

**THE RAJSHAHI TOWN DEVELOPMENT AUTHORITY
ORDINANCE, 1976**

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¹**THE RAJSHAHI TOWN DEVELOPMENT
AUTHORITY ORDINANCE, 1976**
ORDINANCE NO. LXXVIII OF 1976

[22nd October, 1976]

An Ordinance to provide for the establishment of an Authority for the formulation and execution of plans and schemes for the development of Rajshahi Town and certain areas in its vicinity.

WHEREAS it is expedient to provide for the establishment of an Authority for the formulation and execution of plans and schemes for the development of Rajshahi Town and certain areas in its vicinity and for matters connected therewith and ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975 and the 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

CHAPTER I

PRELIMINARY

Short title,
extent and
commencement

1. (1) This Ordinance may be called the Rajshahi Town Development Authority Ordinance, 1976.

(2) It extends to the areas comprised within the limits of the Rajshahi Municipality and to such other areas in the vicinity of the said municipality as the Government may, by notification in the *official Gazette*, specify.

(3) It shall come into force in such areas and on such dates as the Government may, by notification in the *official Gazette*, specify.

Definitions

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

(a) “Authorised Officer” means an officer appointed by the Authority, by notification in the *official Gazette*, to exercise and perform the powers and functions of an authorised officer under this Ordinance;

¹ The Ordinance was declared void and non est by the Appellate Division of the Supreme Court of Bangladesh in Civil Petition for leave to Appeal Numbers 1044 and 1045 of 2009 and subsequently the Ordinance has been made effective as an Act of Parliament by ১৯৭৫ সালের ১৫ আগস্ট হইতে ১৯৭৯ সালের ৯ এপ্রিল তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৬ নং আইন), ধারা ৪।

- (b) “Authority” means the Rajshahi Town Development Authority established under section 3;
- (c) “Chairman” means the Chairman of the Authority;
- (d) “Commissioner” means the Commissioner of the Rajshahi Division;
- (e) “member” means a member of the Authority and includes the Chairman;
- (f) “municipal area” means the area of the Rajshahi Municipality;
- (g) “municipality” means the Rajshahi Municipality;
- (h) “Paurashava” means the Rajshahi Paurashava constituted under the Bangladesh Local Government (Union Parishad and Paurashava) Order, 1973 (P.O. No. 22 of 1973); and
- (i) “prescribed” means prescribed by rules made under this Ordinance.

CHAPTER II

CONSTITUTION OF THE AUTHORITY

3. (1) As soon as may be after the commencement of this Ordinance, the Government shall, by notification in the *official Gazette*, establish an Authority to be called the Rajshahi Town Development Authority for carrying out the purposes of this Ordinance.

Establishment
of the
Authority

(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with power, subject to rules made under this Ordinance, to hold, acquire and dispose of properties, both movable and immovable, and shall by the same name sue and be sued.

4. (1) The Authority shall consist of the following members, namely:-

Composition of
the Authority

- (a) a Chairman to be appointed by the Government;
- (b) the Chairman of the Rajshahi Paurashava, *ex-officio*;
- (c) the Deputy Commissioner, Rajshahi, *ex-officio*;

- (d) one representative of the Public Works Department, not below the rank of Superintending Engineer, to be nominated by the Ministry of Public Works and Urban Development;
- (e) one representative of the Roads and Highways Department, not below the rank of Superintending Engineer, to be nominated by the Ministry of Communications (Railway, Roads , Highway and Road Transport Division);
- (f) one representative of the Telegraph and Telephone Department, not below the rank of Superintending Engineer, to be nominated by the Ministry of Communications (Posts, Telegraph and Telephone Division);
- (g) one representative of the Public Health Engineering, not below the rank of Superintending Engineer, to be nominated by the Ministry of Land Administration, Local Government, Rural Development and Co-operatives (Local Government, Rural Development and Co-operative Division);
- (h) one representative of the Ministry of Health, Population Control and Labour, to be nominated by that Ministry; and
- (i) three persons, to be appointed by the Government.

(2) The members appointed under clause (i) of sub-section (1), hereinafter referred to as the non-official members, shall hold office for a period of three years at a time, unless their appointment is terminated earlier by the Government.

(3) The Chairman who shall be the executive head of the Authority may be either a whole-time or a part-time officer and shall hold the office for such period and shall be entitled to such remuneration and other benefits as the Government may determine.

(4) The non-official members shall be entitled to receive such fee or allowance for attending the meetings of the Authority as may be prescribed.

(5) The Chairman or any member, other than an *ex-officio* member, may at any time, resign his office by notice in writing addressed to the Government:

Provided that his resignation shall not take effect unless accepted by the Government.

(6) The Government may, at any time by order in writing, terminate the appointment of the Chairman or any member, other than an *ex-officio* member, without assigning any reason.

