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GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH  
MINISTRY OF LAW AND LAND REFORMS  
LAW AND PARLIAMENTARY AFFAIRS DIVISION



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

( PRESIDENT'S ORDER NO. 16 OF 1972 )

( As modified up to the 31st May, 1983 )

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President's Order No. 16 of 1972

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

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

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

1. (1) This Order may be called the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once.

2. In this Order, unless there is anything repugnant in the subject or context,—

(i) "abandoned property" means any property owned by any person who is not present in Bangladesh or whose whereabouts are not known or who has ceased to occupy, supervise or manage in person his property, including—

(i) any property owned by any person who is a citizen of a State which at any time after the 25th day of March, 1971, was at war with or engaged in military operations against the People's Republic of Bangladesh ;

(ii) any property taken over under the Bangladesh (Taking over of Control and Management of Industrial and Commercial Concerns) Order, 1972 (Acting President's Order No. 1 of 1972), but does not include—

- (a) any property the owner of which is residing outside Bangladesh for any purpose which, in the opinion of the Government, is not prejudicial to the interest of Bangladesh;
- (b) any property which is in the possession or under the control of the Government under any law for the time being in force.

*Explanation.*—“Person who is not present in Bangladesh” includes any body of persons or company constituted or incorporated in the territory or under the laws of a State which at any time after the 25th day of March, 1971, was at war with or engaged in military operations against the People’s Republic of Bangladesh;

- 1[(1A) “authorised officer” means an officer authorised by the Government for the purpose of this Order;]
- (2) “Company” includes a banking company and insurance company;
- (3) “Government” means the Government of the People’s Republic of Bangladesh;
- (4) “prescribed” means prescribed by any rule, order or direction made or given in pursuance of any of the provisions of this Order;
- (5) “property” means property of any kind, movable or immovable and includes any right or interest in such property and any debt or a actionable claim, any security or negotiable instrument, any right under a contract and any industrial or commercial undertaking.

*Explanation.*—“Security” includes share, scrip, stock, bond, debenture, debenture stock or other marketable security of a like nature in or of any body corporate and Government security.

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

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

5. (1) For the purpose of carrying the provisions of this order into effect and in particular for the purpose of securing, administration, control, management<sup>2</sup> and disposal by transfer or otherwise, of abandoned property, the Government may take such measures as it considers necessary or expedient and do all acts and incur all expenses necessary or incidental thereto.

<sup>1</sup>Clause (1A) of Article 2 was inserted by P. O. No. 125 of 1972.

<sup>2</sup>For the purpose of control and management of the abandoned properties Management Board for Dacca City and its suburbs, Management Board for Chittagong City and its suburbs, Management Board for Khulna City and its suburbs, Management Board for other District and Management Board for other parts of Bangladesh have been constituted. see Notification No. 2R-6/72 of Sec. 3-Part dated 20th January, 1972, published in the Bangladesh Gazette Extra., dated 6th February, 1972, Part I, in supersession of the Ministry’s notification No. 2R-6/72, dated 12th June, 1972.

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

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

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

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

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

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

<sup>1</sup>The words "or the authorised officer" were inserted after the words "Subdivisional Magistrate" by P. O. No. 125 of 1972.

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

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

(a) the Government shall be deemed to be the registered holder, of such shares and, notwithstanding anything in the memorandum or articles of association of the company or in any agreement or instrument, shall have the same rights in the matter of making a requisition for the convening of a meeting or of presenting a petition to the Court under the provisions of the Companies Act, 1913 (Act VII of 1913) or under any other law or under the articles of association or in any other matter as the person whose shares have vested in the Government had immediately before such vesting; and

(b) the Government shall have the power to acquire, at its option, all or a portion of the remaining shares in such company in the prescribed manner on such terms as it deems fit.

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

(a) dissolve the Board of Directors of the company;

(b) remove its Managing Director or any other Director;

(c) dissolve its Managing Committee, Executive Committee, Advisory Committee or any other Committee or Board;

(d) remove its General Manager or other Manager;

(e) terminate any Managing Agency Agreement;

(f) remove any of its officers or employees;

(g) constitute any Board or Committee or appoint any person for its administration and management; and

(h) give such directions in respect of its administration and management as it may deem fit.

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

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

The words "or the authorised officer" were inserted after the words "Subdivisional Magistrate" by P. O. No. 125 of 1972.

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

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

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

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

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

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

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

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

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

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

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

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(3) No Court shall pass an order in any suit or proceeding granting temporary or *ad interim* injunction restraining the Government or the Deputy Commissioner or the Subdivisional Magistrate or the authorised officer, or any other officer or person acting under the authority, orders or directions of any of them, from taking possession of any property if any notice under, or purporting to be under, any provision of this Order has been served upon any person requiring or directing him to surrender possession of such property, and any such order passed by any Court before the commencement of the Bangladesh Abandoned Property (Control, Management and Disposal) (Amendment) Ordinance, 1976 (LV of 1976), shall stand vacated and cease to have effect.]

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

(a) the property is not abandoned property; or

(b) his interest in the property has not been affected by the provisions of this Order.

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

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

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

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

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

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

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

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

19. Without prejudice to the provisions of Article 17, any person who wilfully cause damage to, or disposed of the whole or a part of, any abandoned

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

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

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

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

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

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

25. The Government may make rules for carrying out the purposes of this Order.

[Published in the Bangladesh Gazette, Extraordinary, dated 10th March, 1972, Part I]

## MINISTRY OF LAND REVENUE, LAND RECORDS AND SURVEYS

### General Section

### NOTIFICATION

No. 6F-20/72/247-General—9th March, 1972.—In exercise of the power conferred by Article 25 of the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972 (P.O.No. 16 of 1972), the President is pleased to make the following rules, namely:—

