

THE TOWN IMPROVEMENT ACT, 1953

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THE TOWN IMPROVEMENT ACT, 1953

ACT NO. XIII OF 1953

[15th May, 1953]

****An Act to provide for the development, improvement and expansion of the ¹[Capital of the Republic and Narayanganj and Tongi Municipalities] and certain areas in their vicinity and the constitution of a ²[Kartripakkha] therefore.**

WHEREAS it is expedient to make provision for the development, improvement and expansion of the ³[Capital of the Republic and Narayanganj and Tongi Municipalities] and certain areas in their vicinity by opening up congested areas, laying out or altering streets, providing open spaces for purposes of ventilation or recreation, demolishing or constructing buildings, acquiring land for the said purposes and for the re-housing of persons displaced by the execution of improvement schemes, and otherwise as hereinafter appearing;

* Throughout this Act, unless otherwise provided, the words “Government” and “taka” or “Taka” were substituted for the words “Provincial Government” or “Central Government” or “Provincial or Central Government” or “Central or any Provincial Government” and “rupees” or “Rs.” respectively by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

▲ Except in the long title and the Preamble, throughout this Act the words “Kartripakkha”, “City or Municipality”, “Corporation or Paurashava” were substituted for the words “Board” or “Board of Trustees”, “Municipality” and “Municipal Committee” by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

¹ The words “Capital of the Republic and Narayanganj and Tongi Municipalities” were substituted for the words “towns of Dacca and Narayanganj” by section 3 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The word “Kartripakkha” was substituted for the words “Board of Trustees” by section 3 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The words “Capital of the Republic and Narayanganj and Tongi Municipalities” were substituted for the words “towns of Dacca and Narayanganj” by section 3 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

AND WHEREAS it is expedient that a ¹[Kartripakkha] should be constituted and invested with special powers for carrying out the objects aforesaid;

It is hereby enacted as follows:-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Town Improvement Act, 1953.

Short title,
extent and
commencement

(2) It extends to the areas comprised within the limits of the ²[Dhaka City]; but the Government may, by notification under the procedure prescribed by section 162, extend this Act or any provision thereof to the areas comprised within the limits of the Narayanganj Municipality ³[and Tongi Municipality] and such other area in the vicinity of ⁴[the said City and] those two Municipalities as may be specified in the notification.

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

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

Definitions

⁵(a) “betterment fee” means the fee declared under section 94 in respect of an increase in the value of land resulting from execution of an improvement or re-housing scheme;

¹ The word “Kartripakkha” was substituted for the words “Board of Trustees” by section 3 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The words “Dhaka City” were substituted for the words “Dacca Municipality” by section 4 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The words “and Tongi Municipality” were inserted by section 4 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁴ The words “the said City and” were inserted by section 4 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁵ Clauses (a), (b) and (bb) were substituted by section 5 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

- (b) “City” means the Dhaka City;
- (bb) “Corporation” means the Dhaka Municipal Corporation;]
- (c) “Building Line” means a line (in the rear of a street alignment), up to which the main wall of a building abutting on a projected public street may lawfully extend;
- (d) “Chairman” means the Chairman of the Kartripakkha;
- ¹[(e) “Deputy Commissioner” includes an Additional Deputy Commissioner, and also a Upazila Nirbahi Officer or an Assistant Commissioner authorised by the Deputy Commissioner to exercise any power conferred, or to perform any duty imposed, on the Deputy Commissioner by or under this Act;]
- (f) “Improvement Scheme” means any scheme under Chapter III, but does not include a re-housing scheme or a projected public street referred to in section 69;
- ²[(g) “Kartripakkha” means the Kartripakkha constituted under section 4;
- (h) “member” means a member of the Kartripakkha;
- (hh) “Municipality” means the Narayanganj Municipality or the Tongi Municipality;]
- (i) “Notification” means a notification published in the *official Gazette*;
- ³[(j) “Paurashava” means Narayanganj Paurashava or Tongi Paurashava;
- (jj) “prescribed” means prescribed by rules or regulations made under this Act;]

¹ Clause (e) was substituted by section 5 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² Clauses (g), (h) and (hh) were substituted by section 5 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ Clauses (j) and (jj) were substituted for previous clause (j) by section 5 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

- (k) “Secretary to the Kartripakkha” means the person for the time being appointed by the Kartripakkha, to discharge the functions of Secretary to the Kartripakkha;
- (l) “Tribunal” means the Tribunal constituted under section 82;
¹[* * *]
- (n) “drain” includes a sewer, a house-drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying of sullage or rainwater;
- (o) “public street” means any street, road, lane, gally, alley, passage, pathway, square or court, whether a thoroughfare or not, over which the public have a right of way and includes-
 - (a) the access or approach to a public ferry,
 - (b) the roadway over any public bridge or cause-way,
 - (c) the footway attached to any such street, public bridge or cause-way,
 - (d) the passage connecting two public streets, and
 - (e) the drains attached to any such street, public bridge or cause-way, and, where there is no drain attached to any such street, shall be deemed to include also, unless the contrary is shown, all land up to the boundary wall, ail, hedge or pillar of the premises, if any, abutting on the street, or if a street alignment has been fixed, then up to such alignment;
- (p) “street alignment” means the line dividing the land comprised in and forming part of a street from the adjoining land; and
- ²(q) “Upazila Parishad” means the Upazila Parishad of a Upazila in which this Act is in force;

¹ Clause (m) was omitted by section 5 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² Clauses (q), (r) and (s) were substituted for the former clause (q) by section 5 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

- (r) “Union Parishad” means the Union Parishad of a Union in which this Act is in force;
- (s) “Zila Parishad” means the Zila Parishad of a district in which this Act is in force.]

CHAPTER II

THE KARTRIPAKKHA

Constitution of the Kartripakkha

Establishment
and
incorporation of
Kartripakkha

3. The duty of carrying out the provisions of this Act shall, subject to the conditions and limitations hereinafter contained, be vested in a ¹[Kartripakkha, to be called the Rajdhani Unnayan Kartripakkha; and such Kartripakkha] shall be a body corporate and have perpetual succession and a common seal, and shall by the said name sue and be sued.

Kartripakkha

²[4. (1) The Kartripakkha shall consist of a Chairman and not more than five other members.

(2) The Chairman and other members shall be appointed by the Government on such terms and conditions as it may determine.

(3) The Chairman and other members shall be the whole-time officers of the Kartripakkha.

(4) The Chairman shall be the chief executive officer of the Kartripakkha.

(5) The Chairman and other members shall exercise such powers and perform such functions as may be prescribed, or as may be assigned to them by the Government from time to time.

¹ The words, comma and semi-colon “Kartripakkha, to be called the Rajdhani Unnayan Katripakkha; and such Kartripakkha” were substituted for the words, inverted comma and semi-colon “Board to be called; “The Dhaka Improvement Trust”; and such board” by section 6 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² Sections 4 and 5 were substituted for the former sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 by section 7 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

(6) If a vacancy occurs in the office of the Chairman or if the Chairman is unable to discharge the functions of his office on account of absence, illness or any other cause, the Government shall make such arrangement for discharging the functions of the office of Chairman as it may consider expedient.

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

Meetings of the Kartripakkha

Provided that, until so prescribed, such meetings shall be held at such times and places as may be determined by the Chairman.

(2) To constitute a quorum at a meeting of the Kartripakkha, the number of members present shall be two, if the Kartripakkha consists of not more than three members, and three, if the Kartripakkha consists of more than three members.

(3) All meetings of the Kartripakkha shall be presided over by the Chairman and, in his absence by a member authorised in writing by the Chairman.

(4) At a meeting of the Kartripakkha, each member shall have one vote and, in the event of equality of votes, the person presiding shall have a second or casting vote.

(5) No act or proceeding of the Kartripakkha shall be invalid or be called in question on the ground of any vacancy in, or any defect in the constitution of the Kartripakkha.]

Conduct of Bussiness

21. (1) The Kartripakkha may associate with themselves, in such manner and for such period as may be prescribed by ¹[rules or regulations] made under section 152, any person whose assistance or advice they may desire in carrying out any of the provisions of this Act.

Temporary association of members with the Kartripakkha for particular purposes

¹ The words "rules and regulations" were substituted for the word "rules" by section 8 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

(2) A person associated with themselves by the Kartripakkha under sub-section (1) for any purpose shall have a right to take part in the discussions of the Kartripakkha relative to that purpose, but shall not have a right to vote at a meeting of the Kartripakkha, and shall not be a member of the Kartripakkha for any other purpose.

22. [*Constitution and functions of Committees.- Omitted by section 9 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

23. [*Meetings of Committees.- Omitted by section 9 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

24. [*Fees for attendance at meetings.- Omitted by section 9 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

25. [*Trustees and associated members of Board or Committee not to take part in proceedings in which they are personally interested.- Omitted by section 9 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

Power to make and perform contracts

26. The Kartripakkha may enter into and perform all such contracts as they may consider necessary or expedient for carrying out any of the purposes of this Act.

Execution of contracts and approval of estimates

27. (1) Every such contract shall be made on behalf of the Kartripakkha by the Chairman:

Provided that a contract involving an expenditure exceeding five lakhs of taka shall not be made by the Chairman without the previous sanction of the Kartripakkha.

(2) Every estimate for the expenditure of any sum for carrying out any of the purposes of this Act shall be subject to the approval of the authority who is empowered by sub-section (1) to make or sanction the making of a contract involving the expenditure of a like sum.

(3) Sub-sections (1) and (2) shall apply to every variation or abandonment of a contract or estimate, as well as to an original contract or estimate.

28. (1) Every contract made by the Chairman on behalf of the Kartripakkha shall be entered into in such manner and form as would bind the Chairman if such contract were made on his own behalf, except that the common seal of the Kartripakkha shall be used; and every such contract may in the like manner and form be varied or discharged.

Further provisions as to execution of contracts, and provision as to seal of Kartripakkha

(2) Every contract for the execution of any work or the supply of any materials or goods shall be in writing and shall be sealed.

(3) The common seal of the Kartripakkha shall remain in the custody of the Secretary to the Kartripakkha, and shall not be affixed to any contract or other instrument except in the presence of a ¹[member] (other than the Chairman), who shall attach his signature to the contract or instrument in token that the same was sealed in his presence.

(4) The signature of the said ²[member] shall be in addition to the signature of any witness to the execution of such contract or instrument.

(5) A contract not executed as provided in this section shall not be binding on the Kartripakkha.

29. (1) At least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure not exceeding ten thousand taka, or at least fourteen days before entering into such contract involving an expenditure exceeding ten thousand taka, the Chairman shall give notice, by advertisement in local newspapers, inviting tenders for the same.

Tenders

(2) In every case in which the acceptance of a tender would involve an expenditure exceeding five lakhs of taka, the Chairman shall submit to the Kartripakkha the specifications, conditions and estimates, and all tenders received, specifying particular tender (if any) the acceptance of which he recommends.

¹ The word "member" was substituted for the word "Trustee" by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The word "member" was substituted for the word "Trustee" by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

(3) The Kartripakkha shall not be bound to sanction the acceptance of any tender which has been made; but it may sanction the acceptance of any such tender which appears to them, in consideration of all circumstances, to be the most advantageous, or may direct the rejection of all the tenders submitted to them.

Security for performance of contracts

30. The Chairman shall take sufficient security for the due performance of every contract involving an expenditure exceeding one thousand taka.

Supply of documents and information to the Government

31. (1) The Chairman shall forward to the Government a copy of the minutes of the proceeding of each meeting of the Kartripakkha, within ten days from the date on which the minutes of the proceedings of such meeting were signed as ¹[* * *].

²[(1A) If, in the opinion of the Chairman, any resolution passed by the Kartripakkha is not in conformity with law, or is, in any way, against public interest, the Chairman shall, while forwarding a copy thereof, bring this fact to the notice of the Government making his own suggestion for requisite action in the matter. Till orders are received from the Government, the execution of the resolution shall be held in abeyance.]

(2) If the Government so directs in any case, the Chairman shall forward to it a copy of all papers which were laid before the Kartripakkha for consideration at any meeting.

(3) The Government may require the Chairman to furnish it with-

- (a) any return, statement, estimate, statistics or other information regarding any matter under the control of the Kartripakkha, or
- (b) a report on any such matter, or
- (c) a copy of any document in the charge of the Chairman.

¹ The words, figure, comma, brackets and letter "prescribed in section 20, clause (h)" were omitted by section 10 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² Sub-section (1A) was inserted by section 12 of the Town Improvement (Amendment) Ordinance, 1965 (East Pakistan Ordinance No. III of 1965).

(4) The Government may, at any time, cause an investigation to be made, by an officer appointed in this behalf, into the affairs of the Kartripakkha and take such remedial measures as may be warranted by the findings of such investigation.

Employees of the Kartripakkha

32. The Kartripakkha shall, from time to time prepare, and shall maintain, a statement showing-

Statement of strength and remuneration of staff

- (a) the number, designations and grades of the employees (other than employees who are paid by the day or whose pay is charged to temporary work) whom they consider it necessary and proper to employ for the purposes of this Act,
- (b) the amount and nature of the salary, fees and allowances to be paid to each such employee, and
- (c) the contribution payable under section 160 in respect of each such employee.

33. The Kartripakkha shall from time to time make ¹[regulations]-

Kartripakkha to make ²[regulations]

- (a) fixing the amount and nature of the security to be furnished by any employee of the Kartripakkha from whom it may be deemed expedient to require security;
- (b) for regulating the grant of leave of absence, leave allowances and acting allowances to the employees of the Kartripakkha; and
- (c) for establishing and maintaining a provident or annuity fund, for compelling all or any of the employees of the Kartripakkha (other than any servant of the Government in respect of whom a contribution is paid under section 160) to contribute to such fund, at such rates and subject to such conditions as may be prescribed by such ³[regulations], and for supplementing such contributions out of the funds of the Kartripakkha:

¹ The word "regulations" was substituted for the word "rules" by section 11 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The word "regulations" was substituted for the word "rules" by section 11 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The word "regulations" was substituted for the word "rules" by section 11 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

Provided that a servant of the Government shall not be entitled to leave or leave allowances otherwise than as may be prescribed by the conditions of his service under the Government relating to transfer to foreign service.