5. No person shall be, or shall continue to be, a member who-

Disqualifications of members

- (a) is, or at any time has been, convicted of an offence involving moral turpitude; or
- (b) is, or at any time has been, adjudicated insolvent;
- (c) is a minor; or
- (d) has directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of, the Authority; or
- (e) in the case of a non-official member, does not reside permanently in the area to which this Ordinance extends and does not pay any tax or rate to the Paurashava.

6. (1) The meetings of the Authority shall be held at such times and places as may be prescribed:

Meetings of the Authority

Provided that until rules are made in this behalf, such meetings shall be held at such times and places as may be determined by the Chairman.

(2) All meetings of the Authority shall be presided over by the Chairman and, in his absence, by a member elected for that purpose by the members present.

(3) To constitute a quorum at a meeting of the Authority, a non-official member and four other members, including the Chairman, shall be present.

(4) All questions at a meeting of the Authority, shall be decided by a majority of the members present and voting, and in case of equality of votes, the Chairman or the person presiding over the meeting shall have a second or casting vote.

(5) No act or proceeding of the Authority shall be invalid merely on the ground of existence of a vacancy in, or any defect in the constitution of, the Authority.

Constitution of committees

7. The Authority may constitute from amongst its members as many committees and for such purposes as it may deem fit.

Association with the authority or committees of persons who are not members

8. (1) The Authority or any committee thereof may associate with itself any person whose assistance or advice it may desire in carrying out any of its functions.

(2) Any person associated with the Authority or any committee thereof under sub-section (1) for any purpose shall have a right to take part in the discussions in a meeting of the Authority or of the committee, but shall have no right of vote.

CHAPTER III

POWERS AND DUTIES OF THE AUTHORITY

Preparation of records of existing services, facilities, public utilities and of important public properties

9. (1) The Authority shall, as soon as may be after the commencement of this Ordinance, collect maps and other relevant records, undertake physical survey and do such other things as it may deem necessary for the purpose of preparation of records of-

- (a) existing drainage system, indicating its efficiency and deficiency;
- (b) maps of all drains owned and maintained by Government or any local authority;
- (c) maps of drains over private land forming part and parcel of the drainage system in the area to which this Ordinance extends;
- (d) existing water supply and distribution system, location and capacity of different water works including deep tube-wells, overhead tanks, main water-supply pipe lines and the areas served by different water works indicating the efficiency and deficiencies of such water works;
- (e) educational institutions, particularly primary and secondary schools, indicating their location, standard, number of pupils and the population of the area served by each such institution;

- (f) existing public open spaces, play grounds for teenagers and other places of recreation, indicating their location, site, and the area and population served by each such open space, play ground or place of recreation;
- (g) existing road system, traffic load and nature of traffic on different roads indicating the efficiency and deficiencies of the system; and
- (h) properties including vacant lands owned by Government, local authorities, and corporations, indicating their present use.

(2) The records of existing services, facilities, public utilities and important public properties shall be preserved in printed maps, charts, graphs, and in such other written documents as the Authority may deem appropriate and printed copies of such records shall be made available to the public on payment of such fees as the Authority may determine.

10. (1) The Authority shall prepare in the prescribed manner a general development plan for the area within its territorial limits and submit the same to the Government for approval; and the Government may approve the plan with or without modifications.

Preparation of
general
development
plan

(2) The general development plan shall broadly indicate,-

- (a) future road system;
- (b) future drainage system;
- (c) future water supply system;
- (d) future distribution of educational institutions, health service facilities, public open spaces and places of recreation;
- (e) location of future industrial establishments and commercial centres;
- (f) lands likely to be required for development projects the execution of which may commence within five years from the date of submission of the general development plan to the Government; and
- (g) such other matters as the Authority may deem fit to indicate in it.

(3) The general development plan shall include such maps, charts, graphs and other descriptive matters and reports as the Authority may consider necessary to fully explain the proposals contained in the plan with their implications, justifications and benefits.

(4) The general development plan shall lay down such basic planning policy as the Authority may deem appropriate for overall long term development of the areas to which this Ordinance extends but the plan need not precisely indicate the land to be required or acquired for any purpose, alignment for any road, drain or water supply line, the boundaries of any public open space or the sites for educational institutions, health service facilities and other amenities and public utility services.

(5) All future development schemes for any area within the limits of the Authority formulated by the Authority or other agencies shall be in conformity with the general development plan.

Preparation of functional master plans

11. (1) The Authority shall, pursuant to the general development plan, prepare in the prescribed manner functional master plans relating to-

- (a) land use zoning and land reservation;
- (b) water supply, sewerage and drainage;
- (c) roads, highways and traffic circulation; and
- (d) community planning, housing, slum clearance and slum improvement.

