

**¹THE CHITTAGONG SHAHI JAME MASJID
ORDINANCE, 1986**

ORDINANCE NO. II OF 1986

[7th January, 1986]

An Ordinance to provide for the better management and maintenance of the Shahi Jame Masjid, Chittagong.

WHEREAS it is expedient to provide for the better management and maintenance of the Shahi Jame Masjid, Chittagong;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance: -

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| <p>1. This Ordinance may be called the Chittagong Shahi Jame Masjid Ordinance, 1986.</p> | <p>Short title</p> |
| <p>2. The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any <i>waqf</i>, trust, agreement, deed or other instrument.</p> | <p>Ordinance to override other laws, etc.</p> |
| <p>3. On the commencement of this Ordinance, -</p> <p>(a) the Management Committee, by whatever name called, hereinafter referred to as the said Committee, managing the affairs and business of the mosque, known as the Shahi Jame Masjid, Anderkilla, Chittagong, hereinafter referred to as the Shahi Jame Masjid shall stand dissolved;</p> <p>(b) all assets, rights, powers, authorities and privileges, and all properties, movable and immovable, cash and bank balances and investments and all other rights and interests in, or arising out of, such property of the said Committee shall stand transferred to, and vest in, the Islamic Foundation established under the Islamic Foundation Act, 1975 (XVII of 1975), hereinafter referred to as the Foundation ;</p> | <p>Dissolution of the Shahi Jame Masjid Management Committee, etc.</p> |

¹ The Ordinance was declared void by the Appellate Division of the Supreme Court of Bangladesh in Civil Appeal No. 48 of 2011 and subsequently the Ordinance has been made effective as an Act of Parliament by ১৯৮২ সনের ২৪ মার্চ হইতে ১৯৮৬ সালের ১১ নভেম্বর তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৭ নং আইন), ধারা ৪।

- (c) all debts, liabilities and obligations incurred, contracts entered into, rights acquired and all matters and things engaged to be done by, with or for the said Committee before such commencement, shall be deemed to have been incurred, entered into, acquired or engaged to be done by, with or for the Foundation;
- (d) all employees of the said Committee shall stand transferred to the Foundation and shall serve the Foundation on the same terms and conditions as were applicable to them before such commencement till they are altered by the Foundation;
- (e) all suits and other legal proceedings instituted by or against the said Committee before such commencement shall be deemed to be suits and proceedings by or against the Foundation and shall be proceeded or otherwise dealt with accordingly.

Acquisition of certain properties for the Shahi Jame Masjid

4. (1) On the commencement of this Ordinance, the immovable properties described in the Schedule, other than those mentioned in section 5, together with all buildings, structures or erections standing thereon, shall stand acquired for the purpose of the Shahi Jame Masjid, and transferred to and vest in the Foundation.

(2) The Government shall pay compensation for the properties acquired under sub-section (1) to such persons as would be entitled to claim such compensation had the property been acquired under the Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982), hereinafter referred to as the said Ordinance.

(3) The amount of compensation payable under sub-section (2) shall be determined by the Deputy Commissioner and, in determining such amount, the Deputy Commissioner shall, as far as possible, follow the same procedure and principle as are applicable to the determination of the amount of compensation to be awarded for any property acquired under the said Ordinance.

(4) Any person aggrieved by a decision of the Deputy Commissioner in respect of the amount of compensation or the apportionment thereof or the entitlement thereto may,

within sixty days from the date of receipt of the decision make an application to the Arbitrator appointed under Part IV of the said Ordinance for revision of the decision and the provisions of that Part shall, as far as possible, apply to such application.

5. (1) Notwithstanding any judgment, decree, direction, order or declaration of any Court, all actions, including all notices, notifications and orders, taken or purporting to have been taken by the Government or by any officer or authority subordinate to it for the acquisition of any of the properties described in the Schedule under the said Ordinance or under any other law relating to acquisition of immovable property and the property so acquired before the commencement of this Ordinance shall be deemed always to have been validly taken or acquired and no such action or acquisition shall be called in question in or before any Court.

Validation of certain acquisition, etc.

(2) All suits and appeals pending, immediately before the commencement of this Ordinance, in any Court in which any action or acquisition mentioned in sub-section (1) has been called in question shall, on such commencement, stand abated and shall not be proceeded with.

(3) Any of the properties described in the Schedule acquired by the Government or by any officer or authority subordinate to it before the commencement of this Ordinance shall, on such commencement, stand transferred to and vest in the Foundation.

6. (1) Every person who has in his possession, custody or control any asset or property acquired, or transferred to and vested in the Foundation, under this Ordinance, including any book of account, documents or other papers relating thereto, shall be liable to account for such asset or property and shall deliver the same to the Foundation or to an officer authorised by it in this behalf.

Delivery of possession of asset and property

(2) Without prejudice to the provisions of sub-section (1), the Government or the Foundation may take such steps as may be necessary to take possession or assume control of the assets and properties referred to in sub-section (1), and for the purpose of taking such possession or assuming such control, such force may be used as may be necessary.

Penalty

7. Any person who-

- (a) wrongfully obtains possession of or retains, or, having in his possession, custody or control, wrongfully withholds, any asset or property acquired, or transferred to and vested in the Foundation, under this Ordinance,
- (b) having in his possession, custody or control any book of account, documents or papers relating to such asset or property willfully withholds or fails to furnish or deliver the same to the Foundation or the officer authorised by it in this behalf,

shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

Management and maintenance of the Shahi Jame Masjid and its properties

8. (1) The Foundation shall be responsible for the management, maintenance and development of the Shahi Jame Masjid and its properties.

(2) The assets and properties acquired, or transferred to and vested in the Foundation, under this Ordinance and the income accruing therefrom shall vest in, and be held by, the Foundation for the purposes of the Shahi Jame Masjid.

(3) The Foundation may acquire, hold or dispose of any property for and on behalf of the Shahi Jame Masjid, and may also dispose of, by transfer or otherwise, any asset or property acquired, or transferred to and vested in the Foundation, under this Ordinance, if such disposal is necessary for the purposes or in the interest of the Shahi Jame Masjid.

(4) The Foundation shall maintain separate account in respect of the income and expenditure of the Shahi Jame Masjid.

(5) The Foundation may utilise the income accruing from the assets and properties of the Shahi Jame Masjid for the purpose of management, maintenance and development of Shahi Jame Masjid.

(6) Notwithstanding anything contained in this section, the Foundation may also utilise the assets, properties and income of the Shahi Jame Masjid for the performance of any of its functions under section 11 of the Islamic Foundation Act, 1975 (XVII of 1975), if, in its opinion, such utilisation will not be prejudicial to the interest of the Shahi Jame Masjid.

THE SCHEDULE

[See section 4(1)]

Address	Plot No.	P.S. Khatian	Area
(1)	(2)	(3)	(4)
Mouza – Anderkilla,	877	229	.6800
Police Station-Kotwali,	881	229	.0275
District- Chittagong	870	232	.3894
	895	247	.1269
	878	234	.0050
	879	234	.0162
	880	235	.0150
	884	237	.0256
	882	236	.0437
	883	236	.0044
	885	238	.0244
	887	240	.0131
	886	239	.0112
	892	239	.0037
	893	239	.0306
	863	225	.0470
	860	222	.0420
	861	223	.0460
	862	224	.0827
	864	226	.0525
	866	227	.0408
	867	228	.0194
	868	228	.2187
	888	241	.0325
	889	243	.0075
	890	244	.0131
	869	231	.231
	891	247	.2662
	894	249	.0094
	876	233	.1100
		Total	2.4276 acres
			(Approx).