Power of
creation of posts
for the
Kartripakkha

34. (1) Subject to the provisions of this Act, the Kartripakkha may determine, from time to time, what officers and other employees are necessary for the performance of its functions, may also engage such experts and consultants, as it may consider necessary for the said purpose, and may fix the salaries, fees and allowances to be paid to such officers, employees, experts and consultants:

¹[Provided that prior approval of the Government shall be necessary for creation of posts carrying pay in a scale above the Modified New Scales of Pay of Tk. 2800-4425:]

Provided further that the creation of any post shall be subject to specific provision being made in the approved budget in that behalf.

(2) The Kartripakkha shall be liable to pay such contribution for leave allowance and pension of any servant of the Government employed as Chairman or an employee of the Kartripakkha, as may be required by the condition of his service under the Government, as the case may be, to be paid by him or on his behalf.

35. [*Power of appointment, punishment, etc.- Omitted by section 13 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

Control by
Chairman

36. The Chairman shall exercise supervision and control over the acts and proceedings of all employees of the Kartripakkha; and, subject to the foregoing sections, shall dispose of all questions relating to the service of the said employees and their pay, privileges and allowances.

¹ The proviso was substituted by section 12 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

37. ¹[(1) The Chairman may, by general or special order in writing, delegate to any member or officer of the Kartripakkha any of the Chairman's powers, duties or functions under this Act or any rule or regulation made thereunder except those conferred or imposed upon or vested in him by sections 27, 29 and 31.]

Delegation of certain functions of Chairman

(2) The exercise or discharge of any powers, duties or functions delegated under sub-section (1) shall be subject to such conditions and limitations if any, as may be prescribed in the said order, and also to control and revision by the Chairman.

CHAPTER III

IMPROVEMENT SCHEMES AND RE-HOUSING SCHEMES

38. Whenever it appears to the Kartripakkha, whether upon an official representation made under section 43 or without such a representation,-

When improvement scheme may be framed

- (a) that any buildings in any area which are used or are intended to be used as dwelling places, are unfit for human habitation, or
- (b) that danger to the health of the inhabitants of buildings in any area, or in the neighbouring buildings, is caused by-
 - (i) the narrowness, closeness and bad arrangement and condition of streets or buildings or groups of buildings in such area, or
 - (ii) the want of light, air, ventilation or proper conveniences in such area, or
 - (iii) any other sanitary defects in such area, or
- (c) that for the purpose of-
 - (i) providing building sites, or
 - (ii) developing and improving any area, or

¹ Sub-section (1) was substituted by section 14 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

(iii) remedying defective ventilation, or

(iv) creating new, or improving existing, means of communication and facilities for traffic, or

(v) affording better facilities for conservancy,

it is expedient to lay out new streets or to alter existing streets (including bridges, culverts and cause-ways), or

(d) that it is necessary to provide in any area, parks, open spaces, playgrounds or similar amenities, or

(e) that it is expedient and for the public advantage to provide-

(i) housing accommodation, or

(ii) buildings for public use and convenience, or

(iii) an adequate water-supply, or

(iv) a drainage, and sewerage scheme,

the Kartripakkha may pass a resolution to that effect and may then proceed to frame an improvement scheme.

Matters to be considered when framing improvement schemes

39. When framing an improvement scheme in respect of any area, regard shall be had to-

(a) the nature and conditions of neighbouring areas and of the Dacca City as a whole;

(b) the several directions in which the expansion of the Dacca City appears likely to take place; and

(c) the likelihood of improvement schemes being required for other parts of the Dacca City.

Matters to be provided for improvement schemes

40. An improvement scheme may provide for all or any of the following matters, namely:-

(a) the acquisition by the Kartripakkha of any land, in the area comprised in the scheme, which will, in their opinion, be required for the execution of the scheme 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 land which it is proposed to acquire in the said area, as the Kartripakkha may think necessary;
- (d) the construction of any buildings which the Kartripakkha may consider it necessary to erect for any purpose other than sale;
- (e) the laying out or alteration of streets (including bridges, cause-ways and culverts);
- (f) the levelling, paving, metalling, flagging, channelling, sewerage and draining of the said streets and the provisions therein of water, lighting and other sanitary conveniences ordinarily provided in a City or Municipality;
- (g) the raising, lowering or levelling of any land in the area comprised in the scheme;
- (h) the formation, retention or enlargement of open spaces;
- (i) the augmentation of the present water-supply, or any other scheme for the improvement of the water-supply;
- (j) the making of a drainage and sewerage scheme including outfall works; and
- (k) any other matters consistent with this Act which the Kartripakkha may think fit.

41. Whenever it appears to the Kartripakkha that it is expedient in the interests of the public and for the proper planning of the area included in any improvement scheme-

- (a) that any use of land should be discontinued, or that any conditions should be imposed on the continuance thereof; or
- (b) that any building or works or factory should be altered or removed,

Discontinuance of use of land and alteration or removal of building, etc.

the Kartripakkha may pass a resolution to the effect and such resolution shall form part of the particulars of the scheme under clause (c) of sub-section (1) of section 45.

Re-housing of persons displaced by improvement schemes

42. The Kartripakkha may frame schemes (herein called re-housing schemes) for the construction, maintenance and management of such and so many dwellings and shops as they may consider ought to be provided for persons of the poorer and working classes who-

- (a) are displaced by the execution of any improvement scheme sanctioned under this Act; or
- (b) are likely to be displaced by the execution of any improvement scheme which it is intended to frame, or to submit to the Government for sanction under this Act.

Authority for making an official representation for a general improvement schemes

43. (1) An official representation referred to in section 38 may be made by the Corporation or Paurashava-

- (a) of its own motion; or
- (b) on a written complaint by the Health Officer of the Corporation or Paurashava; or
- (c) in respect of any area comprised in a municipal ward- on a written complaint signed by twenty-five or more residents of such ward who are liable to pay any tax assessed upon the annual value of buildings and, lands leviable under the ¹[Paurashava Ordinance, 1977 (XXVI of 1977)].

(2) If the Corporation or Paurashava decide not to make an official representation on any complaint made to them under clause (b) or clause (c) of sub-section (1), they shall cause a copy of such complaint to be sent to the Kartripakkha, with a statement of the reasons for their decision.

Consideration of official representations

44. (1) The Kartripakkha shall consider every official representation made under section 43, and, if satisfied as to the truth thereof and to the sufficiency of their resources, shall decide whether an improvement scheme to carry such representation into effect should be framed forthwith or not, and shall forthwith intimate their decision to the Corporation or Paurashava.

¹ The words, comma, figures and brackets "Paurashava Ordinance, 1977 (XXVI of 1977)" were substituted for the words, comma and figures "Municipal Administration Ordinance, 1960" by section 15 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

(2) If the Kartripakkha decide that it is not necessary or expedient to frame an improvement scheme forthwith, they shall inform the Corporation or Paurashava of the reasons for their decision.

(3) If the Kartripakkha fail, for a period of six months after the receipt of any official representation made under section 43, to intimate their decision thereon to the Corporation or Paurashava,

or if the Kartripakkha intimate to the Corporation or Paurashava their decision that it is not necessary or expedient to frame an improvement scheme forthwith,

the Corporation or Paurashava may, if they think fit, refer the matter to the Government.

(4) The Government shall consider every reference made to it under sub-section (3), and-

(a) if it considers that the Kartripakkha ought, under all the circumstances, to have passed a decision within the period mentioned in sub-section (3), shall direct the Kartripakkha to pass a decision within such further period as the Government may think reasonable, or

(b) if it considers that it is, under all the circumstances expedient that an improvement scheme should forthwith be framed, shall direct the Kartripakkha to proceed forthwith to frame an improvement scheme.

(5) The Kartripakkha shall comply with every direction given by the Government under sub-section (4).

45. (1) When for any area within the City or Municipality any improvement scheme or re-housing scheme has been framed, the Kartripakkha shall prepare a notice, stating-

- (a) the fact that the scheme has been framed,
- (b) the boundaries of the area comprised in the scheme, and

Preparation, publication and transmission of notice as to improvement schemes and supply of documents to applicants

- (c) the place at which particulars of the scheme, a map of the area comprised in the scheme, and a statement of the land which it is proposed to acquire and of the land in regard to which it is proposed to recover a betterment fee, may be seen at reasonable hours.

(2) The Kartripakkha shall-

- (i) cause the said notice to be published weekly for three consecutive weeks in the *official Gazette* and in local newspapers, with a statement of the period within which objections will be received, and
- (ii) send a copy of the notice to the ¹[Mayor of the Corporation or Chairman of the Paurashava].

(3) The Chairman shall cause copies of all documents referred to in clause (c) of sub-section (1) to be delivered to any applicant on payment of such fee as may be prescribed by rule made under section 152.

Transmission to Kartripakkha of representation by Corporation or Paurashava

46. The ²[Mayor of the Corporation or Chairman of the Paurashava] to whom a copy of the notice has been sent under clause (ii) of sub-section (2) of section 45 shall, within a period of thirty days from the receipt of the said copy, forward to the Kartripakkha any representation which the Corporation or Paurashava may think fit to make with regard to the scheme.

Furnishing list of persons and copy of, or extract from, assessment list

47. As soon as possible after the publication of a notice under section 45, the Chairman shall send a statement containing the particulars of the land which it is proposed to acquire in executing the scheme or in regard to which it is proposed to recover a betterment fee, to the ³[Mayor of the Corporation or Chairman of the Paurashava], in which any portion

¹ The words "Mayor of the Corporation or Chairman of the Paurashava" were substituted for the words "Chairman of the Municipal Committee" by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The words "Mayor of the Corporation or Chairman of the Paurashava" were substituted for the words "Chairman of the Municipal Committee" by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The words "Mayor of the Corporation or Chairman of the Paurashava" were substituted for the words "Chairman of the Municipal Committee" by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

of the area comprised in the scheme is situated, with a request to furnish-

- (i) a list of the names and addresses of the persons whose lands are likely to be acquired for, or affected by, the execution of the scheme, and
- (ii) a copy of or extract from the municipal assessment list,

within fourteen days of the receipt of such request and on payment of prescribed fee.

48. (1) During the thirty days next following the first day on which any notice is published under section 45 in respect of any improvement scheme or re-housing scheme, the Kartripakkha shall serve a notice on-

Service of notice as to proposed acquisition of land or recovery of betterment fee

- (a) every person whose name appears in the municipal assessment list or in the list referred to in item (i) of section 47, and
- (b) the occupier (who need not be named) of each premises entered in the municipal assessment list which the Kartripakkha proposes to acquire in executing the scheme.

(2) Such notice shall-

- (a) state that the Kartripakkha propose to acquire the land referred to in section 47 or to recover a betterment fee for the purpose of carrying out an improvement scheme or a re-housing scheme, and
- (b) require such person, if he dissents from such acquisition or from the recovery of such betterment fee, to state his reasons in writing within a period of thirty days from the service of the notice.

(3) Every such notice shall be signed by or by the order of the Chairman.

49. (1) After the expiry of the periods respectively prescribed under clause (i) of sub-section (2) of section 45, and by section 46, and clause (b) of sub-section (2) of section 48 in respect of any improvement scheme or re-housing scheme, the Kartripakkha shall consider any objection, representation and statement of dissent received thereunder, and after hearing all

Abandonment of improvement scheme, or application to Government to sanction it

persons making any such objection, representation or dissent who may desire to be heard, the Kartripakkha may either abandon the scheme or apply to the Government for sanction to the scheme, with such modifications (if any), as the Kartripakkha may consider necessary.

(2) Every application submitted under sub-section (1) shall be accompanied by-

- (a) a description of, and full particulars relating to, the scheme, and complete plans and estimates of the cost of executing the scheme;
- (b) a statement of the reasons for any modifications made in the scheme as originally framed;
- (c) a statement of objections (if any), received under section 45;
- (d) any representation received under section 46;
- (e) a list of the names of all persons (if any) who have dissented, under clause (b) of sub-section (2) of section 48 from the proposed acquisition of their land or from the proposed recovery of a betterment fee and a statement of the reasons given for such dissent; and
- (f) a statement of the arrangements made or proposed by the Kartripakkha for the re-housing of persons of the poorer and working classes who are likely to be displaced by the execution of the scheme.

Power to sanction or reject improvement scheme

50. The Government may sanction, either with or without modification, or may refuse to sanction, any improvement scheme or re-housing scheme submitted to it under section 49.

Notification of sanction to improvement scheme

51. (1) Whenever the Government sanctions an improvement scheme or re-housing scheme, it shall announce the fact by notification, and the Kartripakkha shall forthwith proceed to execute the scheme.

(2) The publication of a notification under sub-section (1), in respect of any scheme, shall be conclusive evidence that the scheme has been duly framed and sanctioned.

¹[51A. (1) When any improvement or re-housing scheme or or re-building scheme has been framed for execution in any area outside the City or Municipality, the provisions of sections 45 to 51 shall not apply.

Savings

(2) Any improvement or re-housing scheme or re-building scheme proposed to be executed in an area outside ²[City or Municipal] limits and estimated to cost Taka five lakhs or more framed by the Kartripakkha, shall be submitted to Government for sanction.

Sanction to improvement scheme of Taka 5 Lakhs or more outside the ³[City or Municipal] limit

(3) The Government may sanction such improvement or re-housing or re-building scheme either with or without modification, or may refuse to sanction but in either case it shall communicate its decision to the Kartripakkha within sixty days from the date of receipt of the scheme from the Kartripakkha.

(4) Whenever the Government sanctions, with or without modifications any improvement or re-housing scheme, or re-building scheme outside the ⁴[City or Municipal] limits it shall announce the fact by a notification, and the Kartripakkha shall forthwith proceed to execute the scheme.

(5) The publication of a notification under sub-section (4) in respect of any scheme outside the ⁵[City or Municipal] area shall be conclusive evidence that the scheme has been duly framed and sanctioned.