(2) The Authority may, pursuant to the general development plan, call upon any local Authority or Government organisation or institution dealing with electric supply, railways and tele-communications in an area to which this Ordinance extends to prepare functional master plans in respect of electric supply, railways and tele-communication and thereupon the local Authority or Government organisation or institution shall prepare in the prescribed manner functional master plans in respect thereof.

(3) The Authority, any local authority or any Government organisation or institution may be required to prepare functional

master plans for the purpose of this Ordinance on such matters as the Government may, by notification in the *official Gazette*, specify.

(4) All functional master plans prepared under sub-section (1) or sub-section (2) shall be submitted by the Authority to the Government for approval and the Government may approve such plans with or without modifications.

12. (1) No person shall, except with previous permission of the Authority, use any land for any purpose other than that laid down in any functional master plan approved by the Government.

No use of land contrary to functional master plans

(2) All future developments and constructions, both public and private, within the area to which this Ordinance extends shall be in conformity with the functional master plans approved by the Government.

(3) No compensation shall be payable to any person owing to the restricted use to which this land may be put under this section.

13. (1) The Authority shall prepare in the prescribed manner and submit to the Government for approval specific development schemes for an area to which this Ordinance extends or any part thereof on the basis of the functional master plans, and all such development schemes shall contain plans for the proposed developments, including those for housing, if any, written reports, specifications of works, estimates of cost and proposed methods of financing.

Preparation of development schemes

(2) A development scheme prepared and submitted under sub-section (1) may provide for all or any of the following matters, namely:-

- (a) the acquisition of any land in the area comprised in the scheme, which may, in the opinion of the Authority, be required for, or be affected by, the execution of the scheme;
- (b) the laying out or re-laying out of the land in the said area;
- (c) such demolition, alteration or reconstruction of buildings situated on the land which it is proposed to acquire in the said area as the Authority may consider necessary;

- (d) the construction of any building which the Authority may consider it necessary to erect for any purpose, consistent with the provisions of this Ordinance, other than sale;
- (e) laying out or alteration of streets, drains, sewers, water supply pipe lines, bridges, cause ways and culverts;
- (f) the levelling, paving, metalling, flagging, channelling, swearing, and draining of the said streets and provision therein of water, lighting, and other sanitary conveniences ordinarily provided in a municipality;
- (g) the raising, lowering, or levelling of any land in the area comprised in the scheme;
- (h) the formation, retention, enlargement and improvement of open spaces;
- (i) the augmentation of the present water supply or any other scheme for the improvement of water supply;
- (j) the making of a drainage and sewerage scheme including outfall works ;
- (k) the acquisition and reservation of sites for construction of educational institutions, health centres, hospitals, power houses and electric sub-stations, bus, taxi and rickshaw stands and bazaars; and
- (l) any other matter consistent with this Ordinance which the Authority may consider necessary.

(3) The Government may approve a development scheme submitted to it under sub-section (1) with or without modifications.

Formulation and execution of development schemes of urgent public importance

14. Notwithstanding the provisions of sections 10 and 11, the Authority may, with the prior approval of the Government, formulate and execute development schemes of urgent public importance even before the preparation of the general development plan or preparation of functional master plans.

Publication of general development plan and functional master plans

15. When the Government approves the general development plan or a functional master plan it shall announce the fact by notification in the *official Gazette* and such notification shall be conclusive evidence that the plan has been duly made and approved by the Government.

16. A general development plan, a functional master plan or a development scheme prepared and approved under this Ordinance may be modified by the Authority at any time with the previous approval of the Government, and any such modification shall be published in the *official Gazette*.

Amendment of plan and scheme

17. No plan or development scheme shall be prepared or executed by any person, local authority or Government organisation or institution for the area to which this Ordinance extends or any part thereof except with the concurrence of the Authority.

Restriction on preparation and execution of certain schemes

18. (1) When the Government approves a development scheme it shall announce the fact by notification in the *official Gazette*, and the Authority shall forthwith proceed to execute the scheme.

Execution of development schemes

(2) Notwithstanding anything contained in sub-section (1), the Authority may require a local authority or Government organisation or institution within whose territorial jurisdiction any particular area covered by a development scheme lies to execute the scheme or any portion thereof, in consultation with the Authority; and the expenditure incurred on the execution of any such scheme or portion thereof shall be borne as may be agreed to between the Authority and the local authority or Government organisation or institution, or in the event of disagreement, as may be determined by the Government .

19. (1) whenever any building, or any street, or any land or square or any part thereof, which is vested in a local Government body is situated within the area covered by any development scheme and is required for the purpose of such scheme, the Authority shall give notice accordingly to the Chief Executive Officer of such local Government body and such building, street, square, land or part thereof shall thereupon vest in the Authority.

Transfer to Authority of buildings or land vested in a local Government body

(2) Where any street or square or any part thereof, vests in the Authority under sub-section (1), no compensation shall be payable by the Authority to the local Government body concerned in respect of such street, square or part thereof.

