

EAST BENGAL ACT XIII OF 1953

THE TOWN IMPROVEMENT ACT, 1953¹

[15th May, 1953]

An Act to provide for the development, improvement and expansion of the ²[Capital of the Republic and Narayanganj and and Tongi Municipalities] and certain areas to their vicinity and the constitution of a ³[Kartripakkha] therefor.

WHEREAS it is expedient to make provision for the development, improvement and expansion of the ²[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;

AND WHEREAS it is expedient that a ³[Kartripakkha] should be constituted and invested with special powers for carrying out the objects aforesaid;

It is hereby enacted as follows:-

CHAPTER 1.

Preliminary

1. (1) This Act may be called the Town Improve- meat Act, 1953.

short title,
extent and
commence-
ment

(2) It extends to the areas comprised within the limits of the ⁴[Dacca City] ; but the ⁵[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 ⁶[and Tongi Municipality] and such other areas in the vicinity of ⁶[the said city and] those two Municipalities as may be specified in the notification.

¹For Statement of Objects and Reasons, see the *Dacca Gazette, Extraordinary*, dated the 3rd March, 1951, Pt. IVA, P. 214; for Proceedings of the meetings in the Assembly, see the Proceedings of the meetings of the East Bengal Legislative Assembly held on the 13th and 19th March, 1951.

²Substituted by Act XXIX of 1987 (w.e.f.30-4-1987),for "to towns of Dacca and Narayanganj".

³Substituted *ibid.*, for "Board of Trustees".

⁴Substituted *ibid.*, for "Dacca Municipality".

⁵Substituted *ibid.*, for "Provincial Government".

⁶Inserted *ibis*.

(3) It shall come into force in such areas⁹ and on such dated² as the ²[Government] may, by notification, specify.

Definitions.

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

³[(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;

(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 ⁴[Kartripakkha];

⁵[(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.]

¹The Act came into force within the limits of the Dacca Municipality with effect from the 9th August, 1956 *vide* Notification No. 267-Dev., dated the 8th August, 1956, published in the *Dacca Gazette, Extraordinary*, dated the 9th August, 1956, Part I, page 815.

The Act came into force with effect from the 16th May, 1957 in the following areas, *vide* Notification No. 161-Dev., dated the 6th May, 1957, published in the *Dacca Gazette*, dated the 16th May, 1957, Part I, p. 319 :-

(1) Narayanganj Municipality;

(2) Areas comprised within the limits of Narayanganj police-station as are outside the limits of the Narayanganj Municipality;

(3) All areas comprised within the territorial limits of police-stations Fatullah, Keraniganij, Ramna and Tejgaon excluding the area comprised within the limits of the Dacca Cantonment; and

(4) Areas comprised within the territorial limits of police-stations Sutrapur, Kotwali and Lalbagh as are outside the limits of the Dacca Municipality.

²Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for “Provincial Government”

³Substituted *ibid.*, for the former clauses (a) and (b).

⁴Substituted *ibid.*, for “Board”.

⁵Substituted *ibid.*, for the former clauses (e), (ee) and (eee).

- (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;
- ¹[(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*;
- ²[(j) "Pourashava" means Narayanganj Pourashava or Tongi Pourashava;
- (jj) "prescribed" means prescribed by rules or regulations made under this Act;]
- (k) "Secretary to the ³[Kartripakkha]" means the person for the time being appointed by the ³[Kartripakkha], to discharge the functions of Secretary to the ³(Kartripakkha);
- (l) "Tribunal" means the Tribunal constituted under section 82;
- ⁴* * * * *
- ⁵[(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, gaily, 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

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for the former clauses (g), (h) and (hh).

²Substituted *ibid.*, for the former clause (j).

³Substituted *ibid.*, for "Board".

⁴Clause (m) was omitted, *ibid.*

⁵Clauses (n), (o) and (p) were substituted for clause (n) by E. P. Ordinance VI of 1963.

- (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 ; ^{1*}
- (p) "street alignment" means the line dividing the land comprised in and forming part of a street from the adjoining land] ²[:and]
- ³[(q) "Upazila Parishad" means the Upazila Parishad of a Upazila in which this Act is in force;
- (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 ford.]

CHAPTER II

THE ⁴[KARTRIPAKKHA]

Constitution of the ⁵[Kartripakkha]

Establish-ment and incorpora- tion of ⁶[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 ⁶[Kartripaklala, 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.

¹ The word "and" was omitted by E.P. Ord. XIII of 1966.

² The semi-colon and the word ; "and" was substituted for the full-stop at the end of clause (p) and thereafter clause (q) was added, *ibid.*,

³ Clauses (q), (r) and (s) were substituted by Act XXIX of 1987 (w.e.f. 30-4-1987) for the former clause (q) which was added by E. P. Ord. XIII of 1966.

⁴Substituted *ibid.*, for "BOARD OF TRUSTEES".

⁵Substituted *ibid.*, for "Board".

⁶Substituted *ibid.*, for "Board to be calls 1 'The Dacca Improvement Trust' ; and such Board' .

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

(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 Kartripakkba.

(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.

(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.]

¹Sections 4 and 5 were substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for the foregoing sections 4,5,6,7,8,7,10,11,12,13,14,15,16,17,18,19 and 20.

Temporary association of members with the ¹[Kartripakkha] for particular purposes.

21. (1) The ¹[Kartripakkha] may associate with themselves, in such manner and for such period as may be prescribed by ²[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.

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

3* * * * *

Power to make and perform contracts.

26. The ¹[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. ⁴[(1) Every such contract shall be made on behalf of the ¹[Kartripakkha] by the Chairman:

Provided that a contract involving an expenditure exceeding five lakhs of ⁵[taka] shall not be made by the Chairman with sit the previous sanction of the ¹[Kartripakkha].]

(2) Every estimate for the expenditure of any sutra 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.

Further provisions as to execution of contracts, and provision as to seal of ¹[Kartripakkha].

28. (1) Every contract made by the Chairman on behalf of the ¹[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 ¹[Kartripakkha] shall be used; and every such contract may in the like manner and form be varied or discharged.

(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 .

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1937), for "Board".

²Substituted *ibis'*, for "rules".

³Sections 22, 23, 24 and 25 were omitted, *ibid*.

⁴Substituted by E. P. Ordinance No. III of 1965, for the original sub-section (1).

⁵Substituted by Act XXXIX of 1987 (w.e.t. 30-4-1987), for "rupees".

(3) The common seal of the ¹[Kartripakkha] shall remain in the custody of the Secretary to the ¹[Kartripakkha], and shall not be affixed to any contract or other instrument except in the presence of a ²[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 ¹[Kartripakkha].

³[29. (1) At least seven days before entering into any contract Tenders. for the execution of any work or the supply of any materials or goods which will involve an expenditure not exceeding ten thousand ⁴[taka], or at least fourteen days before entering into such contract involving an expenditure exceeding ten thousand ⁴[taka], the Chairman shall give notice, by advertisement in local newspapers, inviting tenders for the same.

(2) In every case in which the acceptance of a tender would involve an expenditure exceeding five lakhs of ⁴[taka], the Chairman shall submit to the ¹[Kartripakkha] the specifications, conditions and estimates, and all tenders received, specifying particular tender (if any) the acceptance of which he recommends.

(3) The ¹[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.]

30. The Chairman shall take sufficient security for the due Security for performance of contract. performance of every contract involving an expenditure exceeding one thousand ⁴[taka].

31 (1) The Chairman shall forward to the ⁵[Government] a Supply of documents and information to the ⁵[Government]. copy of the minutes of the proceeding of each meeting of the ¹[Kartripakkha], within ten days from the date on which the minutes of the proceedings of such meeting were signed as ⁶***.

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Board".

²Substituted *ibid.*, for "Trustee".

³Substituted by E.P. Ordinance III of 1965, s. 11, for the original section 29.

⁴Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "rupees".

⁵Substituted *ibid.*, for "Provincial Government".

⁶The words, figure, comma and brackets "prescribed in section 20, clause (h)" were omitted. *ibid.*

¹[(1A) If, in the opinion of the Chairman, any resolution passed by the ²[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 ³[Government] making his own suggestion for requisite action in the matter. Till orders are received from the ³[Government], the execution of the resolution shall be held in abeyance.]

(2) If the ³[Government] so directs in any case, the Chairman shall forward to it a copy of all papers which were laid before the ²[Kartripakkha] for consideration at any meeting.

(3) The ³[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 ²[Kartripakkha], or
- (b) a report on any such matter, or
- (c) a copy of any document in the charge of the Chairman.

(4) The ³[Government] may, at any time, cause an investigation to be made, by an officer appointed in this behalf, into the affairs of the ²[Kartripakkha] ⁴[and take such remedial measures as may be warranted by the findings of such investigation].

Employees of the ²[Kartripakkha]

Statement of strength and remuneration of staff.