### THE BANGLADESH ABANDONED PROPERTY (TAKING OVER POSSESSION) RULES, 1972.

1. Short title.—These rules may be called the Bangladesh Abandoned Property (Taking over Possession) Rules, 1972.

<sup>1</sup>For rules, see the Bangladesh Abandoned Property (Taking over Possession) Rules, 1972, see Notifn. No. 6E-20/72/247-Genl. dated 9-3-1972, published in the B. G. Extra, dated 10-3-1972, Part I, the Bangladesh Abandoned Property (Motor Vehicle) Rules, 1972, see Notification No. BTA.2M-10/72/133 dated 17-4-1972, pub. in the B. G. Extra, dated 19-4-1972, Pt. I, the Bangladesh Abandoned Property (Land, Buildings and other property) Rules, 1972, see Notifn. No. 6E-20/72/489-Genl. dated 8-5-72 pub. in the B. G. Extra, dated 12-5-1972, Pt. I, the Bangladesh Abandoned (Property Buildings in the Urban Areas) Rules, 1972, see Notifn. No. Ap/2R-1/72/1078, dated 22-10-1972, pub. in the B. G. Extra, dated 23-5-1972 pt. I, the Bangladesh Abandoned Property (Commercial) Rules, 1972, see Notifn. No. 17-18/72/326, dated 12-7-1972, pub. in the B. G. Extra, dated 13-7-1972, Pt. I, the Bangladesh Abandoned Property (Industrial) Rules, 1972, see Notifn. No. JND/XV/2M/1/72/211 dated 4-8-1972, pub. in the B. G. Extra, dated 7-8-1972, Part I, the Bangladesh Abandoned property (Light Vehicles) Rules, 1973, see Notifn. No. GIL/10/227/410 dated 22-11-73, pub. in the B. G. Extra, dated 23-11-73.



2. Definition.—In these rules, unless there is anything repugnant in the subject or context,—

- (a) "abandoned property" means any abandoned property within the meaning of the Order ;
- (b) "Article" means an Article of the Order ;
- (c) "Form" means a form appended to these rules ;
- (d) "the Order" means the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972 (P.O.No. 16 of 1972);
- (e) "property" means any property within the meaning of the Order.

3. Manner of taking possession of abandoned property under Article 7.—

- (1) Where any abandoned property is not in possession of any person or where a person surrenders any abandoned property under clause (2) of Article 7 or in pursuance of a notice under clause (3) or of an order under clause (4) of the said Article, the Deputy Commissioner of the Subdivisional Magistrate shall pass an order in Form No. 1 and depute an officer for taking possession of such property.
- (2) The officer so deputed shall affix an authentic copy of such order on the notice board of the office of the local Union Panchayat/Sahar Committee/Paurasabha and where the property consists of immoveable property another copy to some conspicuous part of such property.
- (3) The order may, if the Deputy Commissioner or Subdivisional Magistrate deem fit, be proclaimed by beat of drum in the locality in which the property is situated.
- (4) The officer deputed to take possession shall take such steps as he may consider necessary for securing possession of the property, including breaking open any lock or door, if necessary, and make an inventory in duplicate, containing the full particulars of the property, including machineries installations, fixtures, fittings, stock-in-trade, furniture, equipments, cash, bullions, ornaments, books documents, papers, house-hold effects, standing crops, trees and all other things found therein.
- (5) The inventory so made shall be signed by the officer himself and by two witnesses.
- (6) On the completion of these formalities, the possession of the property shall be deemed to have been taken by the Deputy Commissioner or the Subdivisional Magistrate.
- (7) The officer shall submit a report to the Deputy Commissioner or the Subdivisional Magistrate about taking possession of the property in the aforesaid manner, along with both copies of the inventory prepared by him.
- (8) The notice referred to in clause (3) of Article 7 shall be in Form No. 11 and shall be served on the person in possession or on any adult male member of his family or, where none of them is available or they refuse to receive the notice, by affixing a copy of the notice to a conspicuous part of the residence of such person and also, where the abandoned property consists of any immoveable property on a conspicuous part of such immoveable property in the presence of two witnesses.

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

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

(11) After eviction and on completion of these formalities, the possession of the property shall be deemed to have been taken by the Deputy Commissioner or the Subdivisional Magistrate.

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

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

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

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

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

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

6. Report and making over of an abandoned property to the Ministry concerned for control, management and disposal.—(1) The Deputy Commissioner or the Subdivisional Magistrate shall submit a report to the Ministry concerned as mentioned below setting out the particulars of the property, possession of which has been taken over by the Deputy Commissioner or the Subdivisional Magistrate.

Category of abandoned property.	Name of Ministry to whom the property is to be made over.
1. Agricultural, horticultural and non-agricultural lands not connected with any commercial or industrial undertaking.	Ministry of Revenue.
2. Residential and other buildings in the urban areas.	Ministry of Works.

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- 1[2A. Properties connected with the film industry and trade, including cinema houses, firms dealing with film stores and equipments and distribution of the films and other institution and agencies connected with the film trade and industry.] Ministry of information and Broadcasting.
3. Shops, godowns and other commercial undertakings with or without stock in trade, <sup>2</sup>[other than those mentioned in items 2A and 3A]. Ministry of Commerce.
- <sup>3</sup>3A. Shops, godowns and other commercial undertakings with or without stock in trade located in buildings owned by any Ministry or any Statutory body under it.] Ministry to which the building belongs.
4. Industrial undertakings (including Jute Industry) <sup>4</sup>[other than those mentioned in item 2A]. Ministry of Industry.
5. Tea Gardens Ministry of Commerce.
6. Trucks, buses and other means of transport Ministry of Communication.
7. Negotiable instruments and securities, i. e., shares, scrip, stocks, bonds, debentures, stocks or other marketable securities of a like nature in or anybody corporate and Government security. Ministry of Commerce.
8. Goods in transit or at port, railway stations and terminals. Ministry of Communication.
9. Cash, ornaments and bullion not connected with any commercial or industrial undertaking. Ministry of Finance.
10. Any other property not covered by the above classifications. Ministry of Revenue.

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

<sup>1</sup>Ins. by Notin. No. 259-Co-ordn. dated 18th July, 1972, published in the Bangladesh Gazette, Pt. I, dt. 3-8-1972.

<sup>2</sup>Added, *ibid*

<sup>3</sup> Ins., *ibid*.

<sup>4</sup> Added, *ibid*.

**Form I**  
[See rule 3(7)]  
**ORDER**

Whereas it appears that the property specified in the schedule below, owned by ..... of ..... P.S. ...., district ..... is an abandoned property within the meaning of the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972 (P.O. No. 16 of 1972), I hereby order that the possession of the said property shall be taken by (name and designation of the Officer deputed).

**Schedule**

(Full particulars of the property to be given).  
Deputy Commissioner/Subdivisional Magistrate.  
Date.....

Seal

**Form II**  
[See rule 3(8)]  
**NOTICE**

Whereas it appears that the property specified in the Schedule below, owned by ..... of ..... P.S. ...., District ..... is an abandoned property within the meaning of the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972 (P.O. No. 16 of 1972);

And whereas you Mr. .... of ..... P.S. ...., District ..... are in possession of the said property;

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

**Schedule**

(Full particulars of the property to be given).  
Deputy Commissioner/Subdivisional Magistrate.