(3) Where any land or building, not being a street or square, vests in the Authority under sub-section (1), no compensation shall be payable by the Authority to the local Government body

concerned in respect of such building or land, if such building or land is required for a purpose similar to the purpose for which it was acquired, held or used by the local Government body.

(4) If any question or dispute arises in respect of any matter under this section, the matter shall be referred to the Government whose decision shall be final.

Transfer to
Authority of
private street or
square

20. (1) Whenever any street or square or part thereof which is not vested in any local authority is required for executing any development scheme, the Authority shall cause to be affixed in a conspicuous place in or near such street, square or part thereof, a notice signed by the Chief Executive Officer stating the purpose for which the street, square or part thereof is required, and declaring that the Authority will, on or after a date to be specified in the notice, take over charge of such street, square or part thereof from the owner thereof; and shall simultaneously send a copy of such notice to the owner of such street, square or part thereof.

(2) After considering and deciding objections, if any, received in writing before the date specified in the notice under sub-section (1), the Authority may take over charge of such street, square or part thereof from the owner thereof; and the same shall thereupon vest in the Authority.

(3) When the Authority closes or alters any street or square or part thereof which has vested in it under sub-section (2), it shall pay to the previous owner compensation at such rate and in such manner as may be prescribed for the loss of his rights therein.

(4) If the closing or alteration of any such street or square or part thereof causes damage or substantial inconvenience to owners of property adjacent thereto, or to residents in the neighbourhood, the Authority shall forthwith provide some other reasonable means of access for the use of persons who were entitled to use such street, square, or part thereof as a means of access to any property or place; and if the provision of such means of access does not sufficiently compensate any such owner or resident for such damage or inconvenience, shall also pay him reasonable compensation in money.

21. (1) Notwithstanding anything contained in any other law for the time being in force, the Government may, upon such terms and conditions as it may specify, transfer to the Authority any scheme sanctioned or undertaken by the Government or by any Government Organisation or institution in respect of any area to which this Ordinance extends and may also place at the disposal of the Authority any property, movable or immovable, connected with or ancillary or appurtenant to such scheme and any scheme so transferred shall be deemed to be a development scheme prepared and approved under this Ordinance.

Transfer to Authority of any scheme or property of Government or local authority

(2) It shall be lawful for the Authority to execute and maintain all works and carry out all unfinished works and operations required for the execution of any scheme transferred to it under sub-section (1).

(3) Notwithstanding anything contained in any other law for the time being in force, the Government may, upon such terms and conditions as it may specify, place at the disposal of the Authority any property or fund held by the Government, or by any Government organisation or institution or local authority, or permit the Authority to collect and retain duties which, immediately before the establishment of the Authority, were leviable by the Government, Government organisation or institution or local authority, and thereupon the Authority shall hold such property or fund and collect such duties in accordance with such terms and conditions.

(4) Notwithstanding anything contained in any other law for the time being in force, a local authority may, upon such terms and conditions as it may specify:-

- (a) transfer to the Authority any scheme, sanctioned or undertaken by such local authority, in respect of any area to which this Ordinance extends and place at the disposal of the Authority any property, movable or immovable, connected with or ancillary or appurtenant to such scheme and any scheme so transferred shall be deemed to be a development scheme prepared and approved under this Ordinance; and
- (b) place at the disposal of the Authority any property or fund held by the local authority.

(5) Notwithstanding anything contained in any other law for the time being in force or in any contract or terms and conditions of service, any person serving under the Government or any Government organisation or institution or any local authority in connection with any scheme transferred to the Authority under sub-section (1) or sub-section (4) shall serve under the Authority, if required by the Government to do so on such terms and conditions, not otherwise inconsistent with the service rules applicable to such person, as the Government or the Government organisation or institution or the local authority, as the case may be, may in consultation with the Authority, determine; and the person so serving under the Authority shall, except in the matter of dismissal, removal or reduction in rank, be subject to the power and control of the Authority in the same manner and to the same extent as any officer or employee appointed by the Authority.

General powers
of the Authority

22. (1) Subject to the other provisions of this Ordinance and the rules made thereunder, the Authority may adopt such measures and exercise such powers as may be necessary for carrying out the purposes of this Ordinance.

(2) Without prejudice to the generality of the foregoing power, the Authority may-

- (a) enter into and perform all such contracts as it may consider necessary;
- (b) cause studies, surveys, experiments and technical researches to be made or contribute towards the cost of any such studies, surveys, experiments or technical researches made by any other person or agency at the request of the Authority;
- (c) issue interim development orders for areas for which a development scheme is under preparation and restrict or prohibit, by general or special order, any use or change in the use of land and any alteration in buildings, structures and installations:

Provided that no order of restriction or prohibition under this clause shall be made for such period, not exceeding twelve months, as may be specified in the order;

- (d) seek and obtain advice and assistance for the preparation of any plan or development scheme or for the execution of any scheme from any local authority or Government

organisation or institution, and the expenditure, if any, involved in giving such advice or assistance shall be borne by the Authority;

- (e) co-ordinate the execution of development schemes; and
- (f) finance and supervise the execution of any development scheme.