32. The ²[Kartripakkha] shall, from time to time prepare, and shall maintain a statement showing—

- (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.

¹Sub-section (1A) was added by E.P. Ordinance III of 1965, s, 12.

²Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Board".

³Substituted *ibid.*, for "Provincial Government".

⁴The words within square brackets were added by E.P. Ordinance III of 1965, s. 12.

33. The ¹[Kartripakkha] shall from time to time make ²[regulationti]- ¹[Karti-pakkha] to make ²[regulations].
- (a) fixing the amount and nature of the security to be furnished by any employee of the ¹[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 ¹[Kartripakkha]; and
 - (c) for establishing and maintaining a provident or annuity fund, for compelling all or any of the employees of the ¹[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 ²[regulations], and for supplementing such contributions out of the funds of the ¹[Kartripakkha]:

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.

³[34. (1) Subject to the provisions of this Act, the ¹[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: ^{Power of creation of posts for the ¹[Kartripakkha].}

⁴[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.

¹Substituted by Act XXIX of 1987 (w.e.f. 30.4-1987), for "Board".

²Substituted *ibid.*, for "rules".

³Substituted by E. P. Ordinance Iii of 1965, s. 13, for the original section 34.

⁴Substituted by Act XXIX of 1987 (w.e.f. 30.4-1987), for the first proviso.

(2) The ¹[Kartripakkha] shall be liable to pay such contribution for leave allowance and pension of any servant of the ²[Government] employed as Chairman or an employee of the ¹[Kartripakkha], as may be required by the condition of his service under the ²[Government], as the case may be, to be paid by him or on his behalf.]

3* * * * *

Control by
Chairman.

36. The Chairman shall exercise supervision and control over the acts and proceedings of all employees of the ¹[Kartripakkha]; and, subject to the foregoing sections, shall dispose of all questions relation to the service of the said employees and their pay, privileges and allowances.

Delegation
of certain
functions of
Chairmen.

37. ⁴[(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 make thereunder except those conferred or imposed upon or vested in him by sections 27, 29 and 31.]

(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-horsing Schemes

When impro-
vement
scheme may
be framed

38 . Whenever it appears to the ¹[Kartripakkha], whether upon an official representation made under section 43 or without such a representation,-

- (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 neighboring 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

¹Substituted by Act XXIX of 1987 (w.e.f. 30.4-1987), for "Board".

²Substituted *ibid.*, for "Provincial Central Government".

³*Section 35 was emitted, ibid*

⁴Substituted *ibid.*, for the original sub-section (1).

- (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
 - (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 ¹[Kartripakkha] may pass a resolution to that effect and may proceed to frame an improvement scheme.

39. When framing an improvement scheme in respect of any area, regard shall be had to-
- (a) the nature and conditions of neighboring areas, and of the *Dacca City a whole;
 - (b) the several directions in which the expansion of the *Dacca City appears likely to take place; and
 - (c) the likelihood of intervenient schemes being required for other parts of the Dacca City.

Matters to be considered when framing improvement schemes.

¹ Substituted by Act XX7X of 1987 (w.e.f..30-4.1987), for "Board"
*Sk. read "Dhaka".

Matters to be
prov-ided for
improve-ment
sche-mes.

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

- (a) the acquisition by the ¹[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 relaying 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 ¹[Kartripakkha] may think necessary ;
- (d) the construction of any buildings which the ¹[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, chaunlling, sewerage and draining of the said streets and other provision therein of water, lighting and other sanitary conveniences ordinarily provided in a ²[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 ¹[Kartripakkha] may think fit.

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

41. Whenever it appears to the ¹[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

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for “Board”.

²Substituted *ibid.*, for “Municipality”.

(b) that any building or works or factory should be altered or removed,
 the ¹[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.

42. The ¹[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--

Re-housin
of person
displaced
by improvement
schemes.

- (a) are displaced by the execution or 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 ²[Government] for sanction under this Act.

43. 3(1) An official representation referred to in section 38 may be made by the ⁴[Corporation or Paurashava]-

Authority for
making an
official
representation
for a general
improvement
Schemes.

- (a) of its own motion ; or
- (b) on a written complaint by the Health Officer of the ⁴[Corporation or Paureshava] ; or .
- (c) in respect of any area comprised inn a municipal ward-- on ea written complaint signed by twenty-nave or more residents of such ward who are liable pay any tax assessed upon the annual value of buildings and, lands leviabie under the ⁵[Pourashava Ordinance, 1977 (XXVI of 1977)1.]

(2) If the ⁴[(Corporation or Pourashava)] 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 cuase a copy of such complaint to be sent to the ¹[Kartripakkha], with a statement of the reasons for their decision.

44. (1) The ¹[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 ⁴[Corporation or Pourashava].

Consideration
of official re-
presentations.

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Board"

²Substituted *ibid.*, for "Provincial Government".

³Substituted by E.P Ordinance VI of 1963, s. for the original sub-section (1).

⁴Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), "Municipal Committee".

⁵Substituted *ibid.*, for "Municipal Administration Ordinance, 1960".

(2) If the ¹[Kartripakkhaj] decide that it is not necessary or expedient to frame an improvement scheme forthwith, they shall inform the ²[Corporation or Pourashava] of the reasons for their decision.

(3) If the ¹[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 ²[Corporation or Pourashava],

or if the ¹[Kartripakkha] intimate to the ²[Corporation or Pourashava] their decision that it is not necessary or expedient to frame an improvement scheme forthwith,

the ²[Corporation or Pourashava] may, if they think fit, refer the matter to the ³[Government].

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

- (a) if it considers that the ¹[Kartripakkha] ought, under all the circumstances, to have passed a decision within the period mentioned in sub-section (3), shall direct the ¹[Kartripakkha] to pass a decision within such further period as the ³[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 ¹[Kartripakkha] to proceed forthwith to frame an improvement scheme.

(5) The ¹[Kartripakkha] shall comply with every direction given by the ³[Government] under sub-section (4).

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

45. (1) When ⁴[for any area within the ⁵[City or : Municipality] any improvement scheme: or rehousing the ¹[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

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Board"

²Substituted *ibid.*, for "Municipal Committee".

³Substituted *ibid.*, for "Provincial Government"

⁴The words "for any area within the Municipality" were inserted by F.P. Ordinance LXIX of 1958, s. 2.

⁵Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987). for "Municipality".

(c) the place at which particulars of the scheme, a map of the area 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 ¹ [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

²[(ii) send a copy of the notice to the ³[Mayor of the Corporation or Chairman of the Pourashava].]

(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.

46. The ³[Mayor of the Corporation or Chairman of the Pourashava] ^{5*} * * * 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 ⁶[thirty] days from tile receipt of the said copy, forward to the ¹[Kartrilmkkha] any representation which the ⁴[Corporation or Pourashava] ^{7*} * * may think fit to make with regard o the scheme.

Transmission to ¹[Kartripakkha] of representation by ⁴[Corporation or Pourashava]

47. As soon as possible after the publication. of a notice under section 45, the Chairman shall sent 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 Pourashava], ^{3*} * * * in which

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

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Board".

²Substituted by E.P. Ordinance LXIX of 1958, s.2. for the original clause (ii).

³Substituted by Act XXIX of 1987 (w.e.f. 30-4-1877), for "Chairman of the Municipal Committee".

⁴Substituted *ibid.*, for "Municipal Committee".

⁵The words "and of the District Boar" or the President of any Union Board" were omitted by E.P. Ordinance LXIX of 1958,s.3.

⁶Substituted *ibid.*, for "sixty".

⁷The words "or the District or Union Board" omitted, *ibid.*

⁸The words "or the Chairman of the District Board or the President of the Union Board" were omitted, *ibid.*, s.4.

any portion 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.

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

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

- (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 ¹[Kartripakkha] proposes to acquire in executing the scheme.

(2) Such notice shall—

- (a) state that the ¹[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 ²[thirty] days from the service of the notice.

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

Abandonment of improvement scheme, or application to ³[Government] to sanction it.

49. (1) After the expiry of the periods respectively prescribed under clause (a) 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 ¹[Kartripakkha] shall consider any objection, representation and statement of dissent received thereunder, and after hearing

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Board".

²Substituted by E.P. Ordinance LXIX of 1958, section 5, for "sixty".

³Substituted by Act (O)IX of 1987 (w.e.f. 30-4-1987), for "Provincial Government".

all persons making any such objection, representation or dissent who may desire to be heard, the ¹[Kartripakkha] may either abandon the scheme or apply to the ²[Government] for sanction to the scheme, with such modifications (if any), as the ¹[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 ¹[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.

3* * * * *

50. The ²[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.

Power to sanction or reject improvement scheme.