51B. The provisions of sections 45 to 51 of the Act shall not apply to any scheme inside the City or Municipality estimated to cost less than Taka five lakhs.

Savings

¹ Sections 51A, 51B and 51C were inserted by section 7 of the Town Improvement Act, 1958 (East Pakistan Ordinance No. LXIX of 1958).

² The words "City or Municipal" were substituted for the word "Municipal" by section 16 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The words "City or Municipal" were substituted for the word "Municipal" by section 16 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁴ The words "City or Municipal" were substituted for the word "Municipal" by section 16 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁵ The words "City or Municipal" were substituted for the word "Municipal" by section 16 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

Improvement scheme of less than Taka 5 lakhs either within or outside the City or Municipality

51C. (1) Whenever the Kartripakkha frames any improvement scheme or re-housing scheme or re-building scheme of the value of less than Taka five lakhs for execution within or outside the ¹[City or Municipal] area it shall announce the fact by a notification and shall forthwith proceed to execute the same.

(2) The publication of a notification under sub-section (1) in respect of any scheme either within or outside the ²[City or Municipal] area shall be conclusive evidence that the scheme has been duly framed.]

Alteration of improvement scheme after sanction

52. At any time after any improvement scheme or re-housing scheme has been sanctioned by the Government and before it has been carried into execution, the Kartripakkha may alter it:

Provided as follows:-

- (a) if any alteration is estimated to increase the estimated net cost of executing a scheme by more than five *per cent* of such cost, such alteration shall not be made without the previous sanction of the Government;
- (b) if any alteration involves the acquisition, otherwise than by agreement, of any land the acquisition of which has not been sanctioned by the Government, the procedure prescribed in the foregoing sections of this Chapter shall, so far as applicable, be followed, as if the alteration were a separate scheme;
- (c) if owing to the changes made, in the course of a scheme, any land not previously liable under the scheme to the payment of a betterment fee, becomes liable to such payment, the provisions of sections 45, 48 and 49 shall, so far as they are applicable, be followed in any such case.

Combination of improvement scheme

53. Any number of areas in respect of which improvement schemes or re-housing schemes have been, or are proposed to be, framed, may, at any time, be included in one combined scheme.

¹ The words "City or Municipal" were substituted for the word "Municipal" by section 17 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The words "City or Municipal" were substituted for the word "Municipal" by section 17 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

54. No street laid out or altered by the Kartripakkha shall be of less width than- Width of streets

- (a) forty feet, if the street be intended for vehicular traffic, or
- (b) twenty feet, if the street be intended for pedestrian traffic only;

Provided as follows:-

- (i) the width of an existing street need not be increased to the minimum required by this section, if the Kartripakkha consider it impracticable to do so; and
- (ii) nothing in this section shall be deemed to prevent the Kartripakkha from laying out service passages for sanitary purposes of any width less than twenty feet.

55. (1) Whenever any building, or any street, square or other land, or any part thereof, which-

- (a) is situated in the City or Municipality and is vested in the Corporation or Paurashava, or
- (b) is situated in any area outside the City or Municipality, in which this Act is, for the time being, in force, and is vested in a ¹[Zilla Parishad, Upazila Parishad or Union Parishad], is within the area of any improvement scheme or re-housing scheme or is required for the purpose of such scheme, the Kartripakkha shall give notice accordingly to the ²[Mayor of the Corporation or Chairman of the Paurashava, Zilla Parishad, Upazila Parishad or Union Parishad], as the case may be, and such building, street, square, other land or part shall thereupon vest in the Kartripakkha.

Transfer to Kartripakkha, for purposes of improvement scheme, of building or land vested in a Corporation or Paurashava, Zilla Parishad, Upazila Parishad or Union Parishad

¹ The words and comma “Zilla Parishad, Upazila Parishad or Union Parishad ” were substituted for the words “District or Union Council” by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The words and commas “Mayor of the Corporation or Chairman of the Paurashava, Zilla Parishad, Upazila Parishad or Union Parishad” were substituted for the words “Chairman of the Municipal Committee, or the District or Union Council” by section 18 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

(2) Where any street or square, or any part thereof vests in the Kartripakkha under sub-section (1), no compensation shall be payable by the Kartripakkha to the Corporation or Paurashava or the ¹[Zilla Parishad, Upazila Parishad or Union Parishad] in respect of such street, square or part.

(3) Where any land, not being a street or square, vests in the Kartripakkha under sub-section (1), compensation in respect of such land shall not be payable by the Kartripakkha except to the ²[Zilla Parshad, Upazila Parishad or Union Parishad].

(4) Where any building vests in the Kartripakkha under sub-section (1), compensation for such building shall be payable by the Kartripakkha to the Corporation or Paurashava or the ³[Zilla Parishad, Upazila Parishad or Union Parishad], as the case may be.

(5) If any question or dispute arises-

- (a) whether compensation is payable under any of the sub-sections (3) and (4), or
- (b) as to the amount of the compensation paid or proposed to be paid under sub-section (3) or sub-section (4), or
- (c) whether any building or street, or square or other land, or any part thereof is required for the purposes of the scheme,

the matter shall be referred to the Government whose decision shall be final.

¹ The words and comma “Zilla Parishad, Upazila Parishad or Union Parishad ” were substituted for the words “District or Union Council” by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The words and comma “Zilla Parishad, Upazila Parishad or Union Parishad ” were substituted for the words “District or Union Council” by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The words and comma “Zilla Parishad, Upazila Parishad or Union Parishad ” were substituted for the words “District or Union Council” by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

Explanation.- For the purposes of this section, “building” means only the structure, and does not include any land other than the land on which it actually stands; and “compensation” means a sum equal to the market value of the land or building on the date of the service of the notice under sub-section (1).

56. (1) Whenever any street or square or part thereof which is not vested in the Kartripakkha or in the Corporation or Paurashava or in any ¹[Zilla Parishad, Upazila Parishad or Union Parishad] is required for executing any improvement scheme or re-housing scheme, the Kartripakkha shall cause to be affixed in a conspicuous place in or near such street, square or part, a notice signed by the Chairman, and (a) stating the purpose for which the street, square or part is required, and (b) declaring that the Kartripakkha will, on or after a date to be specified in the notice, take over charge of such street, square or part from the owner thereof; and shall simultaneously send a copy of such notice to the owner of such street, square or part.

Transfer of private street or square to Kartripakkha for purposes of improvement scheme

(2) After considering and deciding all objections (if any) received in writing before the date so specified, the Kartripakkha may take over charge of such street, square or part from the owner thereof; and the same shall thereupon vest in the Kartripakkha.

(3) When the Kartripakkha alter or close any street or square or part thereof which has vested in them under sub-section (2), they shall pay reasonable compensation to the previous owner for the loss of his rights therein.

(4) If the alteration or closing of any such street, square or part causes damage or substantial inconvenience to owners of property adjacent thereto, or to residents in the neighbourhood, the Kartripakkha-

- (i) shall forthwith provide some other reasonable means of access for the use of persons who were entitled to use such street, square or part as a means of access to any property or place, and

¹ The words and comma “Zilla Parishad, Upazila Parishad or Union Parishad” were substituted for the words “District or Union Council” by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

- (ii) 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.

Provision of drain or water-work to replace another situated on land vested in the Kartripakkha under section 55 or section 56

57. (1) When any building or any street, square or other land or any part thereof has vested in the Kartripakkha under section 55 or section 56, no drain or water-work therein shall vest in the Kartripakkha until another drain or water-work (as the case may be), if required, has been provided by the Kartripakkha to the satisfaction of the Corporation or Paurashava or the ¹[Zilla Parishad, Upazila Parishad or Union Parishad] in whose area the drain or water-work is situated, in place of the former drain or water-work.

(2) If any question or dispute arises as to whether another drain or water-work is required, or as to the sufficiency of any drain or water-work provided by the Kartripakkha, under subsection (1), the matter shall be referred to the Government whose decision shall be final.

Corporation or Paurashava ²[Zilla Parishad, Parishad, Upazila Parishad or Union Parishad] not responsible for cleaning street etc., vested in the Kartripakkha

58. (1) The Corporation or Paurashava or the ³[Zilla Parishad, Upazila Parishad or Union Parishad] shall not be responsible for the maintenance and repair or for the watering and cleaning of any street, square or garden which is vested in the Kartripakkha under section 55.

(2) [Omitted by section 18 of the Town Improvement (Amendment) Ordinance, 1963 (East Pakistan Ordinance No. VI of 1963)].

(3) [Omitted by section 18 of the Town Improvement (Amendment) Ordinance, 1963 (East Pakistan Ordinance No. VI of 1963)].

¹ The words and comma “Zilla Parishad, Upazila Parishad or Union Parishad ” were substituted for the words “District or Union Council” by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The words and comma “Zilla Parishad, Upazila Parishad or Union Parishad ” were substituted for the words “District or Union Council” by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The words and comma “Zilla Parishad, Upazila Parishad or Union Parishad ” were substituted for the words “District or Union Council” by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

59. Whenever the Kartripakkha allow any street vested in them to be used for public traffic,-

Repair and watering of streets vested in the Kartripakkha

- (a) they shall, as far as practicable, keep the street in good repair and do all things necessary for the safety and convenience of persons using it, and
- (b) they shall cause the street to be watered, if they consider it necessary to do so for the public convenience.

60. Whenever any drain in, or the pavement or surface of, any street vested in the Kartripakkha is opened or broken up by the Kartripakkha for the purpose of carrying on any work,

Guarding and lighting when streets vested in the Kartripakkha is opened or broken up or when street is under construction and speedy completion of work

or whenever the Kartripakkha allow any street which they have under construction to be used for public traffic,

the Kartripakkha shall cause the place to be fenced and guarded and to be sufficiently lighted during the night, and shall take proper precautions for guarding against accident by shoring up and protecting adjoining buildings,

and shall, with all convenient speed, complete the said work, fill in the ground, and repair the said drain, pavement or surface, and carry away the rubbish occasioned thereby or complete the construction of the said street, as the case may be.

61. (1) When any work referred to in section 60 is being executed by the Kartripakkha in any public street vested in them, or when any other work which may lawfully be done is being executed by the Kartripakkha in any street vested in them, the Kartripakkha may direct that such street shall, during the progress of such work, be either wholly or partially closed to traffic generally or to traffic of any specified description.

Prevention or restriction of traffic in street vested in the Kartripakkha during progress of work

(2) When any such direction has been given, the Kartripakkha shall set up in a conspicuous position in or near the street an order prohibiting traffic to the extent so directed, and shall fix such bars, chains or posts across or in the street as they may think proper for preventing or restricting traffic therein, after notifying in local newspapers their intention to do so.

Provision of facilities and payment of compensation, when work is executed by Kartripakkha in public street vested in them

62. (1) When any work is being executed by the Kartripakkha in any public street vested in them, the Kartripakkha shall, so far as may reasonably be practicable, make adequate provision for-

- (a) the passage or diversion of traffic;
- (b) securing access to all premises approached from such street; and
- (c) any drainage, water-supply or means of lighting which is interrupted by reason of execution of the work.

(2) The Kartripakkha shall pay reasonable compensation to any person who sustains special damage by reason of the execution of any such work.

Power of Kartripakkha to turn or close public street or square vested in them

63. (1) The Kartripakkha may-

- (a) turn, divert, discontinue the public use of, or permanently close, any public street vested in them, or any part thereof, or
- (b) discontinue the public use of, or permanently close any public square vested in them, or any part thereof.

(2) Whenever the Kartripakkha discontinue the public use of, or permanently close, any public street vested in them, or any part thereof, they shall pay reasonable compensation to every person who was entitled, otherwise than as a mere licensee, to use such street or part as a means of access and has suffered damage from such discontinuance or closing.

(3) Whenever the Kartripakkha discontinue the public use of, or permanently close, any public square vested in them, or any part thereof, they shall pay reasonable compensation to every person-

- (a) who was entitled, otherwise than as a mere licensee, to use such square or part as a means of access, or
- (b) whose immovable property was ventilated by such square or part,

and who has suffered damage,-

- (i) in case (a), from such discontinuance or closing, or
- (ii) in case (b), from the use to which the Kartripakkha have put such square or part.

(4) In determining the compensation payable to any person under sub-section (2) or sub-section (3), the Kartripakkha shall make allowance for any benefit accruing to him from the construction, provision or improvement of any other public street or square at or about the same time that the public street or square or part thereof, on account of which the compensation is paid, is discontinued, or closed.

(5) When any public street or square vested in the Kartripakkha, or any part thereof, is permanently closed under sub-section (1), the Kartripakkha may sell, or lease so much of the same as is no longer required.

64. (1) If any question or dispute arises-

- (a) between the Kartripakkha and the previous owner of any street or square or part thereof which was vested in the Kartripakkha under section 56 and has been altered or closed by them, as to the sufficiency of the compensation paid or proposed to be paid under sub-section (3) of that section, or
- (b) between the Kartripakkha and any person who was entitled, otherwise than as a mere licensee, to use as a means of access any street or square or part thereof which has been vested in the Kartripakkha under section 56,-
 - (i) as to whether the alteration or closing of such street, square or part causes damage or substantial inconvenience to owners of property adjacent thereto or to residents in the neighbourhood, or
 - (ii) as to whether the other means of access provided or proposed to be provided under sub-section (4) of the said section 56 are reasonably sufficient, or

Reference of
disputes to
Tribunal

(iii) as to the sufficiency of any compensation paid or proposed to be paid under the said sub-section (4), or

(c) between the Kartripakkha and any person, as to the sufficiency of any compensation paid or proposed to be paid to him under section 62, section 63 or section 72,

the matter shall be determined by the Tribunal, if referred to it either by the Kartripakkha or by the claimant, within a period of three months from-

in case (a) or case (b) – the date on which the street or square or part thereof was altered or closed by the Kartripakkha, or

in case (c) – the date on which the said person was informed of the decision of the Kartripakkha fixing the amount of compensation to be paid to him;

and the determination of the tribunal shall be final.