Seal

Date.....

**Form III**  
[See rule 3(9)]  
**ORDER**

Whereas it appears that the property specified in the Schedule below owned by ..... of ..... P.S. ...., District ..... is an abandoned property within the meaning of the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972 (P.O.No. 16 of 1972);

And whereas you Mr. .... of ..... P.S. ...., District ..... are in Possession of the said property and have failed to surrender that property or to show cause in pursuance of the notice under clause (3) of Article 7 served on you on ..... in accordance with my order passed under clause (4) of Article 7 on .....

I hereby order that you shall be evicted from the said property and the possession of that property shall be taken by (name and designation of the officer deputed).

Schedule

(Full particulars of the property to be given).

Seal.

Deputy Commissioner/Subdivisional Magistrate.

Date.....

Form IV

[See rule 4(I)]

ORDER

Whereas you Mr..... of.....  
P.S..... District.....  
have ceased to be entitled to the possession of the abandoned property specified in the Schedule below, by reason of my order passed on.....  
..... under clause (1) of Article 10 of the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972 (P.O. No. 16 of 1972) and have failed to surrender possession of the said property under clause (2) of the said Article on demand ;

I hereby order that you shall be evicted from the said property and the possession of the said property shall be taken by (name and designation of the officer deputed).

Schedule

(Full particulars of the property to be given).

Deputy Commissioner/Subdivisional Magistrate.

Seal.

Date.....

[Published in the Bangladesh Gazette, Extraordinary, dated 19th April, 1972, Part I]

MINISTRY OF COMMUNICATIONS

(Transport Division)

NOTIFICATION

No. BTA-2M-10/72/139—17th April, 1972.—In exercise of the powers conferred by Article 25 of the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972 (P. O. No. 16 of 1972), the President is pleased to make the following rules, namely:—

**THE BANGLADESH ABANDONED PROPERTY (MOTOR VEHICLE) RULES, 1972.**

1. Short title and commencement.—(1) These rules may be called the Bangladesh Abandoned Property (Motor Vehicle) Rules, 1972.

(2) They shall come into force at once.

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

(a) "motor vehicle" includes trucks, lorries, buses, cars, scooters or any other road vehicles but does not include motor vehicles belonging to a company for the administration and management of which any Board or Committee has been constituted or any person has been appointed by the Government under sub-clause (g) of clause (2) of Article 3 of the Order or which has vested in any statutory corporation;

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

(c) "watercraft" means any passenger launch, any cargo launch of wooden hull or any other powered cargo craft below 150 tons capacity.

3. Preparation of list, fixation of minimum price, etc., of motor vehicles.—The Deputy Commissioner of the Subdivisional Magistrate shall after taking possession of motor vehicles under Article 7 of the Order:—

(a) make such survey and investigation as may be necessary and prepare a comprehensive list of motor vehicles specifying all relevant particulars and with remarks about the present condition of each such vehicle;

(b) fix a minimum price for each motor vehicle, except for motor cars;

(c) forward a list of motor cars to the Ministry of Communications (Transport Division) specifying all relevant particulars and giving remarks about their present condition.

4. Auction of motor vehicles except motor car.—(1) The Deputy Commissioner or the Subdivisional Magistrate shall put all motor vehicles except motor cars to auction and sell them to the highest bidder:

Provided that a bidder who suffered during the Pakistani occupation of Bangladesh shall be given preference to buy at the highest bid; when the highest bid is offered by more than one bidder:

Provided further that the highest bid shall not be less than the minimum price fixed under sub-rule (b) of rule 3.

(2) The auctioned vehicle shall not be delivered until full payment is deposited in Government Treasury or Sub-Treasury under Head "XXXIX—Civil Works—Miscellaneous—Abandoned Property Deposits".

5. On receipt of list of cars under sub-rule (c) of rule 3, the Government shall allot the cars to various organisations under it for use in public interest.

6. Report to the Divisional Commissioner.—The Deputy Commissioner shall submit a report to the Divisional Commissioner who shall satisfy himself that the duties assigned under these rules have been properly discharged.

7. Report to Deputy Commissioners.—Where any Board, Committee or person constituted or appointed by Government has already taken over possession of any motor vehicle, the fact shall be reported to the Deputy Commissioner for action in accordance with the provisions of these rules.

[Published in the Bangladesh Gazette, Extraordinary, dated, 12th May, 1972, Part I]

## MINISTRY OF LAND ADMINISTRATION AND LAND REFORMS

### General Section

### NOTIFICATION

No. 6E-20/72/498-General—8th May, 1972.—In exercise of the power conferred by Article 25 of the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972 (P. O. No. 16 of 1972), the President is pleased to make the following rules, namely:—

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

1. Short title.—These rules may be called the Bangladesh Abandoned Property (Land, Building any other Property) Rules, 1972.

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

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

(b) "Deputy Commissioner" includes an Additional Deputy Commissioner or a Joint Deputy Commissioner;

(c) "Order" means the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972, and

(d) "Property" means—

(i) 'building' including a structure of any kind and the land covered by it and necessary adjuncts thereto but not including a building connected with commercial or industrial undertaking or residential

and other building falling within the category of abandoned property under item 2 of sub-rule (1) of rule 6 of the Bangladesh Abandoned Property (Taking Over Possession) Rules, 1972.

(ii) 'land' including agricultural, horticultural and non-agricultural land and land which is covered with water at any time of the year, and including benefits to arise out of such land but not including any land connected with commercial or industrial undertaking or any land referred to in item (i) above,

(iii) 'any other property' falling within the category of abandoned property under item 10 of sub-rule (1) of rule 6 of the aforesaid Rule.

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

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

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

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

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

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

4. **Application under Article 15.**—An application under clause (1) of Article 15 shall be made to the Deputy Commissioner of the District or the Subdivisional Magistrate of the Subdivision in which the property is situated. The Deputy Commissioner or the Subdivisional Magistrate holding the summary enquiry shall have the power to summon and enforce the attendance of witnesses and compel the production of documents by the same means, and so far as may be, in the same manner as is provided in the case of a Civil Act V of Court under the Code of Civil Procedure, 1908.

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

6. **Assessment of compensation under Article 17.**—(1) The authority for assessment of compensation under Article 17 shall be the Deputy Commissioner or the Subdivisional Magistrate.