51. (1) Whenever the ²[Government] sanctions an improvement scheme or re-housing scheme, it shall announce the fact by notification, and the ¹[Kartripakkha] shall forthwith proceed to execute the scheme,

Notification of sanction to improvement 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.

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987). for- "Board".

²Substituted *ibid.* for "Provincial Government".

³Sub section (3) was omitted by E.P. Ordinance LXIX of 1958, s. 6.

Savings

1[51A. (1) When any improvement or re-housing scheme or re-building scheme has been framed for execution in any area outside the ²[City or Municipality], the provisions of sections 45 to 51 shall not apply.

Sanction to improvement scheme of ³[Taka] 5 lakhs or more outside the ⁴[City or Municipal limit.

(2) Any improvement or re-housing scheme or re-building scheme proposed to be executed in an area outside ⁴[City or Municipal] limits and estimated to cost ⁵[Taka] five lakhs or more framed by the ⁶[Kartripakkha], shall be submitted to ⁷[Government] for sanction.

(3) The ⁷[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 ⁶[Kartripakkha] within sixty days from the date of receipt of the scheme from the ⁶[Kartripakkha].

(4) Whenever the ¹[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 ⁶[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 ⁴[City or Municipal] area shall be conclusive evidence that the scheme has been duly framed and sanctioned.

Savings

51B. The provisions of sections 45 to 51 of the Act shall not apply to any scheme inside the ²[City or Municipality] estimated to cost less than ⁵[Taka] five lakhs.

Improvement scheme of less than ³[Taka] 5 lakhs either within or outside the ²[City or Municipality].

51C. (1) Whenever the ⁶[Kartripakkha] frames any improvement scheme or re-housing scheme or re-building scheme of the value of less than ⁵[Taka] five lakhs for execution within or outside the ⁴[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 ⁴[City or Municipal] area shall be conclusive evidence that the scheme has been duly framed.]

¹Sections 51A, 51B and 51C were added by E.P. Ordinance LXIX of 1958, s. 7.

²Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Municipality".

³Substituted *ibid.*, for "Rs.".

⁴Substituted *ibid.*, for "Municipal".

⁵Substituted *ibid.*, for "ruppes".

⁶Substituted *ibid.*, for "Board"

⁷Substituted *ibid.*, for "Provincial Government".

52. At any time after any improvement scheme or re-housing scheme has been sanctioned by the ¹[Government] and before it has been carried into execution, the ²[Kartripakkha] may alter it :

Alteration of improvement scheme after sanction.

Provided as follows :—

- (a) if any alteration is estimated to increase the estimated net cost of executing a scheme by more than five *percent*. of such cost, such alteration shall not be made without the previous sanction of the ¹[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 ¹[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.

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.

Combination of improvement scheme. Width of streets.

54. No street laid out or altered by the ²[Kartripakkha] shall be of less width than—

- (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 ²[Kartripakkha] consider it impracticable to do so ; and
- (ii) nothing in this section shall be deemed to prevent the ²[Kartripakkha] from laying out service passages for sanitary purposes of any width less than twenty feet.

¹Substituted by Act XXIX of 1987 0w.e.f.30-4-1987), for "Provincial Government"

²Sutituted *ibid.*, for "Board".

Transfer to
²[Kartripakkha];
 for purposes of
 improvement
 scheme, or
 building or land
 vested in a
³[Corporation or
 Paurashava,
⁴Zilla Parishad
 Upazila Parishad
 or Union
 Parishad].

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

- (a) is situated in the ⁵[City or Municipality] and is vested in the ³[Corporation or Paurashava], or
- (b) is situated in any area outside the ⁵[City or Municipality], in which this Act is, for the time being, in force, and is vested in a ⁴[Zilla Parishad, Upazila Parishad or Union Parishad], is within the area of any improvement scheme or rehousing scheme or is required for the purpose of such scheme, the ²[Kartripakkha] shall give notice accordingly to the ⁶[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 ²[Kartripakkha].]

(2) Where any street or square, or any part thereof vests in the ²[Kartripakkha] under sub-section (1), no compensation shall be payable by the ²[Kartripakkha] to the ⁷[³ Corporation or Paurashava] or the ⁴[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 ²[Kartripakkha] under sub-section (1), compensation in respect of such land shall not be payable by the ²[Kartripakkha] except to the ⁴Zilla Parishad, Upazila Parishad or Union Parishad].

(4) Where any building vests in the ²[Kartripakkha], under sub-section (1), compensation for such building shall be payable by the ²[Kartripakkha] to the ⁷[³ Corporation or Paurashava] or the ⁴[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 subsection(4), or

¹Substituted by E.P. Ordinance VI of 1963, s. 15, for the original sub-section (1).

²Substituted by Act XXIX of 1987 (w.e.f.30-4.1987), for "Board".

³Substituted *ibid.*, for "Municipal Committee".

⁴Substituted *ibid.*, for "District or Union Council".

⁵Substituted *ibid.*, for "Municipality".

⁶Substituted *ibid.*, for "Chairman of the Municipal Committee or the District or Union Council".

⁷Substituted by E.P. Ordinance VI of 1963, for "Municipality, the District or the Union Board".

- (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.

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).

65. (1) Whenever any street or square or part thereof which is not vested in the ²[Kartripakkha] or in the ³[⁴Corporation or Paurashava] or in any ⁵[Zilla Parishad, Upazila Parishad or Union Parishad]] is required for executing any improvement I scheme or re-housing scheme, the ²[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 ²[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 ²[Kartripakkha] for purposes of improvement scheme.

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

(3) When the ²[Kartripakkha] alter or close any street or square or part thereof which has vested in them under subsection (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 neighborhood, the ²[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

¹Substituted by Act XXIX of 1987 (w.e.f.30-4-1987), for "Provincial Government".

²Substituted *ibid.*, for "Board".

³Substituted by E.P. Ordinance VI of 1963, s.16= for "Municipality, in any District or Union Board".

⁴Substituted by Act XXIX of 1987 (w.e.f.30.4.1987), for "Municipal Committee".

⁵Substituted *ibid.*, for "District or Union Council".

- (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 ¹[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 ¹[Kartripakkha] under section 55 or section 56, no drain or water-work therein shall vest in the ¹[Kartripakkha] until another drain or water-work (as the case may be), if required, has been provided by the ¹[Kartripakkha] to the satisfaction of the ²³[Corporation or Pourashava] or the ⁴[Zila Pirishad, 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 ¹[Kartripakkha], under sub-section (1), the matter shall be referred to the ⁵[Government] whose decision shall be final.

³[Corporation or pourashaya], ⁴[Zila Parishad, Upazila Parishad or Union Parishad] not responsible for cleaning street etc., vested in the ¹[Kartripakkha].

58. (1) The ²³[Corporation or Pourashava] or the ⁴[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 ¹[Kartripakkha] under section 55.

6* * * * *

Repair and watering of streets vested in the ¹[Kartripakkha].

59. Whenever the ¹[Kartripakkha] allow any street vested in them to be used for public traffic,—

- (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.

¹Substituted by Act XXIX of 1987 (w.e.f.30-4-1987), for "Board".

²Substituted by E.P. Ordinance VI of 1963, s.17. for "Municipality or the Union or District

³Substitute *ibid* by Act XXIX of 1987 (w.e.f.30-4-1987), for "Municipal Committee"

⁴Substituted *ibid.*, for "District or Union Council".

⁵Substituted *ibid.*, for "Provincial Government".

⁶Sub-section (2) and (3) were omitted by E.P. Ordinance VI of 1953.

60. Whenever any drain in, or the pavement or surface of any street vested in the ¹[Kartripakkha] is opened or broken up by the ¹[Kartripakkha] for the purpose of carrying on any work, or whenever the ¹[Kartripakkha] allow any street which they have under construction to be used for public traffic,

Guarding and lighting when street vested in the ¹[Kartripakkha] is opened or broken up or when street is under construction and speedy completion of work.

the ¹[Kartripakkha] shall cause the place to be fenced a c guarded and to be sufficiently lighted during the night, and shat 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 ¹[Kartripakkha] in any public street vested in them, or when any other work which may lawfully be done is being executed by the ¹[Kartripakkha] in any street vested in them, the ¹[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 ¹[Kartripakkha] during progress of work.

(2) When any such direction has been given, the ¹[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 accross 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.

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

Provision of facilities and payment of compensation, when work is executed by ¹[Kartripakkha] in public street vested in them

- (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.

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Board".

(2) The ¹[Kartripakkha] shall pay reasonable compensation to any person who sustains special damage by reason of the execution of any such work.

Power of ¹[Kartripakkha] to turn or close public street or square vested in them.

63. (1) The ¹[Kartripakkha] may

- (a) turn, diver., 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 ¹[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 ¹[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 ¹[Kartri - pakkha] have put such square or part.