(2) If a reference to the Tribunal be not made within the period prescribed by sub-section (1), the decision of the Kartripakkha shall be final.

(3) [Omitted by section 19 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).]

Taking over of laid out or altered streets by Corporation or Paurashava

65. Whenever the Kartripakkha are satisfied-

- (a) that any street laid out or altered by the Kartripakkha has been duly levelled, paved, metalled, flagged, channelled, sewered and drained in the manner provided in the plans sanctioned by the Government under section 50,
- (b) that such lamps, lamp-posts and other apparatus for the lighting of such street as ought to be provided by the Kartripakkha, have been so provided, and
- (c) that water and other sanitary conveniences ordinarily provided in a City or Municipality have been duly provided in such street,

the Kartripakkha shall pass a resolution to that effect and shall call upon the Corporation or Paurashava to take over such street as and from the date fixed by such resolution for the purpose.

66. (1) If the Corporation or Paurashava, on being called upon to take over any street under section 65, are satisfied that such street has been completed in accordance with the plans sanctioned by the Government under section 50, they shall, after informing the Kartripakkha of their intention to do so, by written notice affixed in some conspicuous position in such street, declare the street to be a public street and the street shall thereupon vest in the Corporation or Paurashava and shall thenceforth be maintained, kept in repair, lighted and cleansed by the Corporation or Paurashava:

Vesting in Corporation or Paurashava of streets laid out or altered, and open spaces provided by the Kartripakkha under an improvement scheme

Provided that the Corporation or Paurashava may agree to take over any street subject to any conditions or the execution of further works by the Kartripakkha in the said street.

(2) If the Corporation or Paurashava fail to take over any street within a period of six months from the date when called upon to do so by the Kartripakkha under section 65 and fail to inform the Kartripakkha of their reason for non-compliance with the Kartripakkha's resolution, the street shall automatically vest in the Corporation or Paurashava as if all the procedure under sub-section (1) had been fulfilled.

(3) When any open space for purposes of ventilation or recreation has been provided by the Kartripakkha in executing any improvement scheme or re-housing scheme, it shall, on completion, be transferred to the Corporation or Paurashava by a resolution of the Kartripakkha, and shall thereupon vest in, and be maintained at the expense of the Corporation or Paurashava:

Provided that the Corporation or Paurashava may require the Kartripakkha before any such open space is so transferred, to enclose, level, turf, drain and lay out such space and provide foot-paths therein, and, if necessary, to provide lamps and other apparatus for lighting it.

(4) If any difference of opinion arises between the Kartripakkha and the Corporation or Paurashava in respect of any matter referred to in the foregoing provisions of this section, the matter shall be referred to the Government whose decision shall be final.

Application of sections 65 and 66 to areas outside the City or Municipality

67. If this Act or any provision thereof be extended by notification under sub-section (2) of section 1 to any area outside the City or Municipality, the street laid out or altered, and open spaces provided by the Kartripakkha in such area shall, until such time as the City or Municipality is extended to such area ¹[* * *], continue to vest in the Kartripakkha, and shall thereafter vest in and be taken over by the Corporation or Paurashava in accordance with the provisions of sections 65 and 66.

Power of Kartripakkha to retain service passages

68. Notwithstanding anything contained in sections 65 and 66, or section 67, the Kartripakkha may retain any service passage which they have laid out for sanitary purposes and may enter into an agreement with the Corporation or Paurashava, or any other person for the supervision, repair, lighting and general management of any passage so retained.

Plans for public streets or open spaces

69. (1) The Kartripakkha may, from time to time in regard to any are-

- (a) within the City or Municipality, or
- (b) in the neighbourhood of the City or Municipality to which the Act extends,

make plans of proposed public streets or open spaces showing the direction of such streets, the street alignment and building line (if any) on each side of them, their intended width, the location of proposed open spaces and such other details as may appear desirable.

(2) When a plan of a proposed public street or open space has been made under sub-section (1), the Kartripakkha shall prepare a notice stating-

- (a) the fact that such a plan has been made;
- (b) particulars of the land (shown in such plan)-
 - (i) through which the proposed public street will pass, and

¹ The words, figures and comma “under the provision of section 7 of the Municipal Administration Ordinance, 1960” were omitted by section 20 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

- (ii) out of which the open space is formed;
- (c) the place at which the said plan and particulars may be seen at reasonable hours; and
- (d) the period (which shall be not less than sixty days) within which objections to the said plan may be submitted to the Kartripakkha.

(3) The Kartripakkha shall-

- (i) cause the said notice to be published weekly for two consecutive weeks in the *official Gazette* and in local newspapers, and in such other manner as the Kartripakkha may direct;
- (ii) forward a copy of the said notice by registered post to any person who, according to the records of the Corporation or Paurashava or Survey and Settlement records, appears to have an interest in any land or building which is likely to be affected in anyway by the proposed public street or open space;
- (iii) forward a copy of the said notice and of the plan to which it relates to the ¹[Mayor of the Corporation or Chairman of the Paurashava,] and, if any area in the neighbourhood of the City or Municipality is included in such plan, to the Chairman of the ²[Zilla Parishad, Upazila Parishad or Union Parishad] concerned; and
- (iv) cause copies of the said notice and plan to be delivered to any applicant on payment of such fee as may be prescribed by rule made under section 152.

70. (1) After the expiry of the period prescribed in clause (d) of sub-section (2) of section 69, the Kartripakkha shall consider-

- (a) all objections in writing received from any person affected by the proposed public street or open space contemplated by such plan, and

Consideration of objection to plans for public streets or open spaces

¹ The words, and comma “Mayor of the Corporation or Chairman of the Paurashava,” were substituted for the words “Chairman of Municipal Committee” by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The words and comma “Zilla Parishad, Upazila Parishad or Union Parishad” were substituted for the words “District or Union Council” by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

- (b) any representation in regard to such street or open space made to the Kartripakkha by any of the authorities mentioned in clause (iii) of sub-section (3) of section 69;

and the Kartripakkha may thereupon either withdraw the plan or apply to the Government for sanction thereto with such modifications (if any) as the Kartripakkha may consider necessary.

(2) If the Kartripakkha apply for sanction under sub-section (1), they shall simultaneously forward to the Government a full statement of all objections and representations made to them under the said sub-section.

(3) When a plan of a proposed public street or open space has been submitted to the Government under sub-section (1), the Kartripakkha shall cause notice of the fact to be published for two consecutive weeks in the *official Gazette* and in local newspapers.

(4) The Government may sanction, either with or without modification, or may refuse to sanction, any plan of a proposed public street or open space submitted to it under sub-section (1).

Notification of sanctioned plan of public street

71. Whenever the Government sanctions a plan of a proposed public street or open space, it shall announce the fact by notification, and the publication of such notification shall be conclusive evidence that the plan has been duly made and sanctioned; and the proposed public street or open space to which such notification refers shall be deemed to be a projected public street or open space, and shall be so deemed until-

- (a) such street or open space has been declared, under section 66, to be a public street or open space, or
- (b) the said notification has been cancelled:

Provided that such cancellation shall not affect the validity of any action taken by the Kartripakkha in pursuance of the said notification.

72. (1) If any person desires to erect, re-erect or add to any wall (exceeding ten feet in height) or building which falls within a street alignment or building line of a projected public street or within the area of a projected open space as shown in any plan sanctioned by the Government under sub-section (4) of section 70, he shall submit an application in writing to the Chairman for permission so to do:

Erection of wall or building within a street alignment or building line

Provided as follows:-

No such application shall be necessary for permission to erect or re-erect, between a building line and the street alignment,-

- (a) a porch or balcony, or
- (b) along not more than one-third of the frontage, an out-house not exceeding fifteen feet in height.

(2) The Chairman shall in no case refuse an application submitted under sub-section (1) if the applicant executes an agreement binding himself and his successors-in-interest to remove, without compensation, any wall or building to which that application relates, in the event of the Kartripakkha -

- (a) deciding (at any time after an improvement scheme has been sanctioned under section 50 for an area within which such building or wall is situated) that the said wall or building, or any portion thereof, ought to be removed, and
- (b) calling upon the owner for the time being, by written notice, to remove the same within a time (not being less than sixty days from the date of the service of the notice) to be specified in the said notice.

(3) If the Chairman does not, within forty-five days after the receipt of an application under sub-section (1), grant or refuse to grant the permission applied for, such permission shall be deemed to have been granted.

(4) If the Chairman refuses permission to any person to erect, re-erect or add to any wall or building as aforesaid which falls-

- (i) within the street alignment, or

- (ii) between the street alignment and the building line of a projected public street, or
- (iii) within the area of a projected open space,

the owner of the land on which it was sought to erect, re-erect or add to such wall or building, may call upon the Kartripakkha, at any time within three months from the date of such refusal either-

- (a) to pay him compensation for any damage sustained by him in consequence of such refusal, or
- (b) to acquire so much of his land as falls within the street alignment, or between the street alignment and the building line, or within the open space, as the case may be;

and the Kartripakkha shall thereupon-

in case (a), make full compensation to the said owner for any damage which he may be found to have sustained in consequence of such refusal, and in case (b), forthwith take steps to acquire the said land:

Provided that, in the case of such land as falls within street alignment only, it shall be optional with the Kartripakkha to acquire the same in lieu of paying compensation therefore.

(5) An appeal, if preferred within sixty days of the order of refusal under sub-section (4), shall lie to the Kartripakkha against such order, and the decision of the Kartripakkha on such appeal shall be final.

Preparation of
Master Plan by
the
Kartripakkha

73. (1) As soon as may be after the provisions of the Act comes into force, the Kartripakkha shall prepare a Master Plan for the area within its jurisdiction indicating the manner in which it proposes that land should be used (whether by carrying out thereon of development or otherwise) and the stages by which any such development should be carried out.

(2) The Master Plan shall include such maps and such descriptive matter as may be necessary to illustrate the proposals aforesaid with such degree of particularity as may be appropriate, between different parts of the area, and any such

plan may, in particular, define the sites of proposed roads, public and other buildings and works, or fields, parks, pleasure-grounds and other open spaces or allocate areas of land for use for agricultural, residential, industrial or other purposes of any class specified in the Master Plan.

(3) The Government shall, within one month from the receipt of the Master Plan from the Kartripakkha, publish the same in the *official Gazette*.

(4) Any person objecting to the plan or part thereof shall file objection with the Government within sixty days from the date of the publication of the plan.

(5) The Government after considering the objections that may be filed, shall approve the Master Plan within four months from the date of publication either with or without modification.

74. (1) When the Government approves the Master Plan submitted under section 73, it shall announce the fact by notification and the publication of such notification shall be conclusive evidence that the Master Plan has been duly made and approved, and thereafter it shall be unlawful for any person to use any land for any purposes other than that laid down in the Master Plan, unless he has been permitted to do so under section 75.

Publication of
Master Plan

(2) The Kartripakkha may, from time to time, with the approval of the Government and the Government may at any time, amend or alter any specific provision of the Master Plan. Any such amendment or alteration shall be published in the *official Gazette*.

(3) All future developments and construction, both public and private, shall be in conformity with the Master Plan or with the amendment thereof.

(4) The Master Plan, or an amendment thereof, shall neither before nor after it has been approved, be questioned in any legal proceedings whatsoever and shall become operative on the day it is approved by the Government and published in the *official Gazette*.

Permission for use of land contrary to the Master Plan

75. (1) If any person desires to use any land for any purpose other than that laid down in the Master Plan approved under sub-section (5) of section 73, he may apply in writing to the Chairman for permission so to do.

(2) If the Chairman refuses permission to any person, such person may, within sixty days of the Chairman's refusal, appeal to the Kartripakkha against such refusal.

(3) The decision of the Kartripakkha on any appeal under sub-section (2) shall be final.

No compensation payable for restricted use of land

76. No compensation shall be payable to any person owing to the restricted use to which his land may be put under sections 73 and 74.

Plans for erection of buildings under Ordinance No. XXVI of 1977 and Act No. LVI of 1974 to be submitted to the Chairman for sanction

77. (1) All plans for the erection of buildings approved under the provisions of the ¹[Paurashava Ordinance, 1977 (Ordinance No. XXVI of 1977), and the Dacca Municipal Corporation Act, 1974 (Act No. LVI of 1974),] shall be submitted to the Chairman for sanction.

(2) The Chairman may refuse the sanction if the purpose for which the proposed building is to be used is contrary to the provisions of section 73, or if the proposed elevation of the building is unsuitable for the locality or is likely to deteriorate the value of adjoining lands, or on any other reasonable grounds.

(3) If the Chairman refuses sanction under sub-section (2), he shall communicate the reasons for such refusal to the Corporation or Paurashava, and the Corporation or Paurashava shall then send a copy thereof to the owner of the site to which the plan relates.

¹ The words, commas, figures and brackets "Paurashava Ordinance, 1977 (XXVI of 1977), and the Dacca Municipal Corporation Act, 1974 (LVI of 1974)," were substituted for the words, comma and figures "Municipal Administration Ordinance, 1960" by section 21 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

(4) The owner of such site may, within a period of three months from the date of the Chairman's refusal, appeal to the Kartripakkha, and the Kartripakkha's decision thereon shall be final.

(5) The Corporation or Paurashava shall refuse to grant permission for erection of any structures which have not been sanctioned by the Chairman or the Kartripakkha under this section.

¹[(6) The Chairman or any other member or any officer of the Kartripakkha, from such date as the Government may, by notification, declare, shall be deemed to be only "authorised officers" within the meaning of clause (a) of section 2 of the Building Construction Act, 1952 (E. B. Act II of 1953), which Act shall be deemed to be modified to that extent, so far as it relates to the area within the jurisdiction of the Kartripakkha.]

CHAPTER IV

ACQUISITION AND DISPOSAL OF LAND

Acquisition by Agreement

78. The Kartripakkha may enter into an agreement with any person for the acquisition from him by purchase, lease, or exchange, of any land or any interest in such land, which the Kartripakkha are authorised to acquire.