CHAPTER IV

PREVENTION OF HAPHAZARD CONSTRUCTION OF BUILDINGS, EXCAVATION OF TANKS, ETC.

23. (1) Notwithstanding anything contained in any other law for the time being in force or in any agreement, no person shall, without the previous sanction of the Authority, construct any building or excavate any tank within the area to which this Ordinance extends.

Restriction on constructions and excavation

(2) The Authorised Officer may, on an application made for the purpose in such manner and in such form and accompanied by such fee as may be prescribed, sanction the construction of a building or excavation of a tank subject to such conditions as the Authority may deem fit.

(3) If in the opinion of the Authorised Officer any of the conditions subject to which the sanction under sub-section (2) was granted has been contravened, he may cancel the sanction.

(4) The provisions of sub-section (1) shall not apply to a case of normal repairs to an existing building.

24. (1) The Authorised Officer may, by a notice served in the prescribed manner, direct the owner of a building or tank the construction or excavation of which is in progress on the date of commencement of this Ordinance, not to proceed with the work any more and to remove such construction or fill up such excavation within the period mentioned in the notice or within such further period as may be extended by the Authorised Officer, and the owner thereof shall, on payment to him of such compensation as the Authority may think fair and reasonable, remove the same within the period aforesaid.

Removal of buildings under construction

(2) The provisions of sub-section (1) shall not apply to normal repairs to existing buildings.

Eviction of occupier of buildings

25. (1) The Authorised Officer shall, simultaneously with the issue of a notice on the owner of a building under section 24, issue a notice upon the occupier thereof, if the occupier himself is not the owner, to vacate such building within the period mentioned therein or within such further period as may be extended by the Authorised Officer.

(2) If the occupier does not, in pursuance of a notice under sub-section (1), vacate the building within the aforesaid period, he shall, notwithstanding anything contained in any other law for the time being in force, be liable to be summarily evicted therefrom by the Authorised Officer; and the Authorised Officer may, in effecting such eviction use or cause to be used such force as may be deemed necessary.

Exemption of certain buildings and tanks

26. (1) Nothing contained in sections 23 and 24 shall apply to any building or tank owned by the Government.

(2) The Government may, on application made to it, exempt any building or tank from the operation of section 23 or section 24, subject to such conditions as it may think fit to impose.

Compensation not payable for unauthorised construction

27. Notwithstanding anything contained in any other law for the time being in force, no owner of any land or building shall be entitled to any compensation on acquisition of such land or building under any law for the time being in force, if he had contravened the provisions of section 23, section 24, section 25 or section 29, as the case may be.

Paurashava not to sanction construction without approval of the Authority

28. (1) Notwithstanding anything contained in the Municipal Administration Ordinance, 1960 (Ord. X of 1960), or in any other law for the time being in force, no sanction for construction of any building or excavation of any tank within the area to which this Ordinance extends shall be accorded by the Paurashava or by any other local authority, unless such construction or excavation has been sanctioned by the Authorised Officer under sub-section (2) of section 22.

(2) Whenever the Authorised Officer sanctions any construction or excavation, a copy of such sanction together

with plans duly signed by him shall be sent to the Chairman of the Paurashava or of the local authority in whose area the site of the proposed construction or excavation is situated.

(3) Any sanction accorded in contravention of sub-section (1) shall be deemed to have been accorded without lawful authority and construction or excavation, if any, made or done on the strength of such sanction shall be deemed to be unauthorised.

(4) In the event of cancellation of a sanction under sub-section (3) of section 22, the validity of any sanction accorded by the Paurashava or by any local authority under sub-section (2) shall be deemed to have expired.

29. (1) Notwithstanding anything contained in any other law for the time being in force or in any agreement, no person shall, without the previous permission of the Authority, fill up any low land or raise any land or otherwise obstruct the natural drainage within the area to which this Ordinance extends; and such permission shall be subject to such conditions as the Authority may think fit to impose.

Restriction on filling up of low land

(2) An application for permission under sub-section (1) shall be made in such manner and in such form and shall be accompanied by such fee as may be prescribed.

(3) The permission granted under sub-section (1) shall be liable to cancellation by the Authority for breach of any of the conditions under which such sanction was granted.

30. Every order under sections 23, 24, 25 or 29, as the case may be, shall, subject to the provisions of section 31, be final and shall not be questioned in any Court.

Bar to jurisdiction of civil Court

31. An appeal against an order under section 23, 24, 25 or 29, as the case may be, shall lie to the Commissioner if preferred within thirty days from the date of the order appealed against, and an appeal against an order of the Commissioner shall lie to the Government whose decision shall be final and shall not be questioned in any civil Court.

Appeal

CHAPTER V**ESTABLISHMENT**

Chief Executive
Officer

32. (1) There shall be a Chief Executive Officer of the Authority who shall be appointed by the Government on such terms and conditions as may be prescribed.

(2) The Chief Executive Officer shall be responsible for the day-to-day administration of the Authority and shall perform such functions as are assigned to him by this Ordinance or by rules made thereunder; and shall, in respect of performance of his functions, be responsible to the Chairman.

(3) If the Chief Executive Officer is unable to perform the functions of his office on account of absence, illness or any other cause, the Government may appoint another person to officiate as Chief Executive Officer in his place during the period he remains so unable.

(4) The Chief Executive Officer shall act as the secretary of the Authority and shall have the same right of being present at any meeting of the Authority or of any committee thereof and of taking part in the discussions thereat as if he were a member of the Authority or of such committee, and may, at any time with the consent of the person presiding at the meeting, make a statement or explanation of facts, but he shall not vote upon, or move any motion at such meeting.

Chief Accounts
Officer

33. (1) There shall be a Chief Accounts Officer of the Authority who shall be appointed by the Government on such terms and conditions as may be prescribed.

(2) If the Chief Accounts Officer is unable to perform the functions of his office on account of absence, illness, or any other cause, the Government may appoint another person to officiate as Chief Accounts Officer in his place during the period he remains so unable.

(3) The Chief Accounts Officer shall perform such functions as may be assigned to him by this Ordinance or rules made thereunder, and shall, in respect of the performance of his functions, be responsible to the Chairman.

(4) The Chief Accounts Officer shall act as the financial adviser of the Authority and shall have the same right of being present at any meeting of the Authority or of any committee thereof, and of taking part in the discussions thereat as if he were a member of the Authority or of such committee, and may, at any time with the consent of the person presiding at the meeting, make a statement or explanation of facts in matters where financial implications are involved, but he shall not vote upon, or move, any motion at such meeting.

34. The Authority may, subject to such general or special order as the Government may give it from time to time, appoint such officers, advisers, consultants, and other employees as it considers necessary for the efficient performance of its functions on such terms and conditions as it may deem fit.

Power to
appoint officers

35. All officers, advisers, consultants and other employees of the Authority shall, when acting or purporting to act in pursuance of any of the provisions of this Ordinance, be deemed to be public servants within the meaning of section 21 of the Penal Code (Act XLV of 1860).

The officers
and other
employees, etc.
to be public
servants

CHAPTER VI

MAINTENANCE OF PUBLIC STREETS, DRAINS, ETC. VESTED IN THE AUTHORITY AND PAYMENT OF LOCAL RATES AND TAXES IN RESPECT OF BUILDINGS VESTED IN THE AUTHORITY

36. All public streets, squares, buildings, lands or part thereof, vested in the Authority shall be maintained by the Authority itself or jointly by the Authority and any other local authority or agency under such arrangements made with the authority or agency concerned as the Authority may deem it necessary for proper upkeep and maintenance of such public streets, squares, buildings, lands or part thereof.

Maintenance of
public streets,
drains, etc.
vested in the
Authority

37. (1) Whenever the Authority is satisfied that execution of a development scheme has been completed in accordance with the plans and specifications sanctioned by the Government, the Authority shall pass a resolution to that effect and shall call upon the Paurashava to take over and to maintain the streets, drains, sewers, parks and other services and facilities provided by the Authority as and from such date as may be fixed by the resolution.

Vesting in
municipality of
streets, drains,
etc. for
maintenance
after execution
of development
scheme

(2) If the Paurashava on being called upon to take over the streets, drains, sewers, parks and other services and facilities under sub-section (1) is satisfied that the development scheme has been executed in accordance with the plans and specifications sanctioned by the Government, it shall inform the Authority of its intention to take them over, and by written notice affixed in some conspicuous position within the area of the development scheme declare the streets, drains, sewers, parks and other services and facilities to be public streets, drains, sewers, parks and services and facilities, which shall thereupon vest in, and be maintained, kept in repair, lighted, cleansed, and watered by, the Paurashava.

(3) If the Paurashava fails to comply with the resolution of the Authority under sub-section (1) or fails to inform the Authority within three months of the reasons for non-compliance with the resolution of the Authority under sub-section (1), the Authority shall pass a resolution in its meeting requesting the Commissioner to ask the Paurashava to take over the streets, drains, sewers, parks and services and facilities for maintenance from such date as may be fixed by the Commissioner.

(4) The Commissioner, on being requested by the Authority, shall fix a date, and thereupon from such date so fixed by the Commissioner such streets, drains, sewers, parks and services and facilities shall be public streets, drains, sewers and services and facilities and shall vest in, and be maintained at the expense of, the Paurashava.

(5) The Commissioner may, if he deems it necessary, request the Paurashava to make a written statement in this regard for this consideration.

(6) The Commissioner may, before fixing a date under sub-section (4), may ask the Authority to complete such other work as he may consider necessary for facilitating proper up-keep and maintenance, at reasonable cost, of the streets, drains, sewers, parks and services and facilities.

Payment of
municipal tax
for buildings
vested in the
Authority

38. (1) Notwithstanding anything contained in the Municipal Administration Ordinance, 1960 (Ord. X of 1960), or any other law for the time being in force, no municipal tax or rate or charges shall be levied or be payable for any building acquired or requisitioned in connection with the execution of any development scheme and vested in the Authority, provided such building is vacant and not used for any other purpose.

(2) Where such building is used for office accommodation of the field staff of the Authority engaged in the execution of the development scheme in connection with which the building was acquired, no holding tax shall be levied by the Paurashava, but other rates and charges for services provided by the Paurashava shall be payable at the usual rate.

(3) Where such building is used for a purpose other than that for which it was acquired or requisitioned or let out, municipal holding tax and other rates and charge shall be payable in respect of such building at the usual rate.

CHAPTER VII

FINANCE

39. (1) There shall be a fund to be known as the Rajshahi Town Development Authority Fund, hereinafter referred to as the Fund, which shall vest in the Authority and shall be utilised by the Authority to meet charges in connection with its functions under this Ordinance, including the payment of salaries, other remuneration and fees to the Chairman, members, officers, advisers, consultants and other staff and employees of the Authority. Authority Fund

(2) The Fund shall consist of-

- (a) grants made by the Government;
- (b) loans obtained from the Government;
- (c) grants made by local authorities;
- (d) loans raised by the Authority with the special or general sanction of the Government;
- (e) foreign aid and loans obtained from any source outside Bangladesh, with the previous sanction of the Government; and
- (f) all other sums received by the Authority.

40. The Authority may, with the previous sanction of the Government, borrow money for carrying out the purposes of this Ordinance or for servicing any loan obtained by it. Borrowing Power

- Accounts** **41.** The Authority shall maintain its accounts in such manner as may be prescribed.
- Budget** **42.** The Authority shall, by such date in each year as may be prescribed, submit to the Government for approval a statement, to be called the annual budget statement, in the prescribed form for every financial year showing the estimated receipts and expenditure and the sums which are likely to be required from the Government during that financial year.
- Audit** **43.** (1) The Accounts of the Authority shall be audited by the Comptroller and Auditor-General of Bangladesh, hereinafter in this section referred to as the Auditor-General, in such manner as he deems fit.
- (2) For the purpose of an audit under sub-section (1), the Auditor-General or any person authorised by him in that behalf shall have access to all records, books, documents, cash, securities, stores and other property of the Authority and may examine the Chairman, any member or any officer or employee of the Authority.
- (3) The Auditor-General shall submit his audit report to the Government and shall forward a copy thereof to the Authority.
- Power of the Authority to levy betterment fee** **44.** (1) Where, in the opinion of the Authority, as a consequence of any development scheme having been executed by the Authority in any area, the value of any land in that area has increased or will increase, the Authority may levy upon the owner of the land or any person having any interest therein, a betterment fee in respect of the increase in the value of the land resulting from the execution of the development scheme.
- (2) Such betterment fee shall be an amount not exceeding one-half of the amount by which the value of the land on the completion of the execution of the development scheme, estimated as if the land were clear of building, exceeds the value of the land estimated in like manner prior to such execution:
- Provided that in levying betterment fee on any land the Authority shall take into consideration the extent and nature of benefit accruing to the land from the development scheme and such other factors as may be prescribed.

45. (1) When it appears to the Authority that any particular development scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the Authority may, by order made in this behalf, declare that for the purpose of determining such fee the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to the owner of the land or any person having an interest therein that the Authority proposes to assess the amount of the betterment fee in respect of the land under section 44.

Assessment of betterment fee by the Authority

(2) The Authority shall then assess the amount of betterment fee payable by the person concerned after giving such person an opportunity to be heard.

(3) Any person aggrieved by the assessment of betterment fee made by the Authority under sub-section (2) may, within thirty days from the date of such assessment, appeal to the Government whose decision shall be final.

46. When the amount of all betterment fees payable in respect of land in the area comprised in the development scheme has been assessed under section 45, the Authority shall, by a notice in writing to be served on all persons liable to such payment, fix a date by which such payment shall be made, and an interest at the rate of six per cent *per annum* upon any amount outstanding shall be payable from that date.