(4) In determining the compensation payable to any person under sub-section (2) or sub-section (3), the ¹[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 ¹[Kartripakkha], or any part thereof, is permanently closed under sub-section (1), the ¹[Kartripakkha] may sell, or lease so much of the same as is no longer required.

¹Substituted by Act XXIX of 1987 (w.e.f. 30.4-1987), for "Board".

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

- (a) between the ¹[Kartripakkha] and the previous owner of any street or square or part thereof which was vested in the ¹[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 ¹[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 ¹[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 neighborhood, 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
 - (iii) as to the sufficiency of any compensation paid or proposed to be paid under the said sub-section (4), or
- (c) between the ¹[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 ¹[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 ¹[Kartripakkha], or

in case (c)-the date on which the said person was informed of the decision of the ¹[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 ¹[Kartripakkha] shall be final.

¹Substituted by Act XXIX of 1987 (w.e.f.3 0.4.1987), for "Board".

1 * * * * *

Taking over of laid out or altered streets by ²[Corporation or Pourashava].

65. Whenever the ³[Kartripakkha] are satisfied—

- (a) that any street laid out or altered by the ³[Kartripakkha] has been duly levelled, paved, metalled, flagged, channelled, sewered and drained in the manner provided in the plans sanctioned by the ⁴[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 ³[Kartripakkha], have been so provided, and
- (c) that water and other sanitary conveniences ordinarily provided in a ⁵[City or Municipality] have been duly provided in such street,

the ³[Kartripakkha] shall pass a resolution to that effect and ⁶[shall call upon the ²[Corporation or Pourashava]] to take over such street as and from the date fixed by such resolution for the purpose.

Vesting in ²[Corporation or Pourashava] of streets laid out or altered, and open spaces provided by the ³[Kartripakkha] under an improvement scheme.

66. (1) If the ²[Corporation or Pourashava], 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 ⁴[Government] under section 50, they shall, after informing the ³[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 ²[Corporation or Pourashava] and shall thenceforth be maintained, kept in repair, lighted and cleansed by the ²[Corporation or Pourashava].

Provided that the ²[Corporation or Pourashava] may agree to take over any street subject to any conditions or the execution of further works by the ³[Kartripakkha] in the said street.

(2) If the ²[Corporation or Pourashava] fail to take over any street within a period of six months from the date when called upon to do so by the ³[Kartripakkha] under section 65 and fail to inform the ³[Kartripakkha] of their reason for non-compliance with the ³[Kartripakkha]'s resolution, the street shall automatically vest in the ²[Corporation or Pourashava] as if all the procedure under sub-section (1) had been fulfilled.

¹Sub-section (3) was omitted by Act XXIX of 1987 (w.e.L30-4-1987).

²Substituted *ibid.*, for "Municipal Committee".

³Substituted *ibid.*, for "Board".

⁴Substituted *ibid.*, for "Provincial Government".

⁵Substituted *ibid.*, for "Municipality".

⁶Substituted by E.P. Ordinance VI of 1963, s. 19, for "shall call upon the Municipality

(3) When any open space for purposes of ventilation or recreation has been provided by the ¹[Kartripakkha] in executing any improvement scheme or re-housing scheme, it shall, on completion, be transferred to the ¹[Corporation, or Pourashava] by a resolution of the ²[Kartripakkha], and shall thereupon vest in, and be maintained at the expense of the ²[Corporation or Pourashava] :

Provided that the ²[Corporation or Pourashava] may require the ¹[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 ¹[Kartripakkha] and the ²[Corporation or Pourashava] in respect of any matter referred to in the foregoing provisions of this section, the matter shall be referred to the ³[Government] whose decision shall be final.

67. If this Act or any provision thereof be extended by notification under sub-section (2) of section 1 to any area outside the ⁴[City or Municipality], the street laid out or altered, and open spaces provided by the ¹[Kartripakkha] in such area shall, ⁵[until such time as the ⁴[City or Municipality] is extended to such area 6* * * *], continue to vest in the ¹[Kartripakkha], and shall thereafter vest in and be taken over ⁷[by the ²[Corporation or Pourashava]] in accordance with the provisions of sections 65 and 66.

Application of section 65 and 66 to areas outside the ⁴[City or Municipality].

68. Notwithstanding anything contained in sections 65 and 66, or section 67, the ¹[Kartripakkha] may retain any service passage which they have laid out for sanitary purposes and may enter into an agreement with the ²[Corporation or Pourashava], or any other person for the supervision, repair, lighting and general management of any passage so retained.

Power of ¹[Kartripakkha] to retain service passages.

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Board".

²Substituted *ibid.*, for "Municipal Committee".

³Substituted *ibid.*, for "Provincial Government".

⁴Substituted *ibid.*, for "Municipality".

⁵Substituted by E.P. Ordinance VI of 1963, s. 21, for "until such time as the Bengal Municipal Act, 1932, is extended to that area under sections 161 and 162".

⁶The words and comma "under the provision of section 7 of the Municipal Administration Ordinance, 1960" were omitted by Act XXIX of X987 (w.e.f.'0-4-1987).

⁷Substituted by E.P. Ordinance VI of 1963, s. 21, for "by the Municipality".

Plane for
public streets
or open
spaces.

69. (1) The ¹[Kartripakkha] may, from time, to time in regard to any area—

- (a) within the ²[City or Municipality], or
- (b) in the neighborhood of the ²[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 ¹[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
 - (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 day) ' within which objections to the said plan may be submitted' to the ¹[Kartripakkha].

(3) The ¹[Kartripakkha] may—

- (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 ¹[Kartripakkha] may direct;
- (ii) forward a copy of the said notice by registered post to any person who, according to the records of the ³[Corporation or Pourashava] 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 ;

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Board".

²Substituted, *Ibid.*, for "Municipality".

³Substituted, *ibid.*, for "Municipal Committee"

- (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 Pourashava], and, if any area in the neighborhood of the, ²[City or Municipality] is included in such plan, to the ³[Chairman of the ⁴[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 ⁵[Kartripakkha] shall consider—

Consideration of objection to plans for public streets or open spaces.

- (a) all objections in writing received from any person affected by the proposed public street or open space contemplated by such plan, and
- (b) any representation in regard to such street or open space made to the ⁵[Kartripakkha] by any of the authorities mentioned in clause(iii) of sub-section (3) of section 69 ;

and the ⁵[Kartripakkha] may thereupon either withdraw the plan or apply to the ⁶[Government] for sanction thereto with such modifications (if any) as the ⁵[Kartripakkha] may consider necessary.

(2) If the ⁵[Kartripakkha] apply for, sanction under subsection (1), they shall simultaneously forward to the ⁶[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 ⁶[Government] under sub-section (1), the ⁵[Kartripakkha] shall cause notice of the fact to be published for two consecutive weeks in the Official Gazette and in local newspapers.

(4) The ⁶[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).

¹Substituted , by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Chairman of the Municipal Committee".

²Substituted *ibid.*, for "Municipality".

³Substituted by E.P. Ordinance VI of 1963, for "Chairman of the District Board or President of the Union Board".

⁴Substituted by Act XXIX of 1987 (w.e.f. 30-4-'9V). fnr "District or Union Council".

⁵Substituted-*ibid.*, for "Board".

⁶Substitute *ibid.*, for "Provincial Government".

*Sic. read 'regulation".

Notification of sanctioned plan of public street.

71. Whenever the ¹[Government] sanctions a plan of an 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 ²[Kartripakkha] in pursuance of the said notification.

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

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 ¹[Government] under sub-section (4) of section 70, he shall submit an application in writing to the Chairman for permission so to do:

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 ²[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

¹Substituted by Act XXIX of 1987 (w.e.f. 30.4-1987), for "Provincial Government

²Substituted *ibid.*, for "Board".

(b) calling upon the owner for the time being, by writing 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 ¹[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 ¹[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 ¹[Kartripakkha] to acquire the same in lieu of paying compensation therefor.

(5) An appeal, if preferred within sixty days of the order of refusal under sub-section (4), shall lie to the ¹[Kartripakkha] against such order, and the decision of the ¹[Kartripakkha] on such appeal shall be final.

¹ Substitute by Art XXIX of 1987 (w.e.f. 30-4-1987), for "Board".

Preparation
of
Master
Plan by the
²[Kartripk
kha]

¹[73 (1) As soon as may be after the provisions of the Act comes into force, the ²LKartripakkhaj 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 ³[Government] shall, within one month from the receipt of the Master Plan from the ²[Kartripakha], publish the same in the *Official Gazette*.

(4) Any person objecting to the plan or part thereof shall file objection with the ³[Government] within sixty days from the date of the publication of the plan.

(5) The ³[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.]

Publication
of Master
Plan.

⁴[74. (1) When the ³[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.

(2) The ²[Kartripakha] may, from time to time, with the approval of the ³[Government] and the ³[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*.

¹Substituted by E.P. Ordinance LXIX of 1958, s. 8, for the original section 73.

²Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Board".

³Substituted *ibid.*, for "Provincial Government".

⁴Substituted by E.P. Ordinance LXIX of 1958, s. 9, for the original section 74.

(3) All future developments and construction, both public and private, shall be in conformity with the Master Pain 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 ¹[Government] and published in the *Official Gazette*.

75. (1) If any person desires to use any land for any purpose other than that laid down in the ²[Master] Plan approved ³[under sub-section (5) of section 73], he may apply in writing to the Chairman for permission so to do.

Permission for use of land contrary to the Master Plan.

(2) If the Chairman refuses permission to any person, such person may, within sixty days of the Chairman's refusal, appeal to the ⁴[Kartripakkha] against such refusal.

(3) The decision of the ⁴[Kartripakkha] on any appeal under sub-section (2) shall be final.

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

No compensation payable for restricted use of land.

77. (1) All plans for the erection of buildings approved under the provisions of the ⁵[Pourashava Ordinance, 1977 (XXVI of 1977), and the Dacca Municipal Corporation Act, 1974 (LVI of 1974),] shall be submitted to the Chairman for sanction.

Plans for erection of buildings under Ord. XXVI of 1977 and Act LVI of 1974 to be submitted to the Chairman for sanction.

(2) The Chairman may refuse the sanction if the purpose l 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 ⁶[Corporation or Pourashava], and the ⁶[Corporation or Pourashava] shall then send a copy thereof to the owner of the site to which the plan relates.

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Provincial Government".

²Substituted by E.P. Ordinance LXIX of 1958, s. 10, for "Zone".

³Substituted *ibid.*, for "under section 74".

⁴Substituted by Act XXIX of 1987(w.e.f. 30-4-1987). for "Board".

⁵Substituted *ibid.*, for ".Municipal Administration Ordinance, 1960".

⁶Substitued *ibid.*, for "Municipal Committee".

(4) The owner of such site may, within a period of three months from the date of the Chairman's refusal, appeal to the ¹[Kartripakkha], and the ¹[Kartripakkha]'s decision thereon shall be final.

(5) The ²[Corporation or Pourashava] shall refuse to grant permission for erection of any structures which have not been sanctioned by the Chairman or the ¹[Kartripakkha] under this section.

³[(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

Power to purchase or lease by agreement.

78. The ¹[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 ¹[Kartripakkha] are authorised to acquire.

Compulsory Acquisition

Power to acquire and dispose of land.

⁴[79. (1) The Kartripakkha may for carrying out the purposes poses 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.

(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.]

⁵* * * *

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Board".

²Substituted *ibid.*, for "Municipal Committee".

³Substituted *ibid.* for the former sub-section (6), which was added by E.P. Ordinance LXIX of 1958, s. 11.

⁴Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for the original section 99.

⁵Sections 80 to 93B were omitted, *ibid*

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.]

**Bar to
jurisdiction
of Civil
Court.**

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 ²[Kartripakkha], be increased in value, the ²[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.

**Payment of
betterment
fee.**

(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
²[Kartri-
pakkha].**

95. (1) When it appears to the ²[Kartripakkha] that an improvement scheme or re-housing scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the ²[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 ²[Kartripakkha] propose to assess the amount of the betterment fee payable in respect of such land under section 94.

³[(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.]

¹Section 93C was inserted by E.P. Ordinance IIT of 1965, s. 17.

²Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Board".

³Subs-sections (2) and (3) were substituted for the *original sub-selections* (2), (3) and (4), *ibid.*

1* * * * *

²[Kartripakkha] to give notice to persons liable to payment of betterment fee.

97. When the amount of all betterment fees payable in e respect of land in the area comprised in the scheme has been determined under section 95 ³* * *,the ²[Kartripakkha] of shall, by a notice in writing to be served on all persons liable to at such payment, fix a date by which such payment shall be made; and interest at the rate of ⁴[ten] *per cent. per annum* upon any amount outstanding shall be payable from that date.

Agreement to make Payment of betterment fee a charge on land.

98. (1) Any person liable to the payment of a betterment fee may, at his option, instead of making a payment thereof to the ²[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.

(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.

⁵* * * * *
⁶* * * * *

Disposal of land

Power to dispose of land.

101. (1) The ²[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 ²[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 ²[Kartripakkha], if the ²[Kartripakkha] considers that such a right can be given without detriment to the carrying out of the purposes of this Act.

¹Section 96 was omitted by Act XXIX of 158.7 (w.e.f. 30-4-1987).
²Substituted *ibid.*, for "Board".
³The words, figure and comma "or section 96, as the case may be" were omitted, *ibid.*
⁴Substituted *ibid.*, for "five".
⁵Sub-section (3) of section 98 was omitted, *ibid*
⁶Sections 99 and 100 were omitted, *ibid.*

(3) If in any use 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 ¹[Katripakkha] under that clause, to the exclusion of the others.

CHAPTER V

Rules

102. The ²[Government] may make rules, not inconsistent with the provisions of this Act, for carrying out the purposes of this Act. **Power to ²[Government] to make rules.**

In particular, and without prejudice to the generality of the foregoing power, the ²[Government] may make rules for all or any of the following matters, namely : —

3* * * * * *

- (d) securities from contractors for the execution of contracts ;
- (e) the conditions on which employees of the ¹[Katripakkha] 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 ²[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 ²[Government], necessary, or which is directed to be prescribed.

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Board".

²Substituted *ibid.*, for "Provincial Government".

³Clauses (a), (b) and (e) were omitted, *ibid.*

CHATTER VI

FINANCE

Municipal Contributions

Contributions from Corporation or Pourashava Fund.

¹[103. (1) The Corporation or Pourashava shall pay from the Corporation or Pourashava Fund to the Kartripakkha on the first day of each quarter a sum equivalent to one-half percent per quarter on the annual value of buildings and lands determined under the provisions of the Dacca Municipal Corporation Act, 1974 (LVI of 1974), or the Pourashava Ordinance, 1977 (XXVI of 1977), as it stood on the first day of the last preceding quarter.

(2) The Corporation or Pourashava contributions prescribed by subsection (1) shall be expenditure charged on the Corporation or Pourashava Fund.]

Loans

Power of ²[Kartripakkha] to borrow money.

104. The ²[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 ³[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 ²[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 ²[Kartripakkha], to the extent of such sum or part ; and, with the previous sanction of the ³[Government] may grant mortgages of all or any property vested in the ²[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 ³[Government].

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for the former section 103.

²Substituted *ibid.*, for "Board".

³Substituted *ibid.*, for "Provincial Government".

107. (1) Whenever money is borrowed by the ¹[Kartripakkha] on debentures, the debentures shall be in such form as the ¹[Kartripakkha], with the previous sanction of the ²[Government], may from time to time determine.

Form, signature, exchange, transfer and effect of debentures.

(2) All debentures shall be signed by the Chairman and one other ³[member].

(3) The holder of any debenture in any form prescribed under subsection (1) may obtain in exchange therefor, upon such terms as the ²[Kartripakkha] may from time to time determine, a debenture in any other form so prescribed.

(4) Every debenture issued by the ¹[Kartripakkha] shall be transferable by endorsement, unless some other mode of transfer be prescribed herein.

(5) The right to sue in respect of moneys secured' by debentures issued by the ¹[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:

Act
IX of
1872

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 ¹[Kartripakkha] by any other of such persons.

Receipt by joint holders for interest or dividend.

111. All payments due from the ¹[Kartripakkha] for interest on, or the repayment of, loans, shall be made in priority to all other payments due from the ¹[Kartripakkha].

Priority of payments for interest and repayment of loans.

¹Substituted by Act XXIX of 1987 (w.e.f. 3Q-1-1987), for "Board".

²Substituted *ibid.*, for "Provincial Government".

³Substituted *ibid.*, for "Trustee".

Repayment of loans taken under section 104.

112. Every loan taken by the Board under section 104 shall be repaid within the period approved by the ¹[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 ²[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).

Establish meat and maintenance of sinking - funds.

113. (1) Whenever the ¹[Government] have approved the repayment of a loan from a sinking fund, the ²[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 ¹[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 ¹[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 ¹[Government] under section 104, then, with the permission of the ¹[Government], further annual payments into such funds may be discontinued.

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Provincial Government".

²Substitute *ibid.*, for "Board".

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

- (a) Government securities, or
- (b) securities granted by the ²[Government], or
- (c) debentures issued by the ¹[Kartripakkha],

in the joint names of the Secretary to the Government ³[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 ¹[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 ⁴[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 shall not apply the same for any other purpose. Application of sinking funds.

117. (1) The aforesaid ⁴[Trustees] shall, at the end of every financial year, transmit to the Chairman of a statement showing— Annual statement by ⁴[Trustees].

- (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 ¹[Kartripakkha] and published by notification.

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Board".