Power to purchase or lease by agreement

Compulsory Acquisition

²[79. (1) The Kartripakkha may, for carrying out of the purposes of this Act, acquire, by purchase, lease, exchange or otherwise, any land or interest in land and dispose of, by sale, lease, exchange or otherwise, such land or any interest in such land.

Power to acquire and dispose of land

¹ Sub-section (6) was substituted by section 21 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² Section 79 was substituted by section 22 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

(2) The acquisition of any land or interest in land for the Kartripakkha under this section, or for any scheme under this Act, shall be deemed to be an acquisition for a public purpose within the meaning of the Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982), and the provisions of the said Ordinance shall apply to all such proceedings.]

80. [*Tribunal to be constituted.- Omitted by section 23 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

81. [*Modification of the Land Acquisition Act, 1894.- Omitted by section 23 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

82. [*Constitution of Tribunal.- Omitted by section 23 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

83. [*Remuneration of the President.- Omitted by section 23 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

84. [*Employee of Tribunal.- Omitted by section 23 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

85. [*Payments by Board on account of Tribunal.- Omitted by section 23 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

86. [*Power to make rules for Tribunal.- Omitted by section 23 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

87. [*Ward of Tribunal how to be enforced.- Omitted by section 23 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

88. [*Appeal from awards of the Tribunal.- Omitted by section 23 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

89. [*Procedure in such appeals.- Omitted by section 23 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

90. [*Execution of orders of Courts.- Omitted by section 23 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

91. [*Period of limitation for such appeals.- Omitted by section 23 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

91A. [*Arbitrator.- Inserted by section 14 of the Town Improvement (Amendment) Ordinance, 1958 (East Pakistan Ordinance No. LXIX of 1958) and subsequently omitted by section 23 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

Abandonment of Acquisition

92. [*Abandonment of acquisition in consideration of special payment.- Omitted by section 23 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

93. [*Abandonment.- Omitted by section 23 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

93A. [*Requisition of Property for any scheme.- Omitted by section 23 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

93B. [*Payment of compensation.- Inserted by section 17 of the Town Improvement (Amendment) Ordinance, 1965 (East Pakistan Ordinance No. III of 1965) and subsequently omitted by section 23 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

Bar to
jurisdiction of
Civil Court

¹[93C. Except as expressly provided in this Chapter, no Civil Court shall entertain any suit or application against any order passed or any action taken under this Chapter and all suits and appeals pending in any such court against any such order passed or any action taken under this Chapter shall abate with effect from the date of coming into force of the Town Improvement (Amendment) Ordinance, 1965.]

Betterment Fee

Payment of
betterment fee

94. (1) When by the making of any improvement scheme or re-housing scheme, any land in the area comprised in the scheme which is not required for the execution thereof will, in the opinion of the Kartripakkha, be increased in value, the Kartripakkha, in framing the scheme, may, in lieu of providing for the acquisition of such land, declare that a betterment fee shall be payable by the owner of the land or any person having an interest therein in respect of the increase in value of the land resulting from the execution of the scheme.

(2) Such betterment fee shall be an amount equal to one-half of the increase in value of the land resulting from the execution of the scheme, and shall be calculated upon the amount by which the value of the land on the completion of the execution of the scheme estimated as if the land were clear of buildings exceeds the value of the land prior to the execution of the scheme estimated in like manner.

Assessment of
betterment fee
by Kartripakkha

95. (1) When it appears to the Kartripakkha that an improvement scheme or re-housing scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the Kartripakkha shall, by a resolution passed 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 every person on whom a notice in respect of the land to be assessed has been served under clause (a) of sub-section (1) of section 48 that the Kartripakkha propose to assess the amount of the betterment fee payable in respect of such land under section 94.

¹ Sections 93B and 93C were inserted by section 17 of the Town Improvement (Amendment) Ordinance, 1965 (East Pakistan Ordinance No. III of 1965).

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

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

96. [*Settlement to betterment fee by Tribunal.- Omitted by section 25 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

97. When the amount of all betterment fees payable in respect of land in the area comprised in the scheme has been determined under section 95 ²[* * *], the Kartripakkha 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 interest at the rate of ³[ten] *per cent per annum* upon any amount outstanding shall be payable from that date.

Kartripakkha to give notice to persons liable to payment of betterment fee

98. (1) Any person liable to the payment of a betterment fee may, at his option, instead of making a payment thereof to the Kartripakkha 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 ⁴[ten] *per cent per annum*, the first annual payment of such interests to be made one year from the date referred to in section 97.

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 enactment and notwithstanding the existence of any mortgage or other charge, whether legal or equitable, be the first charge upon the interest of such person in such land.

¹ Sub-sections (2) and (3) were substituted by section 24 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The words, figure and comma “or section 96, as the case may be” were omitted by section 26 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The word “ten” was substituted for the word “five” by section 26 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁴ The word “ten” was substituted for the word “five” by section 27 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

(3) [Omitted by section 27 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).]

99. [Recovery of money.- Omitted by section 28 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).]

Acquisition on fresh declaration

100. [Agreement or payment not to bar acquisition under a fresh declaration.- Omitted by section 28 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).]

Disposal of Land

Power to
dispose of land

101. (1) The Kartripakkha may retain, or may let on hire, lease, sell, exchange or otherwise dispose of any land vested in or acquired by them under this Act.

(2) Whenever the Kartripakkha decide to lease or sell any land acquired by them under this Act from any person, they-

(a) shall give notice by advertisement in local newspapers, and

(b) shall offer to the said person, or his heirs, executors or administrators, a prior right to take on lease or to purchase such land, at a rate to be fixed by the Kartripakkha, if the Kartripakkha considers that such a right can be given without detriment to the carrying out of the purposes of this Act.

(3) If in any case two or more persons claim to exercise a right offered under clause (b) of sub-section (2) to take on lease or to purchase any land, the right shall be exercisable by the person who agrees to pay the highest sum for the land, not being less than the rate fixed by the Kartripakkha under that clause, to the exclusion of the others.

CHAPTER V

RULES

Power to
Government to
make rules

102. The Government may make rules, not inconsistent with the provisions of this Act, for carrying out the purposes of this Act.

In particular, and without prejudice to the generality of the foregoing power, the Government may make rules for all or any of the following matters, namely:-

¹[* * *]

- (d) securities from contractors for the execution of contracts;
- (e) the conditions on which employees of the Kartripakkha or of the Tribunal may be appointed, reduced, suspended, discharged, removed, dismissed or otherwise punished;
- (f) maintenance and submission of returns, statements, reports, accounts and other records or documents required by this Act and the forms thereof;
- (g) fees in respect of any matter not specifically provided for in this Act;
- (h) the procedure for preferring appeals to the Government under the provisions of this Act; and
- (i) any other matter in respect of which this Act makes no provision or insufficient provision, and for which provision is, in the opinion of the Government, necessary, or which is directed to be prescribed.

CHAPTER VI

FINANCE

Municipal Contributions

²[103. (1) The Corporation or Paurashava shall pay from the Corporation or Paurashava Fund to the Kartripakkha on the first day of each quarter a sum equivalent to one-half *per cent per quarter* on the annual value of buildings and lands determined under the provisions of the Dacca Municipal Corporation Act, 1974 (Act No. LVI of 1974), or the Paurashava Ordinance, 1977 (Ordinance No. XXVI of 1977), as it stood on the first day of the last preceding quarter.

Contributions
from
Corporation or
Paurashava
Fund

¹ Clauses (a), (b) and (c) were omitted by section 29 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² Section 103 was substituted by section 30 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

(2) The Corporation or Paurashava contributions prescribed by sub-section (1) shall be expenditure charged on the Corporation or Paurashava Fund.]

Loans

Power of
Kartripakkha to
borrow money

104. The Kartripakkha may from time to time borrow, at such rate of interest, and for such period, and upon such terms, as to the time and method of repayment and otherwise, as the Government may approve, any sum necessary for the purpose of-

- (a) meeting expenditure debitable to the capital account under section 137, or
- (b) repaying any loan previously taken under this Act.

Loans from
Banks

105. Whenever the borrowing of any sum has been approved under section 104, the Kartripakkha may, instead of borrowing such sum or any part thereof from the public, take credit from any Bank, on a cash account to be kept in the name of the Kartripakkha, to the extent of such sum or part; and, with the previous sanction of the Government may grant mortgages of all or any property vested in the Kartripakkha by way of securing the payment of the amount of such credit or of the sums from time to time advanced on such cash account with interest.

Application of
borrowed
money

106. When any sum of money has been borrowed under section 104 or section 105 for the purpose of meeting particular expenditure or repaying a particular loan, no portion thereof shall be applied to any other purpose without the previous sanction of the Government.

Form, signature,
exchange,
transfer and
effect of
debentures

107. (1) Whenever money is borrowed by the Kartripakkha on debentures, the debentures shall be in such form as the Kartripakkha, with the previous sanction of the Government, may from time to time determine.

(2) All debentures shall be signed by the Chairman and one other ¹[member].

¹ The word "member" was substituted for the word "Trustee" by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

(3) The holder of any debenture in any form prescribed under sub-section (1) may obtain in exchange therefore, upon such terms as the Kartripakkha may from time to time determine, a debenture in any other form so prescribed.

(4) Every debenture issued by the Kartripakkha shall be transferable by endorsement, unless some other mode of transfer be prescribed therein.

(5) The right to sue in respect of moneys secured by debentures issued by the Kartripakkha shall vest in the respective holders of the debentures for the time being, without any preference by reason of some of such debentures being prior in date to others.

108. All coupons attached to the debentures issued under this Act shall bear the signature of the Chairman; and such signature may be engraved, lithographed or impressed by any mechanical process.

Signature of coupons attached to debentures

109. When any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, then, notwithstanding anything in section 45 of the Contract Act, 1872, the debenture or security shall be payable to the survivor or survivors of such persons:

Payments to survivors of joint payees

Provided that nothing in this section shall affect any claim by the representative of a deceased person against such survivor or survivors.

110. Where two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Kartripakkha by any other of such persons.

Receipt by joint holders for interest or dividend

111. All payments due from the Kartripakkha for interest on, or the repayment of, loans, shall be made in priority to all other payments due from the Kartripakkha.

Priority of payment for interest and repayment of loans

Repayment of loans taken under section 104

112. Every loan taken by the Kartripakkha under section 104 shall be repaid within the period approved by the Government under that section, and, subject to the provisions of sub-section (2) of section 139, by such of the following methods as may be so approved, namely:-

- (a) from a sinking fund established under section 113 in respect of the loan, or
- (b) by paying equal yearly or half-yearly instalments of principal, or of principal and interest, throughout the said period, or
- (c) if the Kartripakkha have, before borrowing money on debentures, reserved, by public notice, a power to pay off the loan by periodical instalments and to select by lot the particular debentures to be discharged at particular periods – then by paying such instalments at such periods, or
- (d) from money borrowed for the purpose under section 104, clause (b), or
- (e) partly from the sinking fund established under section 113 in respect of the loan, and partly from money borrowed for the purpose under section 104, clause (b).

Establishment and maintenance of sinking funds

113. (1) Whenever the Government have approved the repayment of a loan from a sinking fund, the Kartripakkha shall establish such a fund and shall pay into it in every year, until the loan is repaid, a sum so calculated that, if regularly paid throughout the period approved by the Government under section 104, it would, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the loan at the end of that period.

(2) The rate of interest, on the basis of which the sum referred to in sub-section (1) shall be calculated, shall be such as may be prescribed by the Government.

Power to discontinue payments into sinking funds

114. Notwithstanding anything contained in section 113, if at any time the sum standing at the credit of the sinking fund established for the repayment of any loan, is of such amount that, if allowed to accumulate at the rate of interest prescribed under sub-section (2) of that section, it will be sufficient to

repay the loan at the end of the period approved by the Government under section 104, then, with the permission of the Government, further annual payments into such funds may be discontinued.

115. (1) All money paid into any sinking fund shall, as soon as possible, be invested, under the orders of the Kartripakkha, in-

Investment of sinking funds

- (a) Government securities, or
- (b) securities granted by the Government, or
- (c) debentures issued by the Kartripakkha,

in the joint names of the Secretary to the Government ¹[in the Ministry or Division dealing with Finance and the Comptroller and Auditor-General of Bangladesh, hereinafter referred to as the Auditor-General, to be held by them as Trustees] for the purpose of repaying from time to time the debentures issued by the Kartripakkha.

(2) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the appropriate sinking fund and invested in the manner prescribed in sub-section (1).

(3) Any investment made under this section may from time to time, subject to the provisions of sub-section (1), be varied or transposed.

116. The aforesaid Trustees may from time to time apply any sinking fund, or any part thereof, in or towards the discharge of the loan or any part of the loan for which such fund was established; and until such loan is wholly discharged shall not apply the same for any other purpose.

Application of sinking funds

¹ The words and commas "in the Ministry or Division dealing with finance and the Comptroller and Auditor-General of Bangladesh, hereinafter referred to as the Auditor-General, to be held by them as trustees" were substituted for the words and comma "of East Pakistan in the Finance Department and the Accountant-General of East Pakistan, to be held by them as Trustees" by section 31 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

Annual
statement by
Trustees

117. (1) The aforesaid Trustees shall, at the end of every financial year, transmit to the Chairman of a statement showing-

- (a) the amount which has been invested during the year under section 115,
- (b) the date of the last investment made previous to the transmission of the statement,
- (c) the aggregate amount of the securities held by them,
- (d) the aggregate amount which has, up to the date of the statement, been applied under section 116 in or towards repaying loans, and
- (e) the aggregate amount already paid into each sinking fund.

(2) Every such statement shall be laid before the Kartripakkha and published by notification.

Annual
examination of
sinking funds

118. (1) The said sinking funds shall be subject to annual examination by the ¹[Auditor-General], who shall ascertain whether the cash and the current value of the securities at credit of such funds are actually equal to the amount which would have accumulated, had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom.

The ²[Auditor-General] may take into consideration any excess accumulation in any one sinking fund towards any deficiency in any other sinking fund.

(2) The Kartripakkha shall forthwith pay into any sinking fund any amount which the ³[Auditor-General] may certify to be deficient, unless the Government specially sanction a gradual readjustment.