Payment of betterment fee

47. (1) Any person liable to the payment of betterment fee may, at his option, instead of making a payment thereof to the Authority, execute an agreement with the Authority to leave the said payment outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest at the rate of six per cent *per annum*, the first annual payment of such interest being made on the expiry of one year from the date fixed under section 46.

Agreement to make payment of betterment fee a charge on land

(2) Every payment due from any person in respect of a betterment fee and every charge referred to in sub-section (1) shall, notwithstanding anything contained in any other law for the time being in force, be the first charge upon the interest of such person in such land.

48. Any such due to the Authority from any person under this Ordinance shall be recoverable as a public demand.

Recovery of dues

CHAPTER VIII

PENALTIES

Penalty for
contravention of
provisions of
sections 12, 23,
24 or 29

49. (1) Whoever contravenes the provisions of section 12, 23 or 29 or fails to comply with any direction given to him under section 24, shall, on conviction before a Court of competent jurisdiction, be punishable with a fine which may extend to Taka five thousand and with a further fine which may extend to Taka fifty for each day after the first during which such contravention or non-compliance continues.

(2) The Court convicting any person under sub section (1) shall fix a date within which the unauthorised building or tank shall be removed or filled up by such person and may, for sufficient reason, extend such date.

(3) If the person convicted under sub-section (1) fails to comply with the direction of the Court under sub-section (2) within the date fixed or, as the case may be, within the date extended, it shall be lawful for the Authority to cause such building or tank to be removed or filled up, and the cost of such removal or filling up shall be recoverable from that person as a public demand.

Penalty for
obstructing
contractor or
removing mark

50. If any person-

- (a) obstructs or molests any person with whom the Authority has entered into a contract in the performance or execution by such person of his duty or of anything which he is empowered or required to do by virtue or in consequence of this Ordinance or any rule made thereunder; or
- (b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of work authorised by this Ordinance or any rule made or development scheme approved thereunder,

he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to Taka one thousand.

Penalty for
disobedience of
orders

51. Whoever, without lawful excuse, fails or refuses to comply with any direction issued or order made by the Authority under this Ordinance shall be punishable with fine which may extend to Taka one thousand.

52. No Court shall take cognizance of any offence under this Ordinance, except on a complaint, in writing, made by the Authority or by a person authorised by it in this behalf.

Cognizance of offences

CHAPTER IX

MISCELLANEOUS

53. (1) The Chief Executive Officer or any person either generally or specially authorised by him in this behalf may, with or without assistants or workmen, enter into or upon any land in order-

Power of entry

- (a) to make any inspection, survey, experiment, valuation, or enquiry;
- (b) to take level of such land;
- (c) to dig or bore into the sub-soil;
- (d) to set out boundaries and intended lines of work;
- (e) to make such levels, boundaries and lines by placing marks and cutting trenches; or
- (f) to do any other thing;

whenever it is necessary to do so for any of the purposes of this Ordinance or any rules made thereunder or for the preparation or execution of any development scheme under this Ordinance:

Provided that no such entry shall be made without giving the occupier of the land at least twenty-four hours' previous notice of the intention to make such entry.

54. (1) The Authority shall, as soon as possible after the end of every financial year, submit to the Government a report on the conduct of its affairs for that year.

Submission of reports, etc.

(2) The Authority shall submit to the Government at such times and at such intervals as the Government may specify-

- (a) such returns, account statements, estimates and statistics as may be required by the Government;

(b) information and comments asked for by the Government on any specific subjects;

(c) copies of documents required by the Government for examination or for any other purpose.

Acquisition of land for the Authority

55. (1) The Authority may, for carrying out the purposes of this Ordinance, acquire any land or interest in land within the area to which this Ordinance extends.

(2) The acquisition of any land or interest in land for the Authority under this section or for any scheme under this Ordinance, shall be deemed to be an acquisition for a public purpose within the meaning of the Land Acquisition Act, 1894 (Act No. I of 1894), and the provisions of the said Act shall apply to such proceedings.

Delegation of powers

56. The Authority may, by general or special order, delegate to the Chairman or a member or the Chief Executive Officer or any other officer any of its functions subject to such conditions as it may think fit to impose.

Indemnity

57. No suit, prosecution or other legal proceeding shall lie against the Authority or the Chairman, any member, the Chief Executive Officer, any other officer, adviser, consultant or any employee of the Authority for anything done or intended to be done in good faith under this Ordinance or any rules made thereunder.

Winding up

58. No provision of law relating to the winding up of bodies corporate shall apply to the Authority, and the Authority shall not be wound up except by order of the Government and in such manner as the Government may direct.

Power to make rules

59. The Government may, by notification in the *official Gazette*, make rules for carrying out the purposes of this Ordinance.

Power to make regulations

60. The Authority may make regulations, not inconsistent with the provisions of this Ordinance and the rules made thereunder to provide for all matters not required to be provided for by rules and for which provision is necessary or expedient for carrying out the purposes of this Ordinance.