²Substituted *ibid.*, for "Central or any Provincial Government".

³Substituted *ibid.*, for "of East Pakistan in the Finance Department and the Accountant General of East Pakistan, to be held by them as Trustees".

⁴Substituted *ibid.*, for "Trustees".

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 ³[Kartripakkha] shall forthwith pay into any sinking fund any amount which the ²[Auditor-General] may certify to be deficient, unless the ⁴[Government] specially sanction a gradual readjustment.

Enforcement of liabilities

Procedure if ³[Kartripakkha] fail to make any payment or investment in respect of loans.

119. (1) If the ³[Kartripakkha] fail—

- (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, 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 ⁵[Mayor of the Corporation or Chairman of the Pourashava] shall forthwith pay from the ⁶[Corporation or Pourashava Fund to the AuditorGeneral] a sum equivalent to the sum so paid or invested by him; and the ⁴[Government] may attach the rents and other income of the ³[Kartripakkha].

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Accountant-General, East Pakistan".

²Substituted *ibid.*, for "Accountant-General".

³Substituted *ibid.*, for "Board".

⁴Substituted *ibid.*, for "Provincial Government".

⁵Substituted *ibid.*, for "Chairman of the Municipal Committee".

⁶Substituted *ibid.*, for Municipal funds to the said Accountant General".

¹(2) Whenever the ²[Mayor of the Corporation or Chairman of the Pourashava] has made any payment to the ³[AuditorGeneral] under sub-section (1), the ⁴[Government] shall reimburse the ⁵[Corporation or Pourashava] out of the rents and income attached under sub-section (1) and if such rents and income prove insufficient for the purpose, may, ⁶[direct the Corporation or Pourashava 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.]

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

Procedure if the Mayor of the Corporation or Chairman of the Pourashava fails of make any payment due to the Kartri Pakkha

121. All moneys paid by the ²[Mayor of the Corporation or Chairman of the Pourashava] under sub-section (1) of section 119 and not reimbursed by the ⁴[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 ⁸[Kartripakkha].

Payment under section 119 to be a charge on the property of the ⁸[Kartripakkha].

Budget Estimates

122. (1) The Chairman shall, at a special meeting to be held in the month of ⁹[May] in each year, lay before the ⁸[Kartripakkha] an estimate of the income and expenditure of the ⁸[Kartripakkha] for the next ensuing financial year.

Estimates of income and expenditure to be laid annually before the ⁸[Kartripakkha]

(2) Every such estimate shall make provision for the due fulfillment of all the liabilities of the ⁸[Kartripakkha] and for the efficient administration of this Act.

¹Substituted by E.P. Ordinance VI of 1963, for the original sub-section (2).

²Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Chairman of the Municipal Committee".

³Substituted *ibid* for "Accountant General, East Pakistan".

⁴Substituted *ibid.*, for "Provincial Government".

⁵Substituted by Act XXIX of 1987 (W.e.f.30-4-1987), for "Municipal Committee".

⁶Substituted *ibid.*, for "under section 37 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".

⁷Substituted by Act XXIX of 1987 (w.e.f.30.4.14Q!., or the fore:-r section 120.

⁸Substituted *ibid.*, for "Board".

⁹Substituted by E.P. Ordinance VI of 1963, s. 31, for "February".

(3) Every such estimate shall differentiate capital and revenue funds, and shall be prepared in such form, and shall contain such details, as the ¹[Government] or the ²[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 ³[member], at least ten clear days before the date of meeting at which the estimate is to be laid before the ²[Kartripakkha].

Sanction of ²[Kartripakkha] to estimates.

123. The ²[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.

Approval of ¹[Government] to estimates.

124. (1) Every such estimate as sanctioned by the ²[Kartripakkha], shall be submitted to the ¹[Government] who may at any time within two months after receipt of the same—

(a) approve the estimate, or

(b) disallow the estimate or any portion thereof, and return the estimate to the ²[Kartripakkha] for amendment.

(2) if any estimate is so returned to the ²[Kartripakkha], they shall forthwith proceed to amend it, and shall resubmit the estimate, as amended, to the ¹[Government] who may then approve it.

Transmission of copy of estimate to the ⁴[Mayor of the Corporation or Chairman of the Powashaval.

125. A copy of every such estimate shall, when approved by the ¹[Government], be sent by the ²[Kartripakkha] to the ⁴[Mayor of the Corporation or Chairman of the Pourashava].

⁵* * * * *

127. (1) The ²[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.

Supplementary estimates.

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

¹Substituted by Act XXIX of 1987 (w.e.f.30.4.1987), for "Provincial Government".

²Substituted *ibid.*, for "Board".

³Substituted *ibid.*, for "Trustee".

⁴Substituted *ibid.*, for "Chairman of the Municipal Committee".

⁵Section 126 was omitted, *ibid.*

128. (1) No sum shall be expended by or on behalf of the ¹[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.

Adherence to estimate and maintenance of closing balance.

(2) The closing balance shall not be reduced below one lakh of ⁵[taka] without the previous sanction of the ³[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 ¹[Kartripakkha] by mistake ;
- (b) payments due under a decree or order of a Court passed against the ¹[Kartripakkha] or against the Chairman *ex-officio* ⁴* * * *;
- (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 ²[taka].

(4) Whenever any sum exceeding five thousand ²[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 ³[Government], and shall at the same time explain how the ¹[Kartripakkha] propose to cover the expenditure.

129. (1) All monyes at the credit of the ¹[Kartripakkha] ¹ shall be kept in the ⁵[B2ngladesh Bank].

Receipt of moneys and deposit in Bank.

(2) All moneys payable to the ¹[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 ⁶[Rajdhani Unnayan Kartripakkha]".

¹Substituted by Act XXIX of 1987 (w.e.f.30-4-1987), for "Board".

²Substituted *ibid.*, for "rupees".

³Substituted *ibid.*, for "Provincial Government".

⁴The comma and words", or under an award of the Tribunal" were omitted, *ibid.*

⁵Substituted *ibid.*, for "State Bank of Pakistan".

⁶Substituted *ibid.*, for "trustees for the Improvement of Dacca"

Investment
of surplus
moneys.

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

(a) deposited at interest in the I [Bangladesh Bank] or in any other Bank in ²[Dhaka] approved by the ³[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.

Act
II of
1882

(2) All such deposits and investments shall be made by the Chairman on behalf of, and with the sanction of, the ⁴[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.

Payments by
cheques.

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

(2) Payment of any sum due by the ⁴[Kartripakkha] exceeding one hundred ⁵[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.

6[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 ⁷[a person] to the ⁴[Kariripakkha] 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 ⁴[Kartripakkha] or is an item of one of the excepted descriptions specified in section 128, sub-section (3).

¹Substituted by Act XXIX of 1987 (e.e.f.30-4=1987), for "State Bank of Pakistan".

²Substituted *ibid.*, for "'Dacca".

³Substituted *ibid.*, for "Provincial Government".

⁴Substituted *ibid.*, for "Board".

⁵Substituted *ibid.*, for "rupees".

⁶Substituted *ibid.*, for the original section 132.

⁷Substituted *ibid.*, for "the Chairman or any other Trustee or the Secretary".

Accounts

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

Definition of "Cost of management".

¹[(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 ²[Kartripakkha] who are included in statements prepared under section 32;

(d) the remuneration of other employees of the ²[Kartripakkha] except employees who are paid by the day or whose pay is charged to temporary work;

3* * * * *

4* * * * *

135. (1) The ²[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 ²[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 ⁵[sect on 94];

(b) all moneys received on account of loans taken by the ²[Kartripakkha] in pursuance of section 104 or section 105;

(c) the proceeds of the sale of any land vested in the ²[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 ;

¹Clause (a) was substituted for clauses (a) and (b), by Act XXIX of 1987 (w.e.f.30-4-1987).

²Substituted *ibid.*, for "Board"

³Clauses (e) and (f) were omitted, *ibid.*

⁴Sub-section (2) was omitted, *ibid.*

⁵Substituted *ibid.*, for "sections 92, 94 and 99"

- (e) the proceeds of the sale of any movable property (including securities for money invested from the capital account) belonging to the ¹[Kartripakkha];
- (f) all lump sums received from ²[the] Government in aid of the capital account;
- (g) all premia received by the ¹[Kartripakkha] in connection with leases for any term exceeding forty years;
- (h) all sums (if any) which the ³[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 ³[Government] under section 140.

Application
of capital
account.

137. The moneys credited to the capital account shall be held by the ¹[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 ¹[Kartripakkha] may, with the sanction of the ²[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.

¹Substituted by Act XXIX of 1987 (w.e.f.30-4-1987), for "Board".

²Substituted *ibid.*, for "any".

³Substituted *Wd.* for "Provincial Government".