¹ The word "Auditor-General" was substituted for the words and comma "Accountant-General, East Pakistan" by section 33 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The word "Auditor-General" was substituted for the word "Accountant-General" by section 33 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The word "Auditor-General" was substituted for the word "Accountant-General" by section 33 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

*Enforcement of Liabilities***119.** (1) If the Kartripakkha fails-

- (a) to pay any interest due in respect of any loan taken in pursuance of section 104, or
- (b) to make any payment prescribed by section 112, section 113 or sub-section (2) of section 118, or
- (c) to make any investment prescribed by section 115,

Procedure if
Kartripakkha
fails to make
any payment or
investment in
respect of loans

the ¹[Auditor-General] shall make such payment or set aside and invest such sum as ought to have been invested under the said section 115, as the case may be; and the ²[Mayor of the Corporation or Chairman of the Paurashava] shall forthwith pay from the ³[the Corporation or Paurashava Fund to the Auditor-General] a sum equivalent to the sum so paid or invested by him; and the Government may attach the rents and other income of the Kartripakkha.

(2) Whenever the ⁴[Mayor of the Corporation or Chairman of the Paurashava] has made any payment to the ⁵[Auditor-General] under sub-section (1), the Government shall reimburse the Corporation or Paurashava out of the rents and income attached under sub-section (1) and if such rents and income

¹ The word "Auditor-General" was substituted for the words and comma "Accountant-General of East Pakistan" by section 34 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The words "Mayor of the Corporation or Chairman of the Paurashava" were substituted for the words "Chairman of the Municipal Committee" by section 36 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The words "the Corporation or Paurashava Fund to the Auditor-General" were substituted for the words "Municipal Funds to the said Accountant-General" by section 34 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁴ The words "Mayor of the Corporation or Chairman of the Paurashava" were substituted for the words "Chairman of the Municipal Committee" by section 36 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁵ The word "Auditor-General" was substituted for the words and comma "Accountant-General, East Pakistan" by section 34 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

prove insufficient for the purpose, may, ¹[direct the Corporation or Paurashava to increase the tax on the annual value of buildings and lands leviable by them] to such extent as may be necessary for the purposes of making up the deficiency.

Procedure if the Mayor of the Corporation or Chairman of the Paurashava fails to make any payment due to the Kartripakkha

²[**120.** If the Mayor of the Corporation or Chairman of the Paurashava fails to make any payment as required by section 103 or section 119, the Government may attach the Corporation or Paurashava Fund, and may direct the Corporation or Paurashava to increase the tax on the annual value of buildings and lands levied by them to such extent as may be necessary for the purpose of making such payment.]

Payment under section 119 to be a charge on the property of the Kartripakkha

121. All moneys paid by the ³[Mayor of the Corporation or Chairman of the Paurashava] under sub-section (1) of section 119 and not reimbursed by the Government under sub-section (2) of that section and all moneys payable under sub-section (1) of section 119 and levied under section 120 shall constitute a charge upon the property of the Kartripakkha.

Budget Estimates

Estimates of income and expenditure to be laid annually before the Kartripakkha

122. (1) The Chairman shall, at a special meeting to be held in the month of May in each year, lay before the Kartripakkha an estimate of the income and expenditure of the Kartripakkha for the next ensuing financial year.

(2) Every such estimate shall make provision for the due fulfilment of all the liabilities of the Kartripakkha and for the efficient administration of this Act.

¹ The words “direct the Corporation or Paurashava to increase the tax on the annual value of buildings and lands leviable by them” were substituted for the words, commas and figures “under section 36 of the Municipal Administration Ordinance, 1960, direct the Municipal Committee to increase the tax on the annual value of buildings and lands leviable under that Ordinance” by section 34 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² Section 120 was substituted by section 35 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The words “Mayor of the Corporation or Chairman of the Paurashava” were substituted for the words “Chairman of the Municipal Committee” by section 36 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

(3) Every such estimate shall differentiate capital and revenue funds, and shall be prepared in such form, and shall contain such details, as the Government or the Kartripakkha may from time to time direct.

(4) Every such estimate shall be completed and printed, and a copy thereof sent, by post or otherwise, to each ¹[member], at least ten clear days before the date of meeting at which the estimate is to be laid before the Kartripakkha.

123. The Kartripakkha shall consider every estimate so laid before them, and shall sanction the same, either without alteration or with such alteration as they may think fit.

Sanction of
Kartripakkha to
estimates

124. (1) Every such estimate as sanctioned by the Kartripakkha, shall be submitted to the Government who may at any time within two months after receipt of the same-

Approval of
Government to
estimates

(a) approve the estimate, or

(b) disallow the estimate or any portion thereof, and return the estimate to the Kartripakkha for amendment.

(2) If any estimate is so returned to the Kartripakkha, they shall forthwith proceed to amend it, and shall resubmit the estimate, as amended, to the Government who may then approve it.

125. A copy of every such estimate shall, when approved by the Government, be sent by the Kartripakkha to the ²[Mayor of the Corporation or Chairman of the Paurashava].

Transmission of
copy of estimate
to the ³[Mayor
of the
Corporation or
Chairman of the
Paurashava]

126. [*Special provision as to the first estimate of the constitution of the Board.- Omitted by section 37 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

¹ The word "member" was substituted for the word "Trustee" by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The words "Mayor of the Corporation or Chairman of the Paurashava" were substituted for the words "Chairman of the Municipal Committee" by section 36 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The words "Mayor of the Corporation or Chairman of the Paurashava" were substituted for the words "Chairman of the Municipal Committee" by section 36 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

Supplementary estimates

127. (1) The Kartripakkha may, at any time during the financial year for which any estimate has been sanctioned, cause a supplementary estimate to be prepared and laid before them at a special meeting.

(2) The provisions of sub-sections (3) and (4) of section 122, and sections 123 to 125 shall apply to every supplementary estimate.

Adherence to estimate and maintenance of closing balance

128. (1) No sum shall be expended by or on behalf of the Kartripakkha unless the expenditure of the same is covered by a current budget grant or can be met by reappropriation or by drawing on the closing balance.

(2) The closing balance shall not be reduced below one lakh of taka without the previous sanction of the Government.

(3) The following items shall be excepted from the provisions of sub-sections (1) and (2), namely,-

- (a) re-payments of moneys belonging to contractors or other persons and held in deposit, and of moneys collected by, or credited to the Kartripakkha by mistake;
- (b) payments due under a decree or order of a Court passed against the Kartripakkha or against the Chairman *ex-officio*¹ [* * *];
- (c) sums payable under a compromise of any suit or other legal proceeding or claim effected under section 167;
- (d) sums payable under this Act by way of compensation;
- (e) payments required to meet some pressing emergency; and
- (f) gratuitous payments up to a maximum of five hundred taka.

(4) Whenever any sum exceeding five thousand taka is expended under clause (e) of sub-section (3) or whenever any sum is expended under clause (f) of that sub-section, the Chairman shall forthwith report the circumstances to the Government, and shall at the same time explain how the Kartripakkha propose to cover the expenditure.

¹ The comma and words “, or under an award of the Tribunal” were omitted by section 38 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

129. (1) All moneys at the credit of the Kartripakkha shall be kept in the ¹[Bangladesh Bank].

Receipt of moneys and deposit in Bank

(2) All moneys payable to the Kartripakkha shall be received by the Chairman, and shall forthwith be paid into the aforesaid Bank to the credit of any account which shall be styled “The Account of the ²[Rajdhani Unnayan Kartripakkha]”.

130. (1) Surplus moneys at the credit of the said account may from time to time be-

Investment of surplus moneys

- (a) deposited at interest in the ³[Bangladesh Bank] or in any other Bank in ⁴[Dhaka] approved by the Government in this behalf, or
- (b) invested in any of the securities or debentures mentioned in sub-section (1) of section 115 of this Act or section 20 of the Trusts Act, 1882.

(2) All such deposits and investments shall be made by the Chairman on behalf of, and with the sanction of, the Kartripakkha; and with like sanction, the Chairman may at any time withdraw any deposit so made or dispose of any securities, and re-deposit or re-invest the money so withdrawn or the proceeds of the disposal of such securities.

131. (1) No payment shall be made by the ⁵[Bangladesh Bank] out of the account referred to in section 129 except upon a cheque.

Payments by cheques

¹ The words “Bangladesh Bank” were substituted for the words “State Bank of Pakistan” by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The words “Rajdhani Unnayan Kartripakkha” were substituted for the words “Trustees for the Improvement of Dacca” by section 39 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The words “Bangladesh Bank” were substituted for the words “State Bank of Pakistan” by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁴ The word “Dhaka” was substituted for the word “Dacca” by section 40 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁵ The words “Bangladesh Bank” were substituted for the words “State Bank of Pakistan” by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

(2) Payment of any sum due by the Kartripakkha exceeding one hundred taka in amount shall be made by means of a cheque and not in any other way.

Signing of orders under section 130 and cheques

¹[132. All orders for making any deposit, investment, withdrawal or disposal under section 130, and all cheques referred to in section 131 shall be signed by the Chairman and a member authorised by the Kartripakkha or an officer of the Kartripakkha to be specified by it:

Provided that the Chairman may, with the approval of the Kartripakkha, empower any member to sign the cheques in his place if the amount of cheque does not exceed one lac Taka.]

Duty of Chairman and others before signing cheques

133. Before ²[a person] to the Kartripakkha signs a cheque under section 132, he must satisfy himself that the sum for which such cheque is drawn either is required for a purpose or work specifically sanctioned by the Kartripakkha or is an item of one of the excepted descriptions specified in section 128, sub-section (3).

Accounts

Definition of "Cost of management"

134. (1) The expression "cost of management", as used in the following sections in this Chapter, means-

- ³[(a) the salary and other remuneration of the Chairman and other members;]
- (c) the salaries, fees and allowances of, and the contributions paid under section 160 in respect of, employees of the Kartripakkha who are included in statements prepared under section 32;
- (d) the remuneration of other employees of the Kartripakkha except employees who are paid by the day or whose pay is charged to temporary work;

¹ Section 132 was substituted by section 41 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The words "a person" were substituted for the words "the Chairman or any other Trustee or the Secretary" by section 42 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ Clause (a) was substituted for the previous clauses (a) and (b) by section 43 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

¹[* * *]

(2) [Omitted by section 43 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).]

135. (1) The Kartripakkha shall keep a capital account and a revenue account.

Keeping of capital account and revenue account

(2) The capital account shall show separately all expenditure incurred by the Kartripakkha on each improvement scheme and each re-housing scheme.

136. There shall be credited to the capital account-

Credits to capital account

- (a) all sums (except interest) received by way of special payments or betterment fees in pursuance of ²[section 94];
- (b) all moneys received on account of loans taken by the Kartripakkha in pursuance of section 104 or section 105;
- (c) the proceeds of the sale of any land vested in the Kartripakkha which was purchased out of any loan taken in pursuance of section 104 or section 105;
- (d) where land was purchased out of an advance from the revenue account, the portion of the proceeds of the sale of such land which remains after crediting to the revenue account the amount of such advance;
- (e) the proceeds of the sale of any movable property (including securities for money invested from the capital account) belonging to the Kartripakkha;
- (f) all lump sums received from ³[the] Government in aid of of the capital account;
- (g) all premia received by the Kartripakkha in connection with leases for any term exceeding forty years;

¹ Clauses (e) and (f) were omitted by section 43 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The word and figure "section 94" was substituted for the words, figures and comma "sections 92, 94 and 99" by section 44 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The word "the" was substituted for the word "any" by section 44 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

- (h) all sums (if any) which the Government directs, under sub-section (2) of section 139 to be credited to the capital account; and
- (i) all moneys resulting from the sale of securities by the direction of the Government under section 140.

Application of
capital account

137. The moneys credited to the capital account shall be held by the Kartripakkha in trust, and shall be applied to-

- (a) meeting all costs of framing and executing improvement schemes and re-housing schemes;
- (b) meeting the cost of acquiring land for carrying out any of the purposes of this Act;
- (c) meeting the cost of constructing buildings required for carrying out any of the purposes of this Act;
- (d) the repayment of loans from money borrowed in pursuance of clause (b) of section 104;
- (e) making payments in pursuance of section 163 otherwise than for interest or for expenses of maintenance or working;
- (f) making or contributing towards the cost of making, surveys, in pursuance of section 180;
- (g) meeting such proportion of the cost of management as the Kartripakkha may, with the sanction of the Government, prescribe in this behalf; and
- (h) temporarily making good the deficit (if any) in the revenue account at the end of any financial year.

Credits to
revenue account

138. There shall be credited to the revenue account-

- (a) all interest received in pursuance of sections 92, 98 or 99;
- (b) all sums contributed from ¹[Corporation or Paurashava Funds] which are received by the Kartripakkha under section 103;

¹ The words "Corporation or Paurashava Funds" were substituted for the words "Municipal Funds" by section 45 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

- (c) all damages received by the Kartripakkha under section 175;
- (d) all annually recurring sums received from the Government in aid of the funds of the Kartripakkha;
- (e) all premia received by the Kartripakkha in connection with leases for any term not exceeding forty years;
- (f) all rents of land vested in the Kartripakkha; and
- (g) all other receipts by the Kartripakkha which are not required by section 136 to be credited to the Capital account.

139. (1) The moneys credited to the revenue account shall be held by the Kartripakkha in trust, and shall be applied to- Application of revenue account

- (a) meeting all charges for interest and sinking fund due on account of any loan taken in pursuance of clause (a) of section 104 or section 105 and all other charges incurred in connection with such loans;
- (b) paying all sums due from the Kartripakkha in respect of rates and taxes imposed under the ¹[Dhaka Municipal Corporation Act, 1974 (LVI of 1974), and the Paurashava Ordinance, 1977 (XXVI of 1977),] upon land vested in the Kartripakkha;
- (c) paying the cost (if any) of maintaining a separate establishment for the collection of the rents and other proceeds of land vested in the Kartripakkha;
- (d) paying all sums which the Government may direct to be paid to any auditor under section 146;
- (e) making payments in pursuance of section 163 for interest or for expenses of maintenance or working;
- (f) paying the cost of management, excluding such portion thereof as may be debited to the capital account under clause (g) of section 137; and

¹ The words, commas, figures and brackets “Dhaka Municipal Corporation Act, 1974 (Act No. LVI of 1974), and the Paurashava Ordinance, 1977 (Ordinance No. XXVI of 1977),” were substituted for the words, comma and figures “Municipal Administration Ordinance, 1960” by section 46 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

- (g) paying all other sums due from the Kartripakkha, other than those which are required by section 137 to be disbursed from the capital account.

