।
- (চ) বে-নামে ইজারা নিয়ে থাকলে নবায়ন করা যাবে না।
- (ছ) ইজারার যে কোন শর্ত ভংগ করলে ইজারা নবায়ন করা যাবে না।
- (জ) নতুন বরাদ্দের ক্ষেত্রে, পুনরাদেশ না দেয়া পর্যন্ত, মন্ত্রণালয়ের সম্মতি/অনুমোদন গ্রহণ করতে হবে।

২। পরিত্যক্ত জমির ক্ষেত্রে ২৯-১০-৯৫ বাৎ/১১-২-৮৯ ইং তারিখে জারীকৃত আদেশ বলবৎ থাকবে। ঐ সকল তালিকা টাস্ক ফোর্স অবিলম্বে পেশ করবে।

৩। উপরোক্ত ১ম অনুচ্ছেদের (ক)-(ছ) তে বর্ণিত নিষেধাজ্ঞার মধ্যে যে সকল সম্পত্তি পড়ে, তাহার তালিকা আগামী ৩-৬-১৯৮৯ ইং তারিখের মধ্যে মন্ত্রণালয়ে অবশ্যই দাখিল করতে হবে।

৪। উপরেক্ত আদেশ প্রতিপালনার্থে সংশ্লিষ্ট সহকারী কমিশনার (ভূমি) এর অনুমোদনক্রমে নবায়ন কার্যক্রম শুরু করা যাবে।

৫। এ আদেশ অবিলম্বে কার্যকর হবে।

স্বা/- (মুঃ আনওয়ার আলী খান)

উপ-সচিব-৩ (অর্পিত),

ভূমি মন্ত্রণালয় ।

বিতরণ

১। চেয়ারম্যান, ভূমি সংস্কার বোর্ড/ভূমি আপীল বোর্ড।

২। জেলা প্রশাসক, ঢাকা।

৩। অতিরিক্ত জেলা প্রশাসক (রাজস্ব), ঢাকা।

৪। সহকারী কমিশনার (ভূমি), তেজগাঁও/কোতোয়ালী।

স্বা/- (মির্জা ফজলুল করিম)

সহকার সচিব-৫।