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 pourashava Funds] which are received by the ²[Kartripakkha] under section 103 ;
- (c) all damages received by the ²[Kartripakkha] under section 175 ;
- (d) all annually recurring sums received from the Government in aid of the funds of the ²[Kartripakkha];
- (e) all premia received by the ²[Kartripakkha] in connection with leases for any term not exceeding forty years;
- (f) all rents of land vested in the ²[Kartripakkha] ; and
- (g) all other receipts by the ²[Kartripakkha] which are not required by section 136 to be credited to the Capital account.

Credits to revenue account. Application of revenue account.

139. (1) The moneys credited to the revenue account shall be held by the ²[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 ²[Kartripakkha] in respect of rates and taxes imposed under ³[the ⁴[Dacca Municipal Corporation Act, 1974 (LVI of 1974), and the Pourashava Ordinance, 1977 (XXVI of 1977),]] upon land vested in the ²[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 ²[Kartripakkha] ;
- (d) paying all sums which the ⁵[Government] may direct to be paid to any auditor under section 146;

¹Substituted by Act XXIX of 1987. (w.e.f. 30-4-1987) for "Municipal Funds",

²Substituted *ibid.*, for "Board".

³Substituted by E.P. Ordinance XIII of 1966, for "the Bengal Municipal Act, 1932".

⁴Substituted by Act XXIX of 1987 (w.e.f.30-4-1987), for "Municipal Administration Ordinance, 1960".

⁵Substituted *ibid.*, for "Provincial Government".

- (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
- (g) paying all other sums due from the 1[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 2[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 subsection (2) of section '139 has been invested, the 2[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 1[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 accounts.

143. The ¹[Kartripakha] shall submit to the ²[Government] at the end of such half of every financial year, an abstract of the accounts of their receipts and expenditure.

¹Substituted by Act XXIX of 1987 (w.e.f.30-4-1987), for "Board".

²Substituted *ibid.*, for "Provincial Government".

144. The accounts of the ¹[Kartripakkha] shall, once in every financial year, be examined and audited by such auditor as the ²[Government] may appoint in this behalf.

Annual and it
of accounts.

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 to bring 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.

156. The ¹[Kartripakkha] shall pay to the said auditor such remuneration as the ²[Government] may direct.

Remuneration
of auditor.

147. The said auditor shall—

- (a) report to the ¹[Kartripakkha] any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the ¹[Kartripakkha], or in the accounts, and report the same to the ²[Government],
- (b) furnish to the ¹[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.

Auditor's
report to the
¹[Kartripakkha].

148. It shall be the duty of the ¹[Kartripakkha] forthwith to remedy any defects or irregularities that may be pointed out by the auditor.

¹[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 ³[members], and shall bring such report before the ¹[Kartripakkha] for consideration at their next meeting.

Auditor's
report to be set
to

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Board".

²Substituted *ibid.*, for "Provincial Government",

³Substituted *ibid.*, of "Trustee".

Publication and transmission of an abstract of the accounts.

1.50. As soon as practicable after the receipt of the said report, the ¹[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 ²[the ³[Mayor of the Corporation or Chairman of the Pourashava] and to ⁴[Government].

CHAPTER VII

Rules

Further power to ⁵[Government for making rules.

451. In addition to the power conferred by section 102, the ⁴[Government] may make rules—

5* * * *

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

Further power to [Kartripakkha] for making ⁶[regulations]

152. (1) In addition to the power conferred by section 33, the ¹[Kartripakkha] may from time to time make ⁶[regulations] (not inconsistent with any rules made by the ⁴[Government]) for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the ¹[Kartripakkha] may make ⁶[regulations]-

7* * * * *

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

(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 ;

¹Substituted by Act XXIX of 1987 (w.e.f.30-4-1987), for "Board".

²Substituted by E.P. Ordinance XIII of 1966, for "the Chairman of the Municipality".

³Substituted by Act XXIX of 1987 (w.e.f.30-4-1987), for "Chairman of the Municipal Committee".

⁴Substituted *ibid.*, for "Provincial Government".

⁵Clauses (1) and (2) of section 151 were omitted, *ibid.*

⁶Substituted *ibid.*, for "rule;".

⁷Clauses (a.), (1) and (-) were omitted, *ibid.*

- (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 ¹[Kartripakkha] under the provisions of this Act.
- (3) in making any ²[regulation] under sub-section (1) or sub-section (2), the ¹[Kartripakkha] may provide that a breach of it shall be punishable—
- (i) with fine which may extend to ³[one thousand taka],
 - (ii) in case of a continuing breach, with fine which may extend to ⁴[one hundred takal for everyday during which the breach continues after receipt of written notice from the Chairman to discontinue the breach.

153. The power to make 2[regulations] under section 33, C 5* * * or section 152 is subject to the conditions of the 2[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 2[regulations] shall be published by notification and in local newspapers ;
- (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 ⁶[Government] 7* * * the ¹[Kartripakkha] may appoint ;
- (c) for one month at least during such period, a printed copy of such draft shall be kept at the ¹[Kartripakkha's] office for public inspection, and every person shall be permitted at any reasonable time to peruse 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 ⁸[one taka] for each copy.

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Board".

²Substituted *ibid.*, for "rule".

³Substituted *ibid.*, for "five hundred rupees".

⁴Substituted *ibid.*, for "fifty rupees".

⁵The words, figures and comma "section 102, section 151",, were omitted by E.P. Act VII of 1956, section 6.

⁶Substituted by Act XXIX of 1987 (w.e.f.30.4.1987), for "Provincial Government"

⁷The words, brackets and figures "or (in the case of rules made under section 33 or section 152)" were omitted, *ibid.*

⁸Substituted *ibid.*, for "two annas".

Sanction of
²[Government] to
¹[regulation] made
 under section 33 or
 152.

Publication of rules
³[or regulation],

154. No ¹[regulation] made under section 33 or section 152 shall have any validity unless and until it is sanctioned, a' with or without modification, by the ²[Government].

155. When any rule has been made under section 102 or section 151 add when any rule ³[or regulation] has been made under section 33 or section 152 and duly sanctioned, it shall be published by the ²[Government] by notification, and such publication shall be conclusive proof that the rule ³[or regulation] has been duly made.

4* * * * *

Cancellation of
¹[regulation] made s
 under section 152.

158. The ²[Government] may at any time, by notification, cancel any ¹[regulation] made by the ⁵[Kartripakkha] under section 152.

CHAPTER VIII

SUPPLEMENTAL PROVISIONS

Status of members, etc.

Members, etc.,
 deemed public ¹
 servant.

⁶[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).]

Contributions towards leave allowances and

pensions of Government servants

Contributions by
⁵[Kartripakkha]
 towards leave allo-
 wances and s
 pensions of Govern-
 ment servants empl-
 oyed under ⁷ is Act.

166. The ⁵[Kartripakkha] shall be liable to pay such contribution for the leave allowance and pension of any servant of the Government employed as ⁷[Chairman or other member or as an employee of the Kartripakkha], by the conditions of his service under the Government to be paid by him or on his behalf.

161. [Omitted by East Pakistan Ordinance VI of 1963 section 33.]

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "rule".

²Substituted *ibid.*, for "Provincial Government".

³The words "or regulation" were inserted, *ibid.*

⁴Sections 156 and 157 were omitted, *ibid.*

⁵Substituted *ibid.*, for "Board".

⁶Substituted *ibid.*, for the original section 159.

⁷Substituted *ibid.*, for "Chairman or as an employee of the Board or as the President, member or employee of the Tribunal, as may be required".

Publication of Notification

162. (1) Before finally publishing any notification under sub-section (2) of section 11¹, the²[Government] shall publish a draft of the same in the *Official Gazette*.

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

(2) Any³[tax-payer] or inhabitant of the area affected by such draft, may, if he objects to the draft, submit his objection in writing to the²[Government] within six weeks from its publication, and the²[Government] shall take such objection into consideration.

Facilities for movement of the Population

163. With a view to facilitating the movement of the population in and around the⁴[City or Municipality], the⁵[Kartripakha] may from time to time, —

Power of the²[Kartripakha] for facilitating movement of the population.

(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 the²[Government].

¹The words, brackets and figures "or sub-section (1) of section 161" were omitted by E.P. Ordinance VI of 1963, s. 34.

²Substituted by Act XXIX of 1987 (w.e.f.30-4-1987), for "Provincial Government".

³Substituted by E.P. Ordinance VI of 1963, for "rate-payer".

⁴Substituted by Act XXIX of 1987 (w.e.f.30-4-1987), for "Municipality".

⁵Substituted *Ibid.*, for Board".

Telegraph and Railways Act

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

Legal Proceedings

Cognizance of offences. **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.

Limitation of time for prosecution. **166.** No person shall be liable to punishment for any offence against this Act or any ¹[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.