(2) The surplus (if any) remaining after making the payments referred to in sub-section (1) shall, subject to the maintenance of a closing balance as required by sub-section (2) of section 128, and except as provided in section 141 and unless the Government otherwise directs, be invested, in the manner prescribed in section 115, towards the service of any loans outstanding after the expiry of sixty years from the commencement of this Act.

Power to direct sale of securities

140. If, at any time after any surplus referred to in sub-section (2) of section 139 has been invested, the Government is satisfied that the investment is not needed for the service of any loan referred to in that sub-section, it may direct the sale of the securities held under the investment.

Advances from revenue account to capital account

141. (1) Notwithstanding anything contained in section 139, the Kartripakkha may advance any sum standing at the credit of the revenue account for the purpose of meeting capital expenditure.

(2) Every advance shall be refunded to the revenue account as soon as may be practicable.

Advances from capital account to revenue account

142. (1) Any deficit in the revenue account at the end of any financial year may be made good by an advance from the capital account.

(2) Every such advance shall be refunded to the capital account in the following financial year.

Submission of abstracts of accounts

143. The Kartripakkha shall submit to the Government at the end of such half of every financial year, an abstract of the accounts of their receipts and expenditure.

Annual audit of accounts

144. The accounts of the Kartripakkha shall, once in every financial year, be examined and audited by such auditor as the Government may appoint in this behalf.

- 145.** The auditor so appointed may,- Powers of auditors
- (a) by written summons, require the production before him of any document which he may consider necessary for the proper conduct of the audit;
 - (b) by written summons, require any persons having the custody or control of, or being accountable for, any such documents to appear in person before him; and
 - (c) require any person so appearing before him to make and sign a declaration with respect to any such document, to answer any questions, or to prepare and submit any statement.
- 146.** The Kartripakkha shall pay to the said auditor such remuneration as the Government may direct. Remuneration of auditor
- 147.** The said auditor shall- Auditor's report to the Kartripakkha
- (a) report to the Kartripakkha any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the Kartripakkha, or in the accounts, and report the same to the Government,
 - (b) furnish to the Kartripakkha such information as they may from time to time require concerning the progress of his audit, and
 - (c) within fourteen days after the completion of his audit, forward his report upon the accounts to the Chairman.
- 148.** It shall be the duty of the Kartripakkha forthwith to remedy any defects or irregularities that may be pointed out by the auditor. Kartripakkha to remedy defects
- 149.** The Chairman shall cause the report mentioned in clause (c) of section 147 to be printed and shall forward a printed copy thereof to each ¹[member], and shall bring such report before the Kartripakkha for consideration at their next meeting. Auditor's report to be sent to each ²[member] ²[member]

¹ The word "member" was substituted for the word "Trustee" by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The word "member" was substituted for the word "Trustee" by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

Publication and transmission of an abstract of the accounts

150. As soon as practicable after the receipt of the said report, the Kartripakkha shall prepare an abstract of the accounts to which it relates, and shall publish such abstract by notification, and shall send a copy of the abstract to ¹[Mayor of the Corporation or Chairman of the Paurashava] and to Government.

CHAPTER VII

RULES

Further power to Government for making rules

151. In addition to the power conferred by section 102, the Government may make rules-

²[* * *]

- (3) for prescribing the form of the abstracts of accounts referred to in sections 143 and 150.

Further power to Kartripakkha for making ³[regulations]

152. (1) In addition to the power conferred by section 33, the Kartripakkha may from time to time make ⁴[regulations] (not inconsistent with any rules made by the Government) for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Kartripakkha may make ⁵[regulations]-

⁶[* * *]

- (d) for the guidance of persons employed by them under this Act;

¹ The words "Mayor of the Corporation or Chairman of the Paurashava" were substituted for the words "Chairman of Municipal Committee" by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² Clauses (1) and (2) were omitted by section 47 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The word "regulations" was substituted for the word "rules" by section 48 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁴ The word "regulations" was substituted for the word "rules" by section 48 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁵ The word "regulations" was substituted for the word "rules" by section 48 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁶ Clauses (a), (b) and (c) were omitted by section 48 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

- (e) for prescribing the fees payable for copies of documents delivered under sub-section (3) of section 45 or clause (iv) of sub-section (3) of section 69;
- (f) for facilitating the taking of a census and securing accurate returns thereof;
- (g) for the maintenance and management of any buildings, houses or shops constructed under any improvement or re-housing scheme; and
- (h) for preferring appeals to the Kartripakkha under the provisions of this Act.

(3) In making any ¹[regulation] under sub-section (1) or sub-section (2), the Kartripakkha may provide that a breach of it shall be punishable-

- (i) with fine which may extend to ²[one thousand taka],
- (ii) in case of a continuing breach, with fine which may extend to ³[one hundred taka] for everyday during which the breach continues after receipt of written notice from the Chairman to discontinue the breach.

153. The power to make ⁴[regulations] under section 33, or section 152 is subject to the conditions of the ⁵[regulations] being made after previous publication, and to the following further conditions, namely:-

Conditions precedent to the making of rules under section 33, or 152

- (a) a draft of the ⁶[regulations] shall be published by notification and in local newspapers;

¹ The word "regulation" was substituted for the word "rule" by section 48 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The words "one thousand taka" were substituted for the words "five hundred rupees" by section 48 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The words "one hundred taka" were substituted for the words "fifty rupees" by section 48 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁴ The word "regulations" was substituted for the word "rules" by section 49 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁵ The word "regulations" was substituted for the word "rules" by section 49 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁶ The word "regulations" was substituted for the word "rules" by section 49 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

- (b) such draft shall not be further proceeded with until after the expiration of a period of one month from such publication or such longer period as the Government¹ [* * *] the Kartripakkha may appoint;
- (c) for one month at least during such period, a printed copy of such draft shall be kept at the Kartripakkha's office for public inspection, and every person shall be permitted at any reasonable time to persue the same, free of charge; and
- (d) printed copy of such draft shall be delivered to any person requiring the same, on payment of a fee of ²[one taka] for each copy.

Sanction of Government to ³[regulation] made under section 33 or 152

154. No ⁴[regulation] made under section 33 or section 152 shall have any validity unless and until it is sanctioned, with or without modification, by the Government.

Publication of rule ⁵[or regulation]

155. When any rule has been made under section 102 or section 151 and when any rule ⁶[or regulation] has been made under section 33 or section 152 and duly sanctioned, it shall be published by the Government by notification, and such publication shall be conclusive proof that the rule ⁷[or regulation] has been duly made.

156. [*Printing and sale of copies of rules.- Omitted by section 52 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

¹ The word, brackets and figures "or (in the case of rules made under section 33 or section 152)" were omitted by section 49 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The words "one taka" were substituted for the words "two annas" by section 49 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The word "regulation" was substituted for the word "rule" by section 50 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁴ The word "regulation" was substituted for the word "rule" by section 50 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁵ The words "or regulation" were inserted by section 51 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁶ The words "or regulation" were inserted by section 51 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁷ The words "or regulation" were inserted by section 51 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

157. [*Exhibition of copies of rules.- Omitted by section 52 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

158. The Government may at any time, by notification, cancel any ¹[regulation] made by the Kartripakkha under section 152.

Cancellation of ²[regulation] made under section 152

CHAPTER VIII

SUPPLEMENTAL PROVISIONS

Status of ³[Members], etc.

⁴[**159.** Every member or every employee of the Kartripakkha shall be deemed to be a public servant within the meaning of section 21 of the Penal Code, 1860 (Act XLV of 1860).]

Members, etc., deemed public servant

Contributions towards leave allowances and pensions of Government servants

160. The Kartripakkha shall be liable to pay such contribution for the leave allowance and pension of any servant of the Government employed as ⁵[Chairman or other member or as an employee of the Katripakkha], by the conditions of his service under the Government to be paid by him or on his behalf.

Contributions by Kartripakkha towards leave allowances and pensions of Government servants employed under this Act

161. [*Power to extend the Bengal Municipal Act, 1932, to areas to which provisions of this Act have been extended.- Omitted by section 33 of the Town Improvement (Amendment) Ordinance, 1963 (East Pakistan Ordinance No. VI of 1963).*]

¹ The word "regulation" was substituted for the word "rule" by section 53 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The word "regulation" was substituted for the word "rule" by section 53 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The word "Members" was substituted for the word "Trustees" by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁴ Section 159 was substituted by section 54 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁵ The words "Chairman or other member or as an employee of the Katripakkha" were substituted for the words and commas "Chairman or as an employee of the Board or as the President, Member or employee of the Tribunal as may be required" by section 55 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

Publication of Notification

Publication of notification under section 1 (2) in draft for criticism

162. (1) Before finally publishing any notification under sub-section (2) of section 1, the Government shall publish a draft of the same in the *official Gazette*.

(2) Any tax-payer or inhabitant of the area affected by such draft, may, if he objects to the draft, submit his objection in writing to the Government within six weeks from its publication, and the Government shall take such objection into consideration.

Facilities for movement of the Population

Power of the Kartripakkha for facilitating movement of the population

163. With a view to facilitating the movement of the population in and around the City or Municipality, the Kartripakkha may from time to time,-

(1) subject to any conditions they may think fit to impose,-

- (a) guarantee the payment, from the funds at their disposal, of such sums as they may think fit, by way of interest on capital expended on the construction, maintenance or working of means of locomotion; or
- (b) making such payments as they may think fit from the said funds, by way of subsidy to persons undertaking to provide, maintain and work means of locomotion; or

(2) either singly or in combination, with any other person, construct, maintain and work any means of locomotion, under the provisions of any law applicable thereto, or

(3) construct, or widen, strengthen or otherwise improve, bridges:

Provided that no guarantee or subsidy shall be made under clause (1), and no means of locomotion shall be constructed, maintained or worked under clause (2), without the sanction of the Government.

Telegraph and Railways Acts

Savings

164. Nothing in this Act shall be deemed to affect the provisions of the Telegraph Act, 1885, or the Railways Act, 1890.

Legal Proceedings

165. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences against this Act or any ¹[rule or regulation] made hereunder shall be cognizable by a Magistrate of the first class; and no such Magistrate shall be deemed to be incapable of taking cognizance of any such offence by reason only of being liable to pay any duty imposed by this Act or of his being benefited by the funds to the credit of which any fine imposed by him will be payable.

Cognizance of offences

166. No person shall be liable to punishment for any offence against this Act or any ²[rule or regulation] made hereunder unless complaint of such offence is made before a Magistrate of the first class within three months next after the commission of such offence.

Limitation of time for prosecution

167. The Chairman may, subject to the control of the Kartripakkha,-

Powers of Chairman as to institution, etc., of legal proceedings and obtaining legal advice

- (a) institute, defend or withdraw from, legal proceedings under this Act or any ³[rule or regulation] made hereunder;
- (b) compound any offence against this Act or any ⁴[rule or regulation] made hereunder which, under any law for the time being in force, may lawfully be compounded;
- (c) admit, compromise or withdraw any claim made under this Act or any ⁵[rule or regulation] made hereunder; and and
- (d) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, or as he may be desired by the Kartripakkha to obtain, for

¹ The words "rule or regulation" were substituted for the word "rule" by section 57 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The words "rule or regulation" were substituted for the word "rule" by section 57 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The words "rule or regulation" were substituted for the word "rule" by section 57 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁴ The words "rule or regulation" were substituted for the word "rule" by section 57 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁵ The words "rule or regulation" were substituted for the word "rule" by section 57 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

any of the purposes referred to in the foregoing clauses of this section, or for securing the lawful exercise or discharge of any power or duty vested in or imposed upon the Kartripakkha or any employee of the Kartripakkha.

Indemnity to
Kartripakkha,
etc.

168. No suit shall be maintainable against the Kartripakkha, or any ¹[member], or any employee of the Kartripakkha, or any person acting under the direction of the Kartripakkha or of the Chairman or of any employee of the Kartripakkha, in respect of anything lawfully and in good faith and with due care and attention done under this Act or any ²[rule or regulation] made hereunder.

Notice of suit
against
Kartripakkha,
etc.

169. No suit shall be instituted against the Kartripakkha, or any ³[member], or any employee of the Kartripakkha, or any person acting under the direction of the Kartripakkha or of the Chairman or of any employee of the Kartripakkha, in respect of any act purporting to be done under this Act or any ⁴[rule or regulation] made hereunder, until the expiration of one month next after written notice has been delivered or left at the Kartripakkha's office or the place of abode of such employee or person, stating the cause of action, the name and place of abode of the intending plaintiff, and the relief which he claims; and the plaint must contain a statement that such notice has been so delivered or left.

Police

Co-operation of
the Police

170. (1) The ⁵[Police Commissioner and Superintendent of Police and their] subordinates shall be bound to co-operate with the Chairman for carrying into effect and enforcing the provisions of this Act.

¹ The word "member" was substituted for the word "Trustee" by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The words "rule or regulation" were substituted for the word "rule" by section 57 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The word "member" was substituted for the word "Trustee" by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁴ The words "rule or regulation" were substituted for the word "rule" by section 57 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁵ The words "Police Commissioner and Superintendent of Police and their" were substituted for the words "Superintendent of Police and his" by section 58 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

(2) It shall be the duty of every Police Officer who is subordinate to the The ¹[Police Commissioner and Superintendent of Police]-

- (i) to communicate without delay to the proper employee of the Kartripakkha any information which he receives of a design to commit or of the commission of any offence against this Act or any ²[rule or regulation] made hereunder, and
- (ii) to assist the Chairman or any employee of the Kartripakkha reasonably demanding his aid for the lawful exercise of any power vesting in the Chairman or in such employee under this Act or any such ³[rule or regulation].