(2) In assessing compensation under clause (1) of the said Article for the period of unauthorised possession of any property or part thereof, the Deputy Commissioner or the Subdivisional Magistrate shall take into consideration—

- (a) the profit that, in his estimation, may be deemed to have accrued to the possessor from the property or from part thereof,
- (b) the rent, if any, of the property or part of the property for the period of unauthorised possession, and
- (c) the loss or inconvenience that, in his estimation, may be caused or have been caused to the Government, other than damage caused to the property itself.

(3) In assessing compensation under clause (2) of the said Article—

(a) for damage to the whole or a part of the property, the Deputy Commissioner or the Subdivisional Magistrate shall take into consideration—

(i) the amount by which, in his estimation, the value of the property or part thereof has been decreased by such damage,

(ii) the cost or probable cost of repairing such damage, and

(iii) any special loss or inconvenience that, in his estimation, may be caused or have been caused to the Government or the public during the time required for repairing such damage.

(b) for the disposal of the whole or a part of the property, the Deputy Commissioner or the Subdivisional Magistrate shall take into consideration—

(i) the market value of the property or a part thereof; and

(ii) the consideration money received by the transferer for the disposal.

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

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

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

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

(4) If any abandoned land or building taken possession of under article 7 by the Deputy Commissioner or the Subdivisional Magistrate is subsequently released as a result of any order passed under Article 15 or clause (1) of Article 16, the release shall be subject to any lease granted under sub-rule (2).

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

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

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

*(Published in the Bangladesh Gazette, Extraordinary, dated 23rd May, 1972, Part I)*

## MINISTRY OF PUBLIC WORKS AND URBAN DEVELOPMENT

### Abandoned Property Section

#### NOTIFICATION

No. AP/2R-1/72/1078.—22nd May, 1972.—In exercise of the power conferred by Article 25 of the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972 (P. O. No. 16 of 1972), the President is pleased to make the following rules, namely :—

#### THE BANGLADESH ABANDONED PROPERTY (BUILDINGS IN THE URBAN AREAS) RULES, 1972.

1. Short title.—These rules may be called the Bangladesh Abandoned Property (Buildings in the Urban Areas) Rules, 1972.

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

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

(aa) "crippled freedom fighter" means a freedom fighter who has become crippled or the loss of his hand, leg or eye or, who has been rendered incapable or disable to pursue any profession for earning his livelihood due to injury received during the period from the 25th March, 1971 to the 16th December, 1971, in the course of discharge of his duties as a freedom fighter.]

(b) "Deputy Commissioner" includes an Additional Deputy Commissioner or a Joint Deputy Commissioner ;

(c) "Order" means the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972 ;

(d) "Building" shall mean and include—

(1) a dwelling house with the land under it together with any courtyard, tank, place of worship and private burial or cremation ground attached or appertaining to such dwelling house and includes any outbuilding and such land within well defined limits whether vacant or not, as are treated to be appertaining thereto,

(2) a building or structure of any kind and the land covered by it and necessary adjuncts thereto but shall not include—

(i) a building situated within the premises of any commercial or industrial undertaking or a building used exclusively as its office, and

(ii) a building used exclusively as a shop, godown or business premises, \*

[(dd) "family of a Shaheed" means a family any earning member of which was a Shaheed ;

(ddd) "Shaheed" means a person who was killed by the Pakistani occupation army or their agents in Bangladesh during the period from the 25th March, 1971, to the 16th December, 1971 ;

(dddd) "Shaheed Government servant" means a Government servant who was a Shaheed ; and]

(e) "urban areas" shall mean and include—

(i) any area falling within the territorial limits of a Paurashava or a Sahar Committee as constituted by the Government from time to time ;

(ii) any area notified as the master plan area under the Chittagong Development Authority, Dacca Improvement Trust and Khulna Development Authority,

(iii) any area in which a Housing Estate is situated, and

(iv) any other area notified by the Government as an urban area.

3. Determination of liabilities under Article 9.—(1) The Deputy Commissioner or the Subdivisional Magistrate shall be the authority for determining the liabilities in respect of the building taken in possession under Article 7.

(2) In determining the liabilities the officer concerned may, after giving the claimants an opportunity of being heard, make such enquiries and examine such

\*The word "and" at the end of paragraph (ii) in sub-clause (2) was omitted and thereafter these new clauses were inserted by notification No. S. R. O. 67-1/75 (AP/2R-6/72-Part) dt 5th Feb., 1975, published in the Bangladesh Gazette, Extra. dt. 6th Feb., 1975 Part I, page 523

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documents and records as he may deem necessary. The officer holding the enquiry shall have the power to summon and enforce the attendance of witnesses and compel the production of documents by the same means and, so far as may be, in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908.

(2) In determining the liabilities, the following shall be taken to be the direct charge on the building namely :—

- (i) rent rates and taxes levied on the building,
- (ii) outstanding dues or loan with interest payable to the Government, Statutory Bodies or Corporations or account of the Building,
- (iii) the funds required annually for the upkeep, maintenance and management of the building :

Provided that, the total amount of liabilities payable in respect of the building shall not, in any case, exceed two thirds of the value of the building :

Provided further that the liabilities will be discharged in accordance with the instructions issued by the Government.

4. Application under Article 15.—(1) An application under clause (1) of Article 15 shall be made to the Deputy Commissioner or the Subdivisional Magistrate.

(2) The authority holding the summary enquiry shall have the power to summon and enforce the attendance of witnesses and compel the production of documents by the same means and so far as may be, in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908.

5. Appellate authority under Article 16.—An appeal under clause (1) of Article 16 shall be to the Divisional Commissioner when the order is passed by the Deputy Commissioner or to the Deputy Commissioner when the order is passed by the Subdivisional Magistrate.

6. Assessment of compensation of unauthorised possession under Article 17:—(1) An officer, as may be designated by the Government by a general or special order shall carry out the assessment of compensation of building under unauthorised possession.

(2) In assessing compensation under clause (1) of the said Article, the officer concerned shall take into consideration—

- (a) the profit that in his estimation, may accrue or have accrued to the possessor from the possession of the building or part thereof,
- (b) the rent of the building or part thereof for the period of unauthorised possession, and
- (c) expense incurred in evicting the person in unauthorised possession.

(3) In assessing compensation under clause (2) of the said Article the officer concerned may take into consideration—

- (a) the amount by which, in his estimation, the value of the building or part thereof as assessed under rule 8 has been decreased by such damage,
- (b) the cost or probable cost of repair of such damage,

(c) in the case of disposal of the whole or part of the building by the person in unauthorised possession, the value of the building or part thereof as assessed under rule 8, or the consideration money received by the said person for such disposal whichever is greater, and

(d) the cost incidental to the carrying out of the assessment.

(4) The amount assessed as compensation under these rules shall be recoverable as a public demand under the provisions of the public Demands Recovery Act.

7. Maintenance and audit of accounts under Article 18.—An officer authorised in this behalf by the Government shall maintain a separate account in respect of each building. All receipts and expenditures in respect of the building shall be entered therein. Such accounts shall be audited at least once a year by the Accountant-General, Bangladesh.

8. Assessment of valuation of the building.—(1) An officer designated by the Government by a general or special order as Valuation Officer shall carry out the assessment of valuation of the building in the urban areas.

(2) The assessment shall be made on the basis of the cost of the building at the prevailing market rate.

(3) The assessment made under sub-rule (2) may be reviewed, from time to time, by the Valuation Officer who may, subject to a maximum of thirty-three per cent. of the valuation, allow such depreciation as he thinks fit.]

9. Management Board.—(1) There shall be constituted a Management Board for each of the following places, namely :—

- (a) City of Dacca and its suburbs,
- (b) Chittagong town and its suburbs, and
- (c) Khulna town and its suburbs.

(2) Subject to the provision of sub-rule (1), there shall be a District Management Board and a Subdivisional Management Board for each district and Subdivision.

(3) A management Board shall consist of members as may be determined by the Government. The scope and functions of the Board shall also be determined by the Government.

10. Management of the Property.—(1) The management and disposal of the building shall be done in the following manner—

- (a) lease on monthly rental basis,
- (b) disposal on hire-purchase system, and
- (c) disposal by outright auction.

[Sub-rules (2) and (3) were substituted for the original sub-rule (2) of Rule 8 by Notification No. S. R. O. 67-175 (AP/2R-6/72 Part) dt. 5th Feb. 1975, published in the Bangladesh Gazette, Extra, dt. 6th Feb. 1975, part 1, page 523.]

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(2) Monthly rent will be fixed at 1/12 of 8 per cent. of the value of the building including the cost of site as determined under rule 8 [1].

[Provided that the monthly rent of a building allotted to, or under the occupation of, a family of a *Shahed* (for a crippled freedom fighter) shall be fixed at 1/12 of 4 per cent. of the value of the building as determined under rule 8, and, in a special case, the Government or the Municipal Board concerned, with the approval of the Government, may grant such further concession in the matter of assessment of the rent as it thinks fit.]

Provided further that in the case of a building allotted to, or under the occupation of, the family of *Shahed* Government servant the monthly rent shall be fixed at 7½ per cent. of the last pay drawn by the *Shahed* Government servant.]

(3) The price of the building for disposal on hire-purchase system shall be the value of the property including the cost of the site as assessed under rule 8 plus interest at 8 per cent. that would accrue over a period of 10 years on two-thirds of the assessed value. At least one-third of the amount shall be payable as the first instalment and the balance will be paid in equal annual instalment over a period of 10 years.

(4) Auction will be conducted by an officer not below the rank of a Class I. Gazetted Officer. At least 15 days' notice shall be given for any auction and such notice shall be published in the Newspapers, in the Notice Boards of the Paurashava or *Shahar* Committee or in any conspicuous place of the District and Subdivisional Civil and Criminal Courts. The value of the building as assessed under rule 8 shall be taken to be the minimum price for disposal by auction. No building shall be sold in auction at a price lower than the minimum price. Sale by auction shall be in the name of the highest bidder.

(5) Before deciding for disposal of the building on hire-purchase or by auction, a certificate shall be obtained from the Deputy Commissioner or the Subdivisional Magistrate or the Director of Accommodation of the area to the effect that the building will not be required for any public purpose.

(6) The disposal of the building shall be subject to the following principles, namely:—

- (a) the requirement for Government or Semi-Government Offices, Foreign Missions, Public Institutions and for other public purposes shall have priority over others,
- (b) the building in respect of which the liabilities exceed two-thirds of the value of the building shall preferably be sold in auction, and
- (c) pending final disposal of an application under Article 15 or an appeal under Article 17, the building shall be managed on monthly rental basis.

(7) The following order of priority shall be followed in the matter of allotment of lease of the property:

- (a) a *Shahed* whose house or the house of whose family was destroyed during the period from the 25th March 1971 to the 16th December, 1971,
- (b) a *Shahed* whose family has no house in any urban area,

The colon was substituted for the full stop in the above Part (a) of Rule 10 and thereafter these provisos were added by Notification No. S. R. O. 57-L 75/AP/2R-5/72 part) dt. 5th Feb. 1975, Part-I, page 523.

Amns. by Notification No. S. R. O. 313-L 79/SSN G-IM 8/79, dt. 10-11-1979.

- (c) a freedom fighter whose house or the house of whose family was destroyed during the period from the 25th March, 1971 to the 16th December, 1971,
- (d) a freedom fighter who has no house in his name or in the name of any member of his family in any urban area,
- (e) a person who otherwise participated in the liberation struggle or movement to the satisfaction of the Government or the Management Board and lost his house during the aforesaid period or who has no house in any urban area,
- (f) any other person considered eligible by the Government or the Management Board on any special ground :

Provided that, in the case of category (a) and (b) above, allotment or lease shall be made in the name of any of the surviving members of the family which includes husband or wife, father, mother, dependent children, brother and sister :

Provided further that, where a co-sharer of the building is in possession of his share and the remaining share cannot be separated or independently leased out or disposed of, the abandoned share shall be allotted to the co-sharer, if he is found eligible under any of the above categories.

[Published in the Bangladesh Gazette, Extraordinary, dated 13th July, 1972, Part-I]

## MINISTRY OF TRADE AND COMMERCE

### NOTIFICATION

No. 17-180/72/526.—12th July, 1972.—In exercise of the powers conferred by Article 25 of the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972 (P.O. No. 16 of 1972), the Government is pleased to make the following rules, namely :—

### THE BANGLADESH ABANDONED PROPERTY (COMMERCIAL CONCERN) RULES, 1972.

1. Short title and commencement.—(1) These rules may be called the Bangladesh Abandoned Property (Commercial Concern) Rules, 1972.
- (2) These rules shall come into force at once.
2. Definitions.—In these rules, unless there is anything repugnant in the subject or context,—
  - (a) "Article" means an Article of the Order ;
  - (b) "authorised officer" means an officer authorised by the Government ;
  - (c) "commercial concern" includes any abandoned property falling within category 3, 5 and 7 specified in sub-rule (1) of rule 6 of the Bangladesh Abandoned Property (Taking over possession) Rules, 1972 ;

- (d) "Deputy Commissioner" includes an Additional Deputy Commissioner or a Joint Deputy Commissioner;
- (e) "Management Board" means a Management Board constituted under rule 8, and
- (f) "Order" means the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972.

3. Acquisition of commercial concern under Article 8.—(1) Whenever the Government feels, on grounds of better administration and management, the necessity of acquiring all or a portion of the remaining shares of a commercial concern under sub-clause (b) of clause (1) an authorised officer shall intimate such shareholders in writing the intention of such acquisition.

(2) The shareholders may, within seven days of receipt of intimation under sub-rule (1) file an application to the authorised officer stating the reasons against the said acquisition.

(3) If the reasons stated under sub-rule (2), are not satisfactory, the authorised officer shall reject the application and order the acquisition of the aforesaid shares after due compensation, which shall be determined in accordance with the market value prevailing on the date the intimation under sub-rule (1) was given.

4. Determination of liabilities under Article 9.—(1) The Management Board shall, in respect of a commercial concern taken in possession under Article 7, be the authority for determining the liabilities.

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

Provided that, no liability which does not directly relate to the interest of the commercial concern situated within Bangladesh shall be deemed to be a liability in respect thereof.

5. Application under Article 15.—(1) An application under clause (1) shall be made to the Deputy Commissioner or the Subdivisional Magistrate. The authority holding the summary enquiry shall have the power to summon and enforce the attendance of witnesses and compel the production of documents by the same means, and so far as may be, in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908.

6. Appellate authority under Article 16.—An appeal under clause (1) shall lie to the Divisional Commissioner concerned.

7. Assessment of compensation of unauthorised possession under Article 17.—(1) The authority for assessment of compensation under the Article shall be the management Board concerned.

(2) In assessing compensation under clause (1), the Management Board shall take into consideration—

(a) The profit that in its estimation may accrue or have accrued, to the possessor from the possession of the commercial concern,

(b) the rent of the commercial concern or a part thereof, and



(c) expenses incurred in evicting the person in unauthorised possession.  
(3) In assessing compensation under clause (1), the Management Board concerned may take into consideration

(a) the amount by which, in its estimation, the value of the commercial concern or part thereof has been diminished by such damage,

(b) the cost or probable cost of repair of such damage,

(c) in the case of disposal of the whole or part of the commercial concern by the person in unauthorised possession, the value of the commercial concern or part thereof as assessed by the Management Board or the consideration money received by the said person for such disposal whichever is greater, and

(d) the cost incidental to the carrying out of the assessment.

(4) The amount assessed as compensation under these rules shall be recoverable as a public demand under the provisions of the Public Demands Recovery Act, 1913.

8. Management Board. (1) There shall be constituted a Management Board for each of the following places, namely:—

(a) City of Dacca,

(b) Chittagong town,

(c) Khulna town, and

(d) Narayanganj town.

(2) Subject to the provision of sub-rule (1), there shall be constituted a District Management Board and a Subdivisional Management Board for each District and Subdivision.

(3) A Management Board shall consist of a Chairman and such number of members as may be determined by the Government. The functions shall be specified by the Government.

9. Maintenance and audit of accounts under Article 14.—The authorised officer shall maintain a separate account in respect of each commercial concern. All receipts and expenditure in respect of commercial concern shall be entered herein. Such accounts shall be audited by a Chartered accountant to be appointed by the Government from time to time.

[Published in the Bangladesh Gazette, Extraordinary, dated 7th August, 1972, Part-I]

MINISTRY OF INDUSTRIES

NOTIFICATION

No. IND/XV 2M 177/211—1th August, 1972.—In exercise of the power conferred by Article 25 of the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972 (P.O. No. 16 of 1972), the Government is pleased to make the following rules, namely:—

THE BANGLADESH ABANDONED PROPERTY (INDUSTRIES) RULES, 1972.

1. Short title and commencement.—(1) These rules may be called the Bangladesh Abandoned Property (Industries) Rules, 1972.

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(2) These rules shall come into force at once.

**Definitions.**—In these rules, unless there is anything repugnant in the subject or context,—

- (a) "Article" means an Article of the Order;
- (b) "Authorised Officer" means an officer authorised by the Government;
- (c) "Industry" means any abandoned industry within the meaning of the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972;
- (d) "Deputy Commissioner" includes an Additional Deputy Commissioner or a Joint Deputy Commissioner;
- (e) "Management Board" means a management board constituted under rule 8; and
- (f) "Order" means the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972.

13. Manner of taking possession of abandoned industry under Article 7.—

(1) Where any abandoned industry is not in possession of any person or where a person surrenders any abandoned industry under clause (2) of Article 7 or in pursuance of a notice under clause (3) or of an order under clause (4) of the said Article, the Deputy Commissioner or the Subdivisional Magistrate shall pass an order in Form No. 1 and depute an officer for taking possession of such industry.

(2) The officer so deputed shall affix an authentic copy of such order on the notice board of the office of the local Union Panchayat/Shahar Committee/Pourashava and another copy to some conspicuous part of such industry.

(3) The order may, if the Deputy Commissioner or Subdivisional Magistrate deems fit, be proclaimed by beat of drum in the locality in which the industry is situated.

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

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

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

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

(8) The notice referred to in clause (3) of Article 7 shall be in Form No. 10 and shall be served on the person in possession or on any adult male member of his family or, where none of them is available, or they refuse to receive the notice by affixing a copy of the notice to a conspicuous part of the residence of such person and also on a conspicuous part of such industry in the presence of two witnesses.

(9) Where the person in possession fails to surrender the abandoned industry or to show cause in pursuance of the notice under clause (3) of Article 7 or where he shows cause, but fails to surrender the industry in accordance with an order passed under clause (4) of that Article the Deputy Commissioner or the Subdivisional Magistrate shall pass an order in Form No. 111 and depute an officer to take possession of the industry, by taking all steps necessary in that behalf, including evicting such person and for such eviction, such force may be used as may be necessary.

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

(11) After eviction and on completion of these formalities the possession of the industry shall be deemed to have been taken by the Deputy Commissioner or the Subdivisional Magistrate.

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

[3A.] Acquisition of industry or industries under Article 8—(1) Wherever the Government feels, on grounds of better administration and management, the necessity of acquiring all or a portion of the remaining shares of an industry under sub-clause (b) of clause (1) an authorised officer shall intimate such shareholders in writing the intention of such acquisition.

(2) The shareholders may, within seven days of receipt of intimation under sub-rule (1), file an application to the authorised officer stating the reasons against the said acquisition.

(3) If the reasons stated under sub-rule (2), are not satisfactory, the authorised officer shall reject the application and order the acquisition of the aforesaid shares after due compensation, which shall be determined in accordance with the market value prevailing on the date the intimation under sub-rule (1) was given.

4. Determination of liabilities under Article 9.—(1) The Management Board shall, in respect of an industry taken in possession under Article 7 and in respect of shares of industry vested in Government under clause (1) of Article 8, be the authority for determining the liabilities.

(2) In determining the liabilities, the Management Board concerned may, after giving the claimants an opportunity of being heard, make such enquiries and examine such documents and records as it may deem necessary.

Provided that, no liability which does not directly relate to the interest of the industry situated within Bangladesh shall be deemed to be a liability in respect thereof.

Rule 3 has been re-numbered as Rule 2A and now Rule 111, by Notification No. Ind-XVI-2M-1/72/21 dated 20th September, 1972, published in the B. S. Extra, dated 23-9-1972, Pt. I, p. 2269.

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5. Application under Article 15.—(1) An application under clause (1) shall be made to the Deputy Commissioner [in sadar subdivision] or the Subdivisional Magistrate [in outlying subdivision]. The authority holding the summary enquiry shall have the power to summon and enforce the attendance of witnesses and compel the production of documents by the same means, and so far as may be, in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908.

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

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

(3) After eviction and on completion of those formalities the possession of the industry shall be deemed to have taken by the Deputy Commissioner or the Subdivisional Magistrate.

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

6A. Appellate authority under Article 16.—An appeal under clause (1) of Article 16 shall lie to the Divisional Commissioner when the order is passed by the Deputy Commissioner or to the Deputy Commissioner when the order is passed by the Subdivisional Magistrate.

7. Assessment of compensation of unauthorised possession under Article 17.—(1) The authority for assessment of compensation under the Article shall be the Management Board concerned.

(2) In assessing compensation under clause (1) the Management Board shall take into consideration—

(a) the profit that in its estimation may accrue or have accrued to the possessor from the possession of the industry;

(b) the rent of the industry or a part thereof; and

(c) expenses incurred in evicting the person in unauthorised possession.

(3) In assessing compensation under clause (2), the Management Board concerned may take into consideration—

(a) the amount by which, in its estimation, the value of the industry or a part thereof has been decreased by such damage;

<sup>1</sup>Ins. by Notification No. Ind-XVI-2M-1/72/221 dt. 20-9-1972, pub. in the B. G. Extra, dt. 3-9-1972, pt. I, P. 2269.

<sup>2</sup>Rule 6 re-numbered as rule 6A and new rule 6 ins. *ibid.*

- (b) the cost or probable cost of repair of such damage ;
- (c) in the case of disposal of the whole or part of the industry by the person in unauthorised possession, the value of the industry or part thereof as assessed by the Management Board or the consideration money received by the said person for such disposal, whichever is greater ; and
- (d) the cost incidental to the carrying out of the assessment.

(4) The amount assessed as compensation under these rules shall be recoverable as a public demand under the provisions of the Public Demands Recovery Act.

8. Management Board.—(1) There shall be constituted a Management Board or Boards for each of the following places, namely :—

- (a) City of Dacca;
- (b) Chittagong town ; and
- (c) Khulna town.

[Note—(1) City of Dacca includes Dacca Sadar North and South Subdivisions and Narayanganj Subdivision of Dacca District.

(2) Chittagong Town includes Chittagong Sadar North and South Subdivisions of Chittagong District.

(3) Khulna Town includes Khulna Sadar Subdivision.]

(2) Subject to the provision of sub-rule (1), there shall be constituted a District Management Board and a Subdivisional Management Board for each District and Subdivision.

(3) A Management Board shall consist of a Chairman and such number of members as may be determined by the Government. The functions of the Board shall be specified by the Government.

9. Maintenance and audit of accounts under Article 18.—<sup>2</sup>[Administrator or Manager] shall maintain a separate account in respect of each industry. All receipts and expenditure in respect of industry shall be entered therein. Such accounts shall be audited by a Chartered Accountant to be appointed by the <sup>3</sup>[Management Board] from time to time.

[Published in the Bangladesh Gazette, Extraordinary, dated 23rd November, 1973]

MINISTRY OF CABINET AFFAIRS

Establishment Division

Section GII

NOTIFICATION

No. GII/IP-22/73-410--22nd November, 1973.—In exercise of the powers conferred by Article 25 of the Bangladesh Abandoned Property (Control,

<sup>1</sup>Ins. by Notifn. No. Ind-XVI-2M-1/72/221 dated the 20th Sept., 1972, pub. in the B. G. Extra. dt. 23-9-1972, pt. p. 1. 2271.

<sup>2</sup>Subs. *ibid.* for "the authorised officer".

<sup>3</sup>Subs. *ibid.* for "Government".

Management and Disposal) Order 1972 (P.O. No. 11) of 1972; the Government is pleased to make the following rules namely :—

**THE BANGLADESH ABANDONED PROPERTY (LIGHT VEHICLES) RULES, 1973**

1. **Short title and commencement.**—(1) These rules may be called the Bangladesh Abandoned Property (Disposal of Light Vehicles) Rules, 1973.

(2) They shall come into force at once.

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

(a) “committee” means a committee constituted under rule 3;

(b) “light vehicle” means car, jeep, pickup, microbus, station wagon, passenger-carrying launch, speed boat, motor cycle and cycle;

(c) “Order” means the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972 (P.O. No. 16 of 1972)

(d) “Government” means the Government in the Establishment Division; and

(e) “permanent allotment” means allotment of a light vehicle subject to the condition that in the event of a claim by the rightful owner, the claim being accepted as valid by the Government, the light vehicle shall be liable to be restored to the owner on payment of such compensation as may be determined by the Government in this behalf.

3. **Preparation of list, fixation of minimum price, etc., of light vehicles.**—

(1) The Government shall, after the Deputy Commissioner or the Subdivisional Magistrates or the case may be, has taken over possession of light vehicles under Article 7 of the Order and after satisfying itself that no proceedings are pending under Articles 15 and 16 of the Order, [constitute a Committee for each district] to—

(a) make such survey and investigation as may be necessary and prepare a comprehensive list of light vehicles specifying all relevant particulars and with remarks about the present condition of each such light vehicle; and

(b) fix a minimum price for each light vehicle on the basis of the present market price.

<sup>2</sup>(2) The committee shall consist of the Deputy Commissioner of the district concerned, who shall be the Chairman of the committee and two other members to be selected by the Deputy Commissioner, one of whom should be a technical person.]

4. **Eligibility for permanent allotment.**—(1) After the completion of survey and fixation of price under sub-rule (1) of rule 3, the light vehicles may, upon

<sup>1</sup>Subs. vide Notification No. S. R. O. 122 L/76/CD/FR/JP-4/76-99 dt. 29-3-1976, pub. in the B. G. Extra, dt. 31-3-76, p. 1095.

<sup>2</sup>Subs. *ibid.*

and application made to the Government, be allotted permanently to the following categories of organisations and persons, namely :—

- (a) Government officers ;
- (b) autonomous and semi-autonomous bodies ;
- (c) local bodies ;
- (d) nationalised enterprises ;
- (e) recognised private welfare organisation ;
- (f) recognised private institutions ;
- (g) private industrial and commercial concerns ; and
- (h) deserving persons ;

Provided that in the event of a claim by the rightful owner, the claim being accepted as valid by the Government, the light vehicle shall be liable to be restored to the owner on payment of such compensation as may be determined by the Government in this behalf.

(2) Any light vehicle allotted to organisations under categories (a) to (f) of sub-rule (1) shall not be required to pay the minimum price fixed for such light vehicle but shall be liable to pay the arrear taxes and other dues, if any, from their own fund.

(3) Light vehicles allotted to organisations and persons under categories (g) and (h) shall be required to pay the minimum price fixed for such light vehicle in the manner specified in rule 5.

5. **Manner of permanent allotment of a light vehicle to its present allottee.**—(1) A light vehicle may be sold to its present allottee or permanently allotted to private industrial and commercial concerns and deserving persons on payment of the minimum price fixed for such light vehicle by the Committee.

(2) The present allottee shall have the option to buy the light vehicle he uses and if he claims to have incurred any expenditure towards the repairs of such light vehicle, he shall submit proper account of such expenditure along with supporting vouchers.

(3) The committee, if satisfied after necessary scrutiny and examination of the vouchers, shall deduct the actual cost of repairs from the price of the vehicle.

(4) The present allottee shall deposit in the Government treasury or sub-treasury through treasury challan the balance amount of the price of the light vehicle under the appropriate Heads.

(5) The light vehicle shall be permanently allotted to the present allottee after he produces a copy of the challan to the Committee.

(6) If any present allottee does not agree to purchase the light vehicles he uses or, fails to make payment of the price of the vehicle within 15 days after he has opted to purchase the same, the Government shall take immediate steps to take possession of the light vehicle from the present allottee.

6. **Auction of light vehicles.**—(1) After allotment or sale of light vehicles under rule 4 or 5 the Government may direct the Deputy Commissioner or the Subdivisional Magistrate to put all the remaining light vehicles to auction and sale these to the highest bidder.

Provided that the highest bid shall not be less than the minimum price fixed under clause (b) of sub-rule (1) of rule 3.

(2) The light vehicle auctioned under sub-rule (1) shall not be delivered until full payment is deposited in Government treasury or sub-treasury under the head "XLVI-Misc. other items sale proceeds of abandoned vehicle".

7. Final report by the Deputy Commissioner.—A final report shall be submitted by the Deputy Commissioner to the Government giving full details about the final disposal of light vehicles.

8. Savings.—All applications made, light vehicles allotted or moneys deposited in the Government treasury or sub-treasury before the commencement of these rules shall be deemed to have been made, allotted or deposited, as the case may be, under the corresponding provisions of these rules.

[Published in the Bangladesh Gazette Part I, dated the 3th February, 1976.]

## MINISTRY OF PUBLIC WORKS AND URBAN DEVELOPMENT

### NOTIFICATION

Dhaka, the 26th January, 1976.

No. 2R-6/72/60/Sec. X-Part.—In exercise of the power conferred by Article 25 of the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972 (President's Order No. 16 of 1972) read with rule 9 of the Bangladesh Abandoned Property (Building in the Urban Areas) Rules, 1972, the Government is pleased to re-constitute the Management Board for the city of Dacca and suburbs in supersession of this Ministry's notification No. 2R-6/72/1253, dated 12th June, 1972 :

(1) Secretary, Ministry of Public Works and Urban Development—  
Chairman.

#### Members.

(2) Commissioner, Dhaka Division.

(3) Deputy Commissioner, Dhaka.

(4) Police Commissioner, Dhaka Metropolitan Police.

(5) Chairman, Dhaka Improvement Trust.

(6) Deputy Commissioner Housing and Settlement, Dhaka.



(7) Settlement Officer, Dhaka.

(8) Superintending Engineer, Abandoned Property Circle—*Secretary*.

**Management Board for Chittagong City and its suburbs.**

(1) Commissioner, Chittagong Division, Chittagong—*Chairman*.

*Members.*

(2) Superintending Engineer (Building), Chittagong.

(3) Deputy Commissioner, Chittagong.

(4) Superintendent of Police, Chittagong.

(5) Executive Engineer (Housing), Chittagong.

(6) A representative of H. B. F. C.

(7) Executive Engineer (Building), Chittagong—*Member-Secretary*.

**Management Board of Khulna City and its suburbs.**

(1) Commissioner, Khulna Division—*Chairman*.

*Members*

(2) Superintending Engineer (Building), Khulna.

(3) Deputy Commissioner, Khulna.

(4) Superintendent of Police, Khulna.

(5) Executive Engineer (Housing), Khulna.

(6) A representative of H. B. F. C.

(7) Executive Engineer (Building), Khulna—*Member-Secretary*.

**Management Board for other Districts.**

(1) Deputy Commissioner—*Chairman*.

*Members:*

(2) Superintendent of Police.

(3) Administrator, Paurashava or Sahar Committee.

(4) A representative of H. B. F. C.

(5) Executive Engineer (Building)—*Member-Secretary*.

**Management Board for each Subdivision**

(1) Subdivisional Officer, *Chairman*.

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*Members*

(2) Sub-divisional Police Officer.

(3) Administrator, Paurashava,

(4) Sub-divisional Engineer (Building)—*Member-Secretary*.

Each Board shall carry out its functions in accordance with the provisions of the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972 (President's Order No. 16 of 1972), the rules framed thereunder and the directives that may be issued from time to time by the Government in the matter of management, control and disposal of the abandoned buildings in the urban areas within its jurisdiction.