Powers of Chairman as to institution, etc., of legal proceedings and obtaining legal advice. **167.** The Chairman may, subject to the control of them ²[Kartripakkha],—

- (a) institute, defend or withdraw from, legal proceedings under this Act or any ¹[rule or regulation] made hereunder;
- (b) compound any offence against this Act or any ¹[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 ¹[rule or regulation] made hereunder; 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 ²[Kartripakkha] to obtain, for 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 ²[Kartripakkha] or any employee of the ²[Kartripakkha].

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "rule".

²Substituted *ibid.*, for "Board".

168. No suit shall be maintainable against the ¹[Kartripakkha], or any ²[member], or any employee of the ¹[Kartripakkha], or any person acting under the direction of the ¹[Kartripakkha] or of the Chairman or of any employee of the ¹[Kartripakkha], in respect of anything lawfully and in good faith and] with due care and attention done under this Act or any ³[rule or regulation] made hereunder.

Indemnity to
¹[Kar-
tripakkha]
etc.

169. No suit shall be instituted against the ¹[Kartripakkha], or any ²[member], or any employee of the ¹[Kartripakkha], or any person acting under the direction of the ¹[Kartripakkha] or of the Chairman or of any employee of the ¹[Kartripakkha], in respect of any act purporting to be done under this Act or any ³[rule or regulation] made hereunder, until the expiration of one month next after written notice has been delivered or left at the ¹[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 aims ; and the plaint must contain a statement that such notice has been so delivered or left.

Notice of suit
against ¹
¹[Kartri,
pakkha], etc.,

Police

170. (1) The ⁴[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.

Cooperation
of
the Police.

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

- (i) to communicate without delay to the proper employee of the ¹[Kartripakkha] any information which he receives of a design to commit or of the commission of any offence against this Act or any ³[rule or regulation] made hereunder, and
- (ii) to assist the Chairman or any employee of the ¹[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].

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Board".

²Substituted *ibid.* for "Trustee".

³Substituted *ibid.* for "rule".

⁴Substituted *ibid.*, for "Superintendent of Police and his".

⁵Substituted *ibid.* for "Superintendent of Police".

Arrest of offenders

171. (1) Every Police Officer shall arrest any person who commits, within his view, any offence against this Act or any ¹[rule or regulation] made hereunder, if the name and address 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.

(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 ²[Kartripakkha] in the exercise of any of the powers conferred by this Act or any ¹[rule or regulation] made hereunder.

Evidence

Proof of consent etc., of ²[Kartripakkha] or Chairman or employee of ²[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 ²[Kartripakkha] or the Chairman, or
- (b) any employee of the ²[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.

3* * * * *

Compensation

General power of ²[Kartripakkha] to pay compensation

174. In any case not otherwise expressly provided for is this Act, the ²[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 (rule or regulation) made or scheme sanctioned hereunder, in the ²[Kartripakkha], or the Chairman or any employee of the ²[Kartripakkha].

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "rule".

²Substituted *ibid.*, for "Board".

³Section 173 was omitted, *ibid.*

175. (1) If, on account of any actor omission, any person has been convicted of any offence against this Act or any 1[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 ²[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.

Compilati on
to be
paid by
offenders
for damage to
caused by id
them.

(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 singature 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.

Publicati on
of
public to
notices.

177. Whenever it is provided by this Act or any 1[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.

Publicati on
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 ¹[rule or regulation] made hereunder to bear the signature of the Chairman or of any other ³[Member] or of any employee of the ²[Kartipakkha] shall be deemed to be properly signed if it bears a facsimile of the signature of the Chairman or of such other ³[member] or of such employee, as the case may be, stamped thereupon.

Stamping
signature
on notices or
bills,

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "rule".

²Substituted *!bid.*, for "Board".

³Substituted *ibid.*, for "Trustee".

Service of notice
how to be effected.

179. When any notice, bill or other document is required by this Act or any [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 ²[Kartripakkah] 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 ref 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,
- (b) to take levels,

¹Substituted by Act XXIX of 1937 (.e.f. 30-4-1987), for "rule"

²Substituted *oid.*, for "Board".

- (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 ²[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 ²[Kartripakkha], whose decision shall be final.

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "rule".

²Substituted *ibid.*, for "Board".

Penalty for acquiring share or interest in contract, etc., with the ²[Kartripakkha].

182. If any 1[member], or any employee of the ²[Kartripakkha], knowingly acquires, directly or indirectly, by him self or by any partner, employer or employee, otherwise than as such ¹[member] or employee, any share or interest in any contract or employment with, by or on behalf of, the ²[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] ⁶[taka].

Penalty for building within street alignment or building line.

184. If any person, without the permission of the Chairman a 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 ⁷[Government] under the said section, he shall be punishable—

(a) with fine which may extend, in the case of a masonry building or a wall, to ⁸[five thousand] ⁶[taka], and, in the case of a hut, to 5[five hundred] ⁶[taka], and

(b) with further fine which may extend, in the case of a masonry building or a wall, to ⁹[one thousand] ⁶[taka] and, in the case of a hut, to 1⁰[one hundred] ⁶[taka] for each day after the first during which the projection, continues.

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Trustee".

²Substituted *ibid.*, for "Board".

³The 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, *ibid.*

⁴The word "Pakistan" was omitted, *ibid.*

⁵Substituted *ibid.*, for "fifty".

⁶Substituted *ibid.*, for "rupees".

⁷Substituted *ibid.*, for "Provincial Government".

⁸Substituted *ibid.*, for "five hundred".

⁹Substituted *ii: id.*, for "one hundred".

¹⁰Substituted *ibid.*, for "ten".

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 falls—

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 ¹[one thousand] ²[taka], and, in the case of a hut, to ³[two hundred] ²[taka]; and
- (ii) with a further fine, in the case of masonry wall or building, to ⁴[one hundred] ²[taka], and, in the case of a hut, to ⁵[fifty] ²[taka], for each day after the first during which the failure continues.

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

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

- (i) with fine which may extend to ¹[one thousand] ²[taka], and
- (ii) with a further fine which may extend to ⁴[one hundred] ²[taka] for each day after the first during which such contravention continues.

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

Removal of unauthorised

(2) If such person fails to remove the unauthorized construction within the time fixed, it shall be lawful for the ⁶[Kartripakha] to cause such construction to be removed, and the cost of such removal shall be recoverable from that person as a public demand.

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "One hundred".

²Substituted *ibid.*, for "rupees".

³Substituted *ibid.*, for "twenty".

⁴Substituted *ibid.*, for "ten".

⁵Substituted *ibid.*, for "five".

⁶Substituted *ibid.*, for "Board".

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 ¹[one thousand] ²[taka], or
- (b) in case of a continuing failure, with fine which may extend to ³[five hundred] ²[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 ⁴[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
- (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 ⁵[rule or regulation] made or scheme sanctioned hereunder,

he shall be punishable with fine which may extend to ⁶[two thousand] ²[taka], or with imprisonment for a term which may extend to two months.

Recovery of expenses

Removal of wall or and recovery of expenses.

190. When a written notice issued under sub-section (2) of section 72 for the removal of 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.

¹Substituted by Act XXIX of 1987 (w.e.f. 30-44987), for "one hundred".

²Substituted *ibid.*, for "rupees".

³Substituted *ibid.*, for "fifty".

⁴Substituted *ibid.*, for "Board".

⁵Substituted *ibid.*, for "Yule".

⁶Substituted for *ibid.*, "two hundred".

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

191. (1) Whenever the ¹[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 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.

(2) If at any time the ¹[Government] considers that any payment, or any portion thereof, which has been suspended or abolished under sub-section (1) is regiu red 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.

²[Control over, and Suspension of, the ³[Kartripakkha]]

²[191A. The ¹[Government] shall exercise general control and supervision over the ³[Kartripakkha] as well as its Chairman and ⁴[other members] and may give direction to them, as may be necessary, for ensuring that their activities conform to the purposes of the Act ; and the ³[Kartripakkha], the Chairman and the ⁴[other members] shall exercise their powers and perform their functions in accordance with such direction.]

Control over the tt 3[Kartripakk haj]

5* * * * *

6[193. Any sum due to the ³[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 ⁷* Public Demands Recovery Act, 1713.]

Dues to be recoverable se under Lie Public Demands Recovery Act, 1913.

8* * * * *

¹Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Provincial Government"

²The heading and sections 191A and 191B were inserted after section 191 by E.P. Ordinance III of 1965.

³Substituted by Act XXIX of 1987 (w.e.f. 30-4-1987), for "Board".

⁴Substituted *ibid.*, for "Trustees".

⁵Sections 191B and 192 were omitted, *ibid.*

⁶Section 193 was inserted by E. P. Ordinance III of 1965, s. 19.

⁷The word "Bengal" was omitted by Act XXIX of 1987 (w.e.f. 30-4-1987)

⁸THE SCHEDULE was omitted, *ibid.*,