171. (1) Every Police Officer shall arrest any person who commits, within his view, any offence against this Act or any ⁴[rule or regulation] made hereunder, if the name and address of of such person be unknown to him, and if such person, on demand declines to give his name and address, or gives a name or address which such officer has reason to believe to be false.

Arrest of
offenders

(2) No person so arrested shall be detained in custody after his true name and address are ascertained, or without the order of a Magistrate, for any longer time, not exceeding at the most twenty-four hours from the arrest, than is necessary for bringing him before a Magistrate.

(3) On the written application of the Chairman, any Police Officer above the rank of constable shall arrest any person who obstructs any employee of the Kartripakkha in the exercise of any of the powers conferred by this Act or any ⁵[rule or regulation] made hereunder.

¹ The words "Police Commissioner and Superintendent of Police" were substituted for the words "Superintendent of Police" by section 58 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The words "rule or regulation" were substituted for the word "rule" by section 58 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The words "rule or regulation" were substituted for the word "rule" by section 58 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁴ The words "rule or regulation" were substituted for the word "rule" by section 59 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁵ The words "rule or regulation" were substituted for the word "rule" by section 59 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

Evidence

Proof of consent, etc., of Kartripakkha or Chairman or employee of Kartripakkha

172. Whenever, under this Act or any ¹[rule or regulation] made hereunder, the doing or the omitting to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of-

- (a) the Kartripakkha or the Chairman, or
- (b) any employee of the Kartripakkha,

a written document, signed, in case (a) by the Chairman, and in case (b) by the said employee, purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence of such approval, sanction, consent, concurrence, declaration, opinion or satisfaction.

173. [*Validation of Acts and Proceedings.- Omitted by section 60 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

Compensation

General power of Kartripakkha to pay compensation

174. In any case not otherwise expressly provided for in this Act, the Kartripakkha may pay reasonable compensation to any person who sustains damage by reason of the exercise of any of the powers vested, by this Act or any ²[rule or regulation] made or scheme sanctioned hereunder, in the Kartripakkha, or the Chairman or any employee of the Kartripakkha.

Compensation to be paid by offenders for damage caused by them

175. (1) If, on account of any act or omission, any person has been convicted of any offence against this Act or any ³[rule or regulation] made hereunder, and, by reason of the same act or omission of the said person, damage has occurred to any property of the Kartripakkha, compensation shall be paid by the said person for the said damage, notwithstanding any punishment to which he may have been sentenced for the said offence.

¹ The words "rule or regulation" were substituted for the word "rule" by section 59 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The words "rule or regulation" were substituted for the word "rule" by section 61 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The words "rule or regulation" were substituted for the word "rule" by section 61 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

(2) The amount of compensation payable by the said person shall be determined by the Magistrate while convicting him of the said offence.

(3) If the amount of any compensation due under this section be not paid, the same shall be recovered under a warrant from the said Magistrate as if it were a fine inflicted by him on the person liable therefor.

Public notices and advertisements

176. Every public notice given under this Act or any ¹[rule or regulation] made hereunder shall be in writing over the signature of the Chairman, and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality, by publishing the same by beat of drum, by advertisement in local newspapers, and by any other means that the Chairman may think fit.

Publication of public notices

177. Whenever it is provided by this Act or any ²[rule or regulation] made hereunder that notice shall be given by advertisement in local newspapers, or that a notification or any information shall be published in local newspapers, such notice, notification or information shall be inserted, if practicable, in at least one English newspaper and one Vernacular newspaper.

Publication of advertisements or notices in newspapers

Signature and service of notice of bills

178. Every notice or bill, which is required by this Act or by any ³[rule or regulation] made hereunder to bear the signature of the Chairman or of any other ⁴[member] or of any employee of the Kartripakkha, shall be deemed to be properly signed if it bears a facsimile of the signature of the Chairman or of such other ⁵[member] or of such employee, as the case may be, stamped thereupon.

Stamping signature on notices or bills

¹ The words "rule or regulation" were substituted for the word "rule" by section 61 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The words "rule or regulation" were substituted for the word "rule" by section 61 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The words "rule or regulation" were substituted for the word "rule" by section 61 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁴ The word "member" was substituted for the word "Trustee" by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁵ The word "member" was substituted for the word "Trustee" by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

Service of
notice how to be
effected

179. When any notice, bill or other document is required by this Act or any ¹[rule or regulation] made hereunder to be served upon or issued or presented to any person, such service, issue or presentation shall be effected-

- (a) by giving or tendering such document to such person; or
- (b) if such person is not found, by leaving such document at his last known place of abode in areas to which this Act extends or by giving or tendering the same to some adult male member or servant of his family; or
- (c) if such person does not reside in areas to which this Act extends and his address elsewhere is known to the Chairman, by forwarding such document to him by registered post under cover bearing the said address; or
- (d) if none of the means aforesaid be available, by causing a copy of such document to be affixed on some conspicuous part of the land (if any) to which the document relates.

Surveys

Power to make
surveys, or
contribute
towards their
cost

180. The Kartripakkha may-

- (a) cause a survey of any land to be made, whenever they consider that a survey is necessary or expedient for carrying out any of the purposes of this Act, or
- (b) contribute towards the cost of any such survey made by any other local authority.

Power of entry

Power of entry

181. (1) The Chairman or any person either generally or specially authorised by the Chairman in this behalf may, with or without assistants or workmen, enter into or upon any land, in order-

- (a) to make any inspection, survey, measurement, valuation or inquiry,

¹ The words "rule or regulation" were substituted for the word "rule" by section 61 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

- (b) to take levels,
- (c) to dig or bore into the sub-soil,
- (d) to set out boundaries and intended lines of work,
- (e) to mark 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 Act or any ¹[rule or regulation] made or scheme sanctioned hereunder or any scheme which the Kartripakkha intend to frame hereunder:

Provided as follows:-

- (a) no such entry shall be made between sunset and sunrise;
- (b) no dwelling-house, and no public building or hut which is used as a dwelling-place, shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours' previous written notice of the intention to make such entry;
- (c) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy need not be disturbed;
- (d) due regard shall always be had, so far as may be compatible with the exigencies of the purpose, for which the entry is made, to the social and religious usages of the occupants of the premises entered.

(2) Wherever the Chairman or a person authorised under sub-section (1) enters into or upon any land in pursuance of that sub-section, he shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid; and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the Kartripakkha, whose decision shall be final.

¹ The words "rule or regulation" were substituted for the word "rule" by section 61 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

Penalties

Punishment for acquiring share or interest in contract, etc., with the Kartripakkha

182. If any ¹[member], or any employee of the Kartripakkha, knowingly acquires, directly or indirectly, by himself or by any partner, employer or employee, otherwise than as such ²[member] or employee, any share or interest in any contract or employment with, by or on behalf of, the Kartripakkha, ³[* * *], he shall be deemed to have committed the offence made punishable by section 168 of the ⁴[* * *] Penal Code.

Penalty for removing fence, etc., in street

183. If any person, without lawful authority,-

- (a) removes any fence or shoring-timber, or removes or extinguishes any light, set up under section 60, or
- (b) infringes any order given, or removes any bar, chain or post fixed, under sub-section (2) of section 61,

he shall be punishable with fine which may extend to ⁵[five hundred] taka.

Penalty for building within street alignment or building line

184. If any person, without the permission of the Chairman required by sub-section (1) of section 72, erects, re-erects, or adds to any wall (exceeding ten feet in height) or building which falls within the street alignment or building line of a projected public street shown in any plan sanctioned by the Government under the said section, he shall be punishable-

¹ The word "member" was substituted for the word "Trustee" by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The word "member" was substituted for the word "Trustee" by section 2 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The words, comma, brackets and figures "not being a share or interest such as, under sub-section (2) of section 10, it is permissible for a Trustee to have without being thereby disqualified for being appointed a Trustee" were omitted by section 62 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁴ The word "Pakistan" was omitted by section 62 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁵ The words "five hundred" were substituted for the word "fifty" by section 63 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

- (a) with fine which may extend, in the case of a masonry building or a wall, to ¹[five thousand] taka, and, in the case of a hut, to ²[five hundred] taka, and
- (b) with further fine which may extend, in the case of a masonry building or a wall, to ³[one thousand] taka, and, in the case of a hut, to ⁴[one hundred] taka for each day after the first during which the projection continues.

185. If the owner for the time being of any wall or building in respect of which an agreement has been executed as provided in sub-section (2) of section 72 fails-

Penalty for failure to remove wall or building in respect of which agreement has been executed

- (a) to remove such wall or building, or any specified portion thereof, when so required by notice issued under that sub-section, or
- (b) within fifteen days from the receipt of such notice to authorise the Chairman, by permission in writing, to remove the said wall, building or portion,

he shall be punishable-

- (i) with fine which may extend, in the case of a masonry wall or building, to ⁵[one thousand] taka, and, in the case of a hut, to ⁶[two hundred] taka; and
- (ii) with a further fine, in the case of a masonry wall or building, to ⁷[one hundred] taka, and, in the case of a hut, to ⁸[fifty] taka, for each day after the first during which the failure continues.

¹ The words "five thousand" were substituted for the words "five hundred" by section 64 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The words "five hundred" were substituted for the word "fifty" by section 64 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The words "one thousand" were substituted for the words "one hundred" by section 64 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁴ The words "one hundred" were substituted for the word "ten" by section 64 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁵ The words "one thousand" were substituted for the words "one hundred" by section 65 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁶ The words "two hundred" were substituted for the word "twenty" by section 65 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁷ The words "one hundred" were substituted for the word "ten" by section 65 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁸ The word "fifty" was substituted for the word "five" by section 65 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

Penalty for use of land in zone plan in contravention for section 74

186. Whoever uses any land, included in a zone plan, in contravention of section 74, shall be punishable-

- (i) with fine which may extend to ¹[one thousand] taka, and
- (ii) with a further fine which may extend to ²[one hundred] taka for each day after the first during which such contravention continues.

Removal of unauthorised construction

187. (1) The Court, convicting any person under section 185 or section 186, shall order the removal of the unauthorised construction, if any, by such person within a time to be fixed by the Court.

(2) If such person fails to remove the unauthorised construction within the time fixed, it shall be lawful for the Kartripakkha to cause such construction to be removed, and the cost of such removal shall be recoverable from that person as a public demand.

Penalty for failure to comply with requisition made by auditor

188. If any person fails to comply with any requisition made under section 145, he shall be punishable-

- (a) with fine which may extend to ³[one thousand] taka, or
- (b) in case of a continuing failure, with fine which may extend to ⁴[five hundred] taka for each day after the first during which the failure continues.

Penalty for obstructing contractor or removing mark

189. If any person-

- (a) obstructs or molests any person with whom the Chairman has entered into a contract on behalf of the Kartripakkha, 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 Act or any ⁵[rule or regulation] made hereunder, or

¹ The words "one thousand" were substituted for the words "one hundred" by section 66 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The words "one hundred" were substituted for the word "ten" by section 66 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The words "one thousand" were substituted for the words "one hundred" by section 67 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁴ The words "five hundred" were substituted for the word "fifty" by section 67 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁵ The words "rule or regulation" were substituted for the word "rule" by section 68 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

- (b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised by this Act or any ¹[rule or regulation] made or scheme sanctioned hereunder,

he shall be punishable with fine which may extend to ²[two thousand] taka, or with imprisonment for a term which may extend to two months.

Recovery of expenses

190. When a written notice issued under sub-section (2) of section 72 for the removal of a wall or building, or any portion thereof, is not complied with by the owner thereof for the time being as provided in section 185, the Chairman may proceed to remove such wall, building or portion; and the expenses incurred in effecting such removal shall be recoverable by sale of the materials or other things removed.

Removal of wall or building and recovery of expenses

Suspension or abolition, and re-imposition, of Municipal contributions.

191. (1) Whenever the Government considers that any payment required by section 103, or any portion of any such payment, is not required for the purposes of this Act, it may, by notification,-

Suspension or abolition and re-imposition of Municipal contributions

- (a) suspend, for any specified period, the making of such payment or any specified portion thereof, or
- (b) abolish such payment, or any specified portion thereof, from a date to be specified in the notification.

¹ The words “rule or regulation” were substituted for the word “rule” by section 68 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

² The words “two thousand” were substituted for the words “two hundred” by section 68 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

(2) If at any time the Government considers that any payment, or any portion thereof, which has been suspended or abolished under sub-section (1) is required for the purposes of this Act, it may, by notification, cancel, such suspension or abolition wholly or in part, as it may think fit, from a date to be specified in the notification.

Control over, and Suspension of, the Kartripakkha

Control over the
Kartripakkha

¹[191A. The Government shall exercise general control and supervision over the Kartripakkha as well as its Chairman and ²[other members] and may give direction to them, as may be necessary, for ensuring that their activities conform to the purpose of the Act; and the Kartripakkha, the Chairman and the ³[other members] shall exercise their powers and perform their functions in accordance with such direction.

191B. [*Supersession of the Board .- Omitted by section 70 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

Dissolution of Kartripakkha

192. [*Ultimate dissolution of Board and transfer of their assets and liabilities to the Municipality.- Omitted by section 70 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

Dues to be
recoverable
under Public
Demands
Recovery Act,
1913

193. Any sum due to the Kartripakkha under any provision of this Act or under any contract or deed of sale, lease or agreement, shall be recoverable as an arrear of land revenue under the ⁴[* * *] Public Demands Recovery Act, 1913.

THE SCHEDULE

[*Omitted by section 72 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).*]

¹ Sections 191A and 191B were inserted by section 18 of the Town Improvement (Amendment) Ordinance, 1965 (East Pakistan Ordinance No. III of 1965).

² The words "other members" were substituted for the word "Trustees" by section 69 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

³ The words "other members" were substituted for the word "Trustees" by section 69 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).

⁴ The word "Bengal" was omitted by section 